

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 April 6, 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 Brad Carney and Assistant Business Administrator Jesse Moehlman.

Approval of Agenda

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

Vote: All Ayes

Reports

Mayor Prupis addressed the public and stated that on April 2, 2021, the Mayor's message would be released every other week. She noted that the Mayor's message began in March of 2020 at the start of the COVID-19 crisis as a way to keep residents informed about the pandemic. She reminded the community that it was important to be vigilant regardless of vaccination status and asked everyone to be cautious and responsible when gathering with others. She advised that the township would be increasing the frequency of the township newsletter "The Millwheel" from once a month to every other week. She pointed out that residents who received the Mayor's message would automatically receive the Millwheel. She announced that the residential parking permit was available for purchase and urged residents to purchase the parking permits.

Mayor Prupis stated that she and Mr. McDonald met with JCP&L to discuss the processed and estimated cost of removing old utility poles on Main Street that were slated to be removed in 2016. She advised that the Sign Ordinance and Review Subcommittee met. She reported that the Rahway River Mayor-Council was forming a smaller group to advocate the consensus plan in Trenton, directly to legislators, who represented the area. She reported on upcoming meetings and events.

Ms. Miggins reported that the Zoning Board Ad Hoc Committee met and decided to review the Township Zoning Ordinance by breaking down each code and were presently reviewing Section 4. She reviewed the Memorial Day Parade date and location details and invited residents to join and watch the parade as it marched along Millburn Avenue to Taylor Park. She reviewed the event detailed and asked anyone wishing to participate to please send an email to letusknow@millburntwp.org

She reported that the 20th anniversary of 9/11 would take place in 2021 and a Millburn Township retired Police Officer would be donating two pieces of steel from one of the towers that fell on 9/11. She announced that the township would be creating a memorial and putting together a pamphlet. She advised that this is a donation-based project and urged residents to make donations for this important memorial. She advised that the Historic Preservation Commission (HPC) met and approved a couple of applications. She recommended that new home buyers be informed if a property being purchased was located in a Historic District as that's was very important information for new homeowners. The

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Chairwoman of HPC would be speaking at the Planning Board meeting on Wednesday, April 7th pertaining to the proposed Woodland Road Project.

Mr. Wasserman reported that two beautiful cherry trees were the initial portable solar trees that would be placed along Upper and Lower Millburn Avenue. He stated that the program is called Magic for Millburn Avenue Green Initiative for Community. He added that a sampling of the trees had been placed in front of town hall. He stated that the current plan was to purchase 72 cherry tree units and distribute them throughout Millburn Avenue. He reviewed the estimated costs. He noted that the program would be proposed to the Explorer Millburn Short Hills Board on Thursday, April 8th to see if they would like to participate and purchase a portion of the trees. He pointed out that the project would require an RFP for bidding and the expected time for completion was up to 4 months. If agreed upon, the hope was to have the trees in place by the beginning of August on Upper and Lower Millburn Avenue. He reviewed the location of the placement of the trees. He advised that the trees had a 1-year warranty and had a plotted lifespan of approximately 3 years. He noted that after 3 years, the trees would be donated to the town for replanting around the Township and it would cost approximately \$20,000 to reorder and replant 72 new solar trees. He pointed out that the process of the program would be worked on with the Township Forester, Mr. Doty and Mr. McDonald to ensure the program was a complete success.

Mr. McDonald reported that Millburn Township had engaged in a preliminary program with JCP&L to obtain a cost estimate on the removal of old poles on Main Street and a plan for the project. He advised that the initial cost to the township to obtain a cost estimate is \$5,000.00. The JCP&L Township representative, Carol Bianchi, would be present at the Township Committee Meeting on June 1st to answer questions. He stated that the township had been exploring the possibility of community energy aggregation groups. Discussions on the matter had been occurring since 2018 pertaining to groups that would consist of several neighboring communities such as Maplewood, South Orange and Verona. He pointed out that the idea or concept of community energy aggregation was that it offered the ability to purchase energy at a discounted rate. He noted that it would be a community-wide program that was being investigated to see if it made sense. He reminded the community that the Township's Municipal Code Section 5:8 stated that whoever cared for a dog, it was their responsibility to dispose of their waste properly. The township would be looking to do targeted enforcement of this in problem areas and reviewed the penalties.

Mr. McDonald provided a brief presentation to bring to the community's attention to a feature provided by JCP&L regarding power outages. The feature provided information about the areas and customers affected by a current power outage. He noted that it would break down information by communities throughout the State of New Jersey and as a reminder he informed residents that the Millburn Township Office of Emergency Management page on the township website also provided information on how to prepare for emergencies. He urged everyone to prepare as hurricane season would commence on June 1st.

Minutes

Mayor Prupis asked for a motion to approve the January 19, 2021, regular Township Committee meeting minutes. The motion was made by Mr. Wasserman and seconded by Ms. Thall Eglow.

Roll Call Vote: All Ayes.

Proclamations

Ms. Thall Eglow presented a Proclamation for National Public Safety Telecommunicators Week and Ms. Miggins presented a Proclamation to Support 2021 Distracted Driving Crackdown

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Public Comment – Consent Agenda

Mayor Prupis asked if there were any comments or questions from the Committee regarding resolutions on the Consent Agenda; none were received.

Mayor Prupis opened public comment.

Jeffery Feld, of 11 Alexander Lane, asked questions in reference to Resolution 21-100 and asked for the approval process for requisitions. He inquired a payment made to the Joint Meeting. He requested additional information on the Joint Meeting. He asked that the bill list provide more information and clarity.

Ms. Thall Eglow informed Mr. Feld that the Joint Meeting managed their sewer services.

Mr. Vinayak pointed out that the township was very transparent and the Finance Committee was very clear and transparent with the community on township finances.

Jean Pasternak, of 342 Hobart Avenue, echoed Mr. Feld’s statements in regard to the bill list and asked for additional transparency and information included on the bill list. She also asked for a complete list of the spending of the township.

Ms. Thall Eglow noted that the township is run very efficiently. Mr. Vinayak agreed and reiterated that finances are reviewed on a weekly basis and everything is transparent. Ms. Miggins pointed out that she questions various bills seeing she is new to it. She asked that anyone with questions to please reach out. Mr. Wasserman stated that the Finance Committee does a thorough review of finances on a weekly basis.

No other comments or questions were presented.

Consent Agenda

Mayor Prupis asked for a motion to approve the items on the consent agenda 21-100 – 21-104 Mr. Wasserman made a motion to approve the consent agenda which was seconded by Mr. Vinayak.

Roll Call Vote: All Ayes

**RESOLUTION 21-100
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 6, 2021, in the following accounts:

General Fund	\$	756,412.79
Capital Fund		32,640.00
Parking Utility - Operating Fund		14,081.77
Dog Trust Fund		304.07
Donation Trust Fund		7,962.00
Escrow Trust Fund		3,660.39
Police Off Duty Trust Fund		116,390.00
Waste Recycling Trust Fund		1,020.00

**RESOLUTION 21-101
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>
Valerie Hofer, Esq. Trust Account &	Tax Appeal	\$ 3,744.18

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Donald Harivel P.O. Box 787 Montville, NJ 07045 Block 4204 Lot 14 106 Silver Spring Road	2019 taxes (\$1,874.03) 2020 taxes (\$1,870.15)	
Brach Eichler LLC & Chad & Tara Ehrenkranz 101 Eisenhower Parkway Roseland, NJ 07068 Block 5102 Lot 7 66 Canoe Brook Road	Tax Appeal 2019 taxes (\$2,947.11) 2020 taxes (\$2,941.00)	\$ 5,888.11
A Absolute Escrow Settlement Co. Inc. PO Box 769 Millburn, NJ 07041 Block 206 Lot 14 84 Cypress Street	Tax Refund 2020 overpayment Overcollection	\$ 250.00
Corelogic Refund Dept Mail Code: DFW 1-3 3001 Hackberry Rd Irving, TX 75063 Block 3301 Lot 19 423 Hartshorn Dr. Michael A. Paff Esq. & D. Turinsky & Samara Friedman P.O. Box 6767 495 N. Bridge Street Bridgewater, NJ 08807 Block 1303 Lot 23 30 Marion Ave	Tax Refund 2021 taxes duplicate payment Overcollection Tax Appeal 2018 taxes (\$1,285.75) 2019 taxes (\$1,304.68)	\$ 8,589.01 \$2,590.43

**TOWNSHIP OF MILLBURN
RESOLUTION 21-102
AUTHORIZE AGREEMENT BETWEEN THE TOWNSHIP OF MILLBURN AND ESSEX COUNTY
DEPARTMENT OF PUBLIC WORKS**

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 21-103
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 Parent Teacher Organization, Inc.
Clara Maass Medical Center Foundation

**RESOLUTION 21-104
CONFIRM POLICE DEPARTMENT APPOINTMENT**

WHEREAS, the Township of Millburn is in need of a Police Officer; and

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WHEREAS, Kyle Hunter Jezewski has met the criteria set-down for Police Officer and he has gone through the appropriate selection process;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millburn, that confirmation is given to the appointment of Kyle Hunter Jezewski to the position of police officer, effective April 7, 2021.

Resolution

Resolution 21-110

Mayor Prupis brought forth Resolution 21- 110 and asked if there were any comments or questions regarding Resolution 21-110.

Receiving none, Mayor Prupis asked for a motion to approve Resolution 21-110. Ms. Thall Eglow made a motion to approve Resolution 21-110 which was seconded by Ms. Miggins.

Roll Call Vote: All Ayes

RESOLUTION 21-110
AUTHORIZING LIQUOR LICENSE TRANSFER
(PLACE TO PLACE TRANSFER – REDUCTION OF PREMISES,
KINGS SUPER MARKETS, INC.)

WHEREAS, an application has been filed for a place-to-place transfer (reduction of premises) of Plenary Retail Distribution License [current License No. 0712-44-012-008], issued to Kings Super Markets, Inc. licensed at 778 Morris Tpke., Short Hills; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current licensed term; and

WHEREAS, the applicant, Kings Super Markets, Inc., is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Millburn, in the County of Essex, State of New Jersey does hereby approve, effective April 6, 2021, the place-to-place transfer in order to reduce the licensed premises, in the area delineated in the transfer application, located at 778 Morris Tpke., Short Hills of Plenary Retail Distribution License for Kings Super Markets, Inc., and does hereby direct the Municipal Clerk/A.B.C. Board Secretary to endorse the license certificate to, License Number 0712-44-012-009, as follows: "This license, subject to all its terms and conditions, is hereby transferred to Kings Super Markets, Inc. effective April 6, 2021".

Resolution 21-105

Mayor Prupis brought forth Resolution 21- 105 and asked Mr. Wasserman to proceed with the presentation of resolution 21-105 for Millburn- Short Hills Business Organization 2021 Budget Introduction.

MILLBURN SHORT HILLS BUSINESS ORGANIZATION 2021 BUDGET INTRODUCTION

Mr. Wasserman introduced Mr. Michael Parlavecchio, Chair of Explore Millburn Short Hills, and Steven Weiner, Treasurer, to present on the 2021 budget introduction. Mr. Wasserman stated that within only a few months Explore Millburn Short Hills had accomplished the starting various programs. He reviewed the work accomplished and reviewed some amazing programming around the town. He acknowledged all the hard-working volunteers on the board who frequently.

Mr. Parlavecchio stated that Explore Millburn Short Hills goal was to promote the district as center of a community and hub of economic activity while creating a positive image that showcased a wonderful

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community. He pointed out that in the last six months Explore Millburn had been hard at work with events such as the Halloween events and most recently with the past weekend's music to welcome back outdoor dining. He reviewed various activities and events.

Mr. Weiner reviewed the proposed budget amount of \$220,800. He noted that the farmer's market entry bulleted in revenue and expense of \$5,000 would probably be removed in the final budget document and therefore the final budget proposed is \$215,800.

Mr. Weiner provided an overview of the categories under expenses.

It was announced that the public hearing for the 2021 Millburn- Short Hills Budget is scheduled for May 4th.

Mr. Carney recommended that the \$5,000 allocated for the Farmer's Market be removed from Resolution 21-105 prior to approval. He pointed out that the total amount after approval would be corrected to \$215,839.43 for the budget approval before the Committee.

Mayor Prupis agreed to remove the \$5,000 for the Farmer's Market manually from Resolution 21-105.

Mayor Prupis asked for a motion to approve Resolution 21-105 with the removal of the \$5,000.00 for the Farmer's Market.

Mr. Wasserman made a motion to approve Resolution 21- 105 with the removal of the \$5,000.00 for the Farmer's Market and was seconded by Ms. Miggins.

Ms. Gatti advised the public hearing would take place on May 4th.

Roll Call Vote: All Ayes

**RESOLUTION 21-105
RESOLUTION TO INTRODUCE AND APPROVE THE 2021 BUDGET
OF MILLBURN SHORT HILLS BUSINESS, INC. (SPECIAL IMPROVEMENT DISTRICT)**

BE IT RESOLVED that the Millburn Short Hills Business Organization Board of Trustees at their February 11, 2021 meeting recommended and approved a 2021 budget to be presented to the Millburn Township Committee in accordance with Ordinance 2561-20;

BE IT FURTHER RESOLVED by the Township Committee of the Township of Millburn, County of Essex that the 2021 Millburn Short Hills Business Organization Budget, as set forth below, is hereby introduced and approved by first reading and the public hearing and consideration of adoption is scheduled for the May 4, 2021 Township Committee meeting which begins at 7PM at Millburn Town Hall located at 375 Millburn Avenue, Millburn, New Jersey 07041.

**Millburn Short Hills Business Organization Budget
2021 Budget**

Revenue

SID Assessment	<i>Begins 2022</i>
Budgeted Amount from Township	\$ 204,000.00
Prior Year Unexpended Funds	\$ 11,839.43
Grant / Fundraising Income	\$ 0
Event Income	\$ 0

Total Revenue \$ 215,839.43

Expenses

Staffing:

Executive Director Consultant	\$ 79,200.00
Marketing Consultant	\$ 35,750.00

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Sub-Total: \$ 114,950.00

Marketing/Social Media:

Vaulted E-mail Service	\$ 2,100.00
Website Design	\$ 5,000.00
Website Maintenance/Support	\$ 1,000.00
Website Hosting	\$ 1,200.00
Physical Advertising/Marketing	\$ 7,500.00
<i>Sub-Total: \$ 16,800.00</i>	

General Operating Expenses:

Legal Reserve	\$ 8,500.00
Accountant/Auