

April 4, 2023

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 7:00 PM on the above date.

Mayor Miggins opened the meeting and read the following statement: In accordance with Section 5 of the Open Meetings Act, Chapter 231, Public Laws, 1975, be 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 7:00 PM on April 4, 2023. Meeting details and the draft agenda were also posted on our Township website.

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

Upon call of the roll, the following Committee members were recorded present: Michael Cohen (remotely via Zoom), Tara Prupis, Annette Romano, Sanjeev Vinayak and Maggee Miggins

Also present were Business Administrator Alexander McDonald, Township Counsel Joseph Maraziti, Assistant Business Administrator Jesse Moehlman and Municipal Clerk Christine Gatti.

Approval of Agenda

Mayor Miggins asked for a motion to approve the agenda, the motion was offered by Ms. Prupis and seconded by Ms. Romano. Vote: All Ayes

Minutes

Mayor Miggins asked for a motion to approve the February 21, 2023 Regular Township Committee meeting minutes. The motion was made by Ms. Romano and seconded by Ms. Prupis. Vote: All Ayes, except Vinayak, abstained.

Mayor Miggins asked for a motion to approve the February 28, 2023 Special Township Committee meeting minutes. The motion was made by Ms. Prupis and seconded by Ms. Romano. Vote: All Ayes

Reports

Mr. Vinayak reported on the Flood Mitigation Advisory Committee meeting held last week with the public. He announced that the South Mountain drainage project was almost complete and residents were already seeing improvements with runoff in their yards. He reviewed the Public Safety Advisory Committee meeting and made the residents aware that meetings would be held monthly. He asked for community participation through attendance and reporting safety issues through the SDL portal.

Ms. Romano thanked the Flood Mitigation Committee for their hard work and dedication. She reminded everyone that Founding Day would be held on April 22nd and reviewed other upcoming events and activities taking place through the SID. She noted residents could visit the Explore Millburn/Short Hills website to stay updated on what was going on, to sign up for events, and to volunteer.

Mr. McDonald reported on the changes being made to the parking deck. He reminded residents as the weather gets warmer to please use extra caution as more pedestrians were out and there would be more activity throughout the town.

Mayor Miggins noted the town sells parking permits for resident parking. She announced on May 10th, the DMV would be at the Library for residents to take care of their needs and advised that they do need to register and the link was available on the township website. She reviewed the work being completed on Hobart Ave. She announced that the town pool was in need of lifeguards. She reminded residents of the Memorial Day Parade on May 29nd starting at 11am.

Millburn Township Committee Meeting Minutes

Mr. Maraziti reported on the Bear Properties litigation and provided background on the matter. He reviewed the dispute regarding discovery and providing leases and that no decision by the Judge had been made. He reviewed details on motions made including having SID assessments deposited into an escrow account and the brief entered by his firm. He was confident that they would be successful.

Ms. Romano reported that in March, the downtown vacancy was at 3.1 percent compared to 4.5 percent of the entire SID and compared to over 16 percent in 2020.

Ms. Prupis announced there would be a river cleanup on April 30th at 12pm.

Mayoral Appointment

Mayor Miggins appointed Michael Zion to the Planning Board, Class IV, Alternate # 2 with a term expiration of December 31, 2024.

Public Comment

Mayor Miggins made the following statement: “When invited to speak, please come to the lectern, clearly state your name and whether you are a Millburn resident and/or business owner, and speak loudly so that your comments may be understood by all and properly recorded. Please do not provide your whole address as our meetings are recorded and readily available to the public. For the convenience of our community there was a remote option available. If you called in and would like to comment, please press *6 now and if you are attending by computer or electronic device, please do click the raise hand button. All members of the public wishing to speak would be put into the queue to address the Committee. Whenever an audience or Committee member reads verbatim 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 were asked to limit their comments to one 3 minute session. You would be prompted when there was 30 seconds remaining. Each individual would be given one opportunity to make their public comment. Please be patient and we would address each member of the public that wishes to speak. This was a business meeting, please do not address professionals or staff directly and direct all of your comments to me. A reminder that we were all neighbors and personal attacks would not be tolerated.”

Mayor Miggins opened the public comment period.

David Cosgrove, resident, thanked the Township Committee for Ordinance #2634-23 which would be voted on tonight. He would like to know the status of the Citizen Fair Share Housing Committee which was discussed last year. He discussed having Planning/Zoning Board applications posted on the website prior to being approved.

Jeffrey Feld, resident, reviewed questions regarding the employee handbook, anti-nepotism and the use of public space for election announcements. He provided his thoughts on the Bear Properties litigation, Feld v. Millburn and fair share housing. He reviewed questions regarding the bill list, resolutions and appointments before the Committee.

Jerry Kung, resident, thanked Mr. Vinayak for answering questions on fair share housing at the last meeting. He commented on the upcoming election and actions taken by the Mayor. He voiced comments on transparency. He questioned the financial effect the fair share housing project on Main Street would have on the township’s budget and asked for all the environmental testing done at the DPW site to be reposted to the website.

Jean Pasternak, resident, questioned the timeline for introduction of the budget. She wondered if the fair share housing hearing would be available virtually and inquired how Millburn became involved in a

News 12 segment on fair share housing. She voiced her support of transparency and having checks and balances on fair share housing. She noted that she would like to hear from Mr. Cohen on his position on the fair share housing settlement as she was opposed to it.

Christine Best, resident, voiced her comments regarding environmental concerns that creating additional recreational/turf fields would cause and voiced her opposition. She wondered if the Committee had a sense of how the public felt. She would like to see the research that had been done for this project. She voiced her concerns on the lighting that would be added to turf fields and how it would affect the residential neighborhoods.

Frank Saccomondi, resident, voiced his comments and opposition on the fair share settlement agreement and reviewed the affordable housing obligation. He asked the Mayor questions regarding the settlement agreement.

Jay Morrealle, resident, complimented the township on the second recreation session to discuss additional fields and thanked Mr. Cosgrove for his comment on forming an Affordable Housing Committee.

Perri Urso, resident, voiced her comments regarding Resolution 23-105 and wondered how this could be voted on since there had been no follow up with affected property owners. She requested that Mayor Miggins and Ms. Prupis recuse themselves from voting on Resolution 23-111 due to conflict of interest. She questioned if there would be an amended solid waste ordinance and voiced her concerns on Bear Properties litigation.

Mayor Miggins closed the public comment period.

Ms. Prupis questioned if the fair share housing compliance hearing on April 17th would be available virtually. Mr. McDonald explained they were working on having it be available via zoom and recorded. Ms. Prupis inquired if the DEP testing for the Main Street affordable housing site was still available on the town website; Mr. McDonald advised he would look into it.

Ms. Prupis inquired if there was any statute that would not allow land use applications to be shared with the public when they were filed. Mr. McDonald advised that he did not think there was a law but felt there were other various things to take into consideration. Mr. Maraziti noted the Planning Board and Board of Adjustment was its own entity and had their own procedures in place which they controlled, but the Township Committee could make recommendations.

Ms. Prupis addressed the Affordable Housing Citizen Committee and what direction they should proceed with forming this committee. Mr. Vinayak stated that he was in favor of forming this committee for the next round. Ms. Prupis recommended two Township Committee members should be on the committee. It was noted that this would be discussed under old business at the next meeting.

Mr. Cohen addressed Ms. Pasternak's comments on fair share housing.

Mr. Maraziti commented that there was no conflict of interest and Mayor Miggins and Ms. Prupis could vote on Resolution 23-111.

Mr. McDonald addressed the resolution regarding authorization to go out to bid for Lot 14 and would follow up to confirm affected property owners were notified.

Millburn Township Committee Meeting Minutes

Consent Agenda

Mayor Miggins asked if any of the Committee members had any questions or concerns regarding consent agenda items. Ms. Prupis inquired about Resolution 23-105 as to whether property owners would be made aware of the proposed changes to Lot 14 and wondered if there were any major concerns. Mr. McDonald confirmed and noted there was concern over pedestrian walkways being longer and speed bumps as well as better signage. Ms. Prupis wondered if the SID Board of Trustees were in favor of the new appointment in Resolution 23-111; Ms. Romano provided a brief description of the new appointee. Mr. McDonald provided clarification on Resolution 23-109. Mayor Miggins asked for a motion to approve the items on the consent agenda including Resolutions 23-099 through 23-112. Ms. Prupis made a motion to approve the consent agenda which was seconded by Ms. Romano.

Roll Call Vote: All Ayes

**RESOLUTION 23-099
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 April 4, 2023, in the following accounts:

General Fund	\$ 769,458.84
Capital Fund	342,001.70
Parking Utility - Operating Fund	15,160.28
Parking Utility - Capital Fund	650.00
Dog Fund Trust	60.00
Escrow Trust Fund	571.00
Recreation Trust Fund	522.97
Waste Recycling Trust	1,472.40
PATFA II	2,402.00

**RESOLUTION 23-100
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>
Property Owner Block 1402 Lot 26	Tax Appeal 2019 Taxes (\$4,064.58) 2020 Taxes (\$4,056.16)	\$8,120.74

**RESOLUTION 23-101
AUTHORIZE TAX APPEAL CREDITS**

NOW, THEREFORE BE IT RESOLVED that the pursuant to the tax appeal stipulations the following appeal credits shall be applied to taxes;

<u>BLOCK</u>	<u>LOT</u>	<u>QUAL</u>	<u>YEARS</u>	<u>Amount</u>
2501	3		2018-2021	\$4,458.38
2601	9		2018-2019	\$8,323.10

**RESOLUTION 23-102
AUTHORIZING EXECUTION OF CONTRACT FOR ROAD IMPROVEMENTS FOR VARIOUS STREETS IN THE
TOWNSHIP OF MILLBURN, 2022**

WHEREAS, the Township of Millburn (“the Township”), publicly advertised for the receipt of bids, in accordance with N.J.S.A. 40A:11-1 et seq., for a Contract entitled “Road Improvements for Various Streets in the Township of Millburn, 2022”; and

WHEREAS, sealed bids were received and publicly opened in accordance with the duly published Notice to Bidders on March 21, 2023; and

WHEREAS, at the time of bid opening, the following bids and the amounts thereof were announced:

1. D.L.S Contracting, Inc.
Base Bid: \$969,116.20
2. A.J.M. Contracting Inc.
Base Bid: \$1,006,069.25
3. S. Brothers Inc.
Base Bid: \$1,070,814.10
4. Reivax Contracting Corp
Base Bid: \$1,071,663.97
5. D&L Paving Contractors, Inc.
Base Bid: \$1,302,267.93
6. PM Construction
Base Bid: \$1,441,659.71

WHEREAS, D.L.S. Contracting, Inc. is the lowest responsible bidder in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the CFO has certified that funds are available for the performance of this Contract.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee in the Township of Millburn, County of Essex and the State of New Jersey on this 4th day of April 2023 as follows:

1. The Township hereby awards the Contract for “Road Improvements for Various Streets in the Township of Millburn, 2022” to D.L.S. Contracting Inc., having a business address of 36 Montesano Road, Fairfield, NJ 07044, as the lowest responsible bidder, in the amount not-to-exceed \$969,116.20, and the Mayor and Municipal Clerk are authorized to execute said Contract in a form acceptable by the Municipal Attorney.
2. The Business Administrator and staff are authorized and directed to execute any other necessary documentation and to take all other actions necessary or desirable to effectuate the terms and conditions of this Resolution.
3. Within three days, Sundays and holidays excepted, after the awarding and full execution of the Contract and the approval of the required bonds for D.L.S. Contractors, Inc., the bid security of the unsuccessful bidders shall be returned.
4. A copy of this Resolution shall be kept on file at the offices of the Township.
5. This Resolution shall take effect immediately.

Millburn Township Committee Meeting Minutes

**RESOLUTION 23-103
AUTHORIZING THE ADVERTISING OF BIDS –
TAYLOR PARK PATHWAY LIGHTS**

BE IT RESOLVED by the Township Committee of the Township 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:

Taylor Park Pathway Lights

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 23-104
AUTHORIZING THE ADVERTISING OF BIDS –
MYRTLE AVENUE ROAD IMPROVEMENTS**

BE IT RESOLVED by the Township Committee of the Township 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:

Myrtle Avenue Road Improvements

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 23-105
AUTHORIZING THE ADVERTISING OF BIDS –
PARKING LOT #14 RECONSTRUCTION**

BE IT RESOLVED by the Township Committee of the Township 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:

Parking Lot #14 Reconstruction

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 23-106
AUTHORIZE AGREEMENT BETWEEN THE TOWNSHIP OF MILLBURN AND ESSEX COUNTY DEPARTMENT
OF PUBLIC WORKS**

Millburn Township Committee Meeting Minutes

BE IT RESOLVED, that the Township Committee of the Township of Millburn hereby authorizes the Mayor to execute an agreement with the Essex County Department of Public Works, Division of Environmental Affairs in order to perform mosquito control over certain areas of Millburn Township.

**RESOLUTION 23-107
ADOPT PROCEURES FOR ADMINISTRATION AND
INSPECTION OF FEDERAL AID HIGHWAY PROJECTS**

WHEREAS, the Federal Highway Administration (FHWA) provides opportunities for Local Public Agencies (LPA), such as the MILLBURN TOWNSHIP, to receive Federal Aid Highway Program (FAHP or federal-aid) funds through New Jersey Department of Transportation (NJDOT); and

WHEREAS, the MILLBURN TOWNSHIP is presently the recipient of federal-aid funds through a project Millburn Township Sidewalk & Pedestrian Safety Improvements Project - 2022 SRTS awarded under the NJDOT Safe Routes to Schools Program (SRTS); and

WHEREAS, the MILLBURN TOWNSHIP as an LPA, is responsible for administering federal-aid funded projects in compliance with all federal-aid requirements established by the FHWA; and

WHEREAS, the NJDOT, through its Stewardship Agreement with FHWA, is responsible for ensuring that the MILLBURN TOWNSHIP is adequately staffed and suitably equipped to undertake federal-aid projects, and ensure that federal requirements are met; and

WHEREAS, the MILLBURN TOWNSHIP, as required by the NJDOT, has developed a Policy outlining the required procedures for the Administration of Federally Funded Transportation Projects administered through the NJDOT;

NOW, THEREFORE, BE IT RESOLVED, by the Committee of the MILLBURN TOWNSHIP, County of Essex, State of New Jersey, that the MILLBURN TOWNSHIP COMMITTEE adopts the policy entitled, "MILLBURN TOWNSHIP Procedure for Administration and Inspection of Federal Aid Highway Projects" dated September, 2022.

**RESOLUTION 23-108
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:

Hartshorn School PTO
Paper Mill Playhouse

**RESOLUTION 23-109
EXECUTION OF NATIONAL PRESCRIPTION OPIATE LITIGATION SUBDIVISION SETTLEMENT
PARTICIPATION AGREEMENTS WITH ALLERGAN, TEVA, WALMART, WALGREENS AND CVS**

WHEREAS, there is pending in the United States District Court Northern District of Ohio, Eastern Division, In re National Prescription Opiate Litigation, Docket No. 1:17-md-2804; and

WHEREAS, pursuant to the five recent 2022 National Opioid Settlement Agreements known as Allergan Public Global Opioid Settlement Agreement, the Teva Global Opioid Settlement Agreement, the Walmart Settlement Agreement, the Walgreens Settlement Agreement, and the CVS Settlement Agreement (collectively, and together with any affiliated entities provided for under the applicable

Millburn Township Committee Meeting Minutes

National Opioid Settlement Agreement(s), “Defendants”), local governments must sign a Subdivision Settlement Participation Form in order to “opt-in” to the settlements by April 18, 2023; and

WHEREAS, each local government that signs a Subdivision Settlement Participation Form agrees, in part, to dismiss its claims against the Defendant(s) and Released Entities with which it is settling and also authorizes the Plaintiffs’ Executive Committee (“PEC”) to file a Master Stipulation of Dismissal (in a format similar to that posted at <https://nationalopioidsettlement.com/>) with respect to all claims that the local government has pending in the multidistrict litigation ; and

WHEREAS, the greater the level of subdivision participation, the more funds that will ultimately be paid out over a number of years for opioid abatement;

WHEREAS, each of the 2022 National Settlements requires that at least 85% to 95.5% of abatement funds be used to fund opioid-remediation efforts; and

WHEREAS, Opioid Remediation includes care, treatment, and other programs and expenditures (including reimbursement for past such programs or expenditures, except where the agreement restricts the use of funds solely to future Opioid Remediation) designed to (1) address the misuse and abuse of opioid products, (2) treat or mitigate opioid use or related disorders, or (3) mitigate other alleged effect of, including on those injured as a result, of opioid epidemic; and

WHEREAS, settlement proceeds will be allocated in accordance with the terms of any qualifying agreement between a state and its subdivision, a qualifying statute, or a statutory trust, otherwise, settlement proceeds will be allocated in accordance with default allocation terms set out in the respective 2022 National Settlements and under the default terms, settlement proceeds will be allocated among three sub-funds for each settling state: (1) a State Fund; (2) an Abatement Accounts Fund or Remediation Accounts Fund; and (3) a Subdivision Fund; and

WHEREAS, each of the settlement agreements requires the settling Defendants to make annual payments over a period of years consisting of base and incentive payments with the amounts dependent on the level of participation by eligible states and subdivisions; and

WHEREAS, Chart B on pages 8-9 of the “Frequently Asked Questions about the 2022 National Opioid Settlements with Teva, Allergan, Walmart, Walgreens and CVS” identify the highest amounts to be paid by each settling Defendant, including the base, incentive and total amounts for abatement, which illustrate that approximately \$6.63 billion dollars in base payments would be available to settling states; and

WHEREAS, annual abatement payments would be made until July 15, 2035 for Teva, July 15, 2029 for Allergan, July 15, 2028 for Walmart, December 11, 2036 for Walgreens and June 30, 2032 for CVS; and

WHEREAS, in addition to providing billions of dollars for abatement, the settlements also impose changes in the way the settling Defendants conduct their business; and

WHEREAS, the 2022 National Settlements are the culmination of many years of negotiations among representatives of the State Attorneys General, the court-appointed Plaintiffs’ Executive Committee and Negotiation Committee, which are comprised of lawyers in the National Prescription Opiate multidistrict litigation, who represent subdivisions, and counsel the Settling Defendants; and

WHEREAS the Township of Milburn elects to participate in the proposed settlements.

NOW THEREFORE, the Milburn Township Committee of the Township of Millburn, in the County of Essex, State of New Jersey, hereby authorizes the execution of the Participation Agreements by the Mayor or the Business Administrator for the following National Settlements listed and available to the public at <https://nationalopioidsettlement.com/>:

Millburn Township Committee Meeting Minutes

1. Teva Global Opioid Settlement Agreement;
2. Allergan Public Global Opioid Settlement Agreement;
3. Walmart Settlement Agreement;
4. Walgreen Settlement Agreement;
5. CVS Settlement Agreement

NOW THEREFORE BE ITS FURTHER RESOLVED, that this Resolution shall become effective immediately.

**RESOLUTION 23-110
APPOINTMENTS TO THE ZONING BOARD OF ADJUSTMENT**

BE IT RESOLVED by the Millburn Township Committee that Regina Truitt be appointed to the Regular position on the Board of Adjustment, to the unexpired term of Wolfgang Tsoutsouris, with a term expiration of December 31, 2024;

BE IT FURTHER RESOLVED that Joe Caulfield be appointed to the Alternate #1 position, to the unexpired term of Regina Truitt, on the Board of Adjustment with a term expiration of December 31, 2024.

BE IT FURTHER RESOLVED that these appointments shall take place immediately.

**RESOLUTION 23-111
PROVIDE FOR THE APPOINTMENT OF INDIVIDUAL TO THE
DISTRICT MANAGEMENT CORPORATION BOARD OF TRUSTEES**

BE IT RESOLVED by the Township Committee in the Township of Millburn, in the County of Essex and State of New Jersey make the following appointment District Management Corporation Board of Trustees (Explore Millburn Short Hills Board of Trustees):

- 1.) Carlo Caparruva, Owner Trustee, to a three-year term expiration December 31, 2025

**RESOLUTION 23-112
CONFIRM APPOINTMENT TO THE
HISTORIC PRESERVATION COMMISSION**

BE IT RESOLVED that the Millburn Township Committee confirms and consents to the following Mayoral appointment to the Historic Preservation Commission:

- Bruce Kramer, Class C, be appointed to the Regular position, to the unexpired term of Mary Esquivel, with a term expiration of December 31, 2026

BE IT FURTHER RESOLVED that these appointments shall take place immediately.

Mayor Miggins called for a brief recess.

ORDINANCES / PUBLIC HEARING/ADOPTION

Ordinance 2634-23

Mayor Miggins brought forth Ordinance 2634-23 for public hearing and opened the hearing to the public.

Jeffrey Feld, resident, reviewed the ordinance and voiced his support of the ordinance.

Mayor Miggins moved that the public hearing be closed and the ordinance to be taken up and passed on second reading, Ms. Romano seconded the motion. Mayor Miggins requested a roll call vote.

Roll Call Vote: All Ayes

Mr. Maraziti stated that the Planning Board advised this was consistent with the master plan.

ORDINANCE 2634-23
AN ORDINANCE TO AMEND AND SUPPLEMENT THE DEVELOPMENT REGULATIONS AND ZONING ORDINANCES OF THE TOWNSHIP OF MILLBURN, CHAPTER 6, SUBSECTION 609, ENTITLED "SUPPLEMENTARY REGULATIONS"

STATEMENT OF PURPOSE: *the purpose of this ordinance is to amend the Township of Millburn's zoning code to include a prohibition of rooftop decks, platforms, terraces and similar features on the roof of a building for use as a common amenity space. Such spaces are not characteristic in the Township. This supplementary regulation would apply to multifamily, mixed-use, and non-residential buildings.*

WHEREAS, the Township Committee of the Township of Millburn wishes to revise the zoning ordinances of the Township to prohibit the use of rooftop deck amenities as a common amenity space for building occupants of multifamily and non-residential buildings and;

WHEREAS, Goal #1 of the 2018 Master Plan Reexamination and Update for the Township of Millburn, seeks to "Encourage appropriate land uses that promote the character of the Township as a small suburb of the highest quality."

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

Section 1. Article 6 "Zoning Provisions", Subsection 609 "Supplementary Regulations" is hereby amended and supplemented by deleting existing text as per the strike throughs and adding new text as underlined below
609 Supplementary regulations

609.13 Prohibition of roof-top amenity space. In order to protect the health, safety, welfare and residential character of the Township, the placement of any decks, platforms, terraces or similar features on the roof of a multifamily, mixed-use or non-residential building, for use as an amenity space for building occupants and/or guests, shall be prohibited. For purpose of this section, a roof shall mean the exterior covering of a building that bridges the space between exterior walls. Interior, open-air courtyard areas that are completely screened by exterior building walls shall not be considered roof-top amenity spaces.

Ordinance 2635-23

Mayor Miggins brought forth Ordinance 2635-23 for public hearing and opened the hearing to the public.

Jeffrey Feld, resident, commented that this was an ordinance that was done every year reviewed his thoughts on the ordinance.

Jerry Kung, resident, questioned the language and figures in the ordinance.

Mr. Vinayak point out his concerns on the budget's operating costs and that he had voted no on first reading of this ordinance. He felt the township should look for ways to decrease the operating budget.

Mayor Miggins moved that the public hearing be closed and the ordinance to be taken up and passed on second reading, Ms. Prupis seconded the motion. Mayor Miggins requested a roll call vote.

Millburn Township Committee Meeting Minutes

Roll Call Vote: Ayes: Cohen, Prupis, Romano, Miggins
Nays: Vinayak

**ORDINANCE NO. 2635-23
CALENDAR YEAR 2023
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4 45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 1% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Governing Body of the Township of Millburn, in the County of Essex, finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 3.5% increase in the budget for said year, is estimated to be \$486,859.34 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Governing Body hereby determines that any amount authorized hereinabove that is not appropriated, as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Township of Millburn, in the County of Essex, a majority of the full authorized of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Township of Millburn shall, in accordance with this ordinance and N.J.S.A. 40: 45.14, be increased by 3.5%, amounting to \$1,704,007.68 and that the CY 2023 municipal budget for the Township of Millburn be approved and adopt accordance with ordinance; and,

BE IF FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, with the that a Director certified copy of this ordinance as of the Division of Local Government Services within 5 days of introduction; and,

BE IF FURTHER ORDAINED that a certified copy adoption, with the recorded vote included thereon be within 5 days after such adoption of this ordinance upon field with said Director.

OLD BUSINESS

Steering Committee for Recreation & Open Space Master Plan Review

Mr. McDonald advised that this was a follow up from where they left off at the last meeting and that at the last meeting it was requested that two residents be included as members of this committee. He stated that the Planning and Recreation had a draft resolution which reviewed the makeup of the board. Mr. McDonald listed the proposed positions on the board and Ms. Prupis added she would like to make sure the committee includes different ages and would be diverse so everyone was represented. The Township Committee reviewed options of makeup of the committee to ensure there was proper

Millburn Township Committee Meeting Minutes

representation. Graham Petto, Planner, reviewed the process and advised that the steering committee would be the guiding force. He stated that this resolution would be a recommendation to the Planning Board and they have final say over the makeup of the committee. He agreed with Ms. Prupis that the committee needed to be robust and diverse. Mr. McDonald suggested adding a whereas making sure diversity was focused on while forming this committee. Mayor Miggins announced that there was a consensus to move forward with recommending a steering committee to the Planning Board with the revisions discussed regarding diversity. Ms. Prupis asked how the budget for this would work and if there would be a timeline. Mr. McDonald advised that they had received a proposed budget that he would forward to the Township Committee and the Planning Board. Mr. Petto reviewed the timeline expecting it to be approximately a four-month process.

NEW BUSINESS

Zoning Code Fee Schedule

Graham Petto, Planner, reviewed the proposed fee updates as well as the updated zoning permit application process. Mr. Vinayak stated that he would like the details of this made available to the public and reviewed the process and intent of the changes. Mr. McDonald added that this document would be posted as a draft and could change prior to Township Committee consideration. Mayor Miggins asked for a consensus and all were in favor that this would be brought before the Township Committee at the next meeting for formal consideration.

ADJOURNMENT

Mayor Miggins asked for a motion to adjourn the meeting. Mr. Vinayak made a motion to adjourn; the motion was seconded by Ms. Romano to adjourn the meeting at 8:38 PM. Vote: All Ayes.

Christine A. Gatti, RMC
Municipal Clerk

Approved: May 16, 2023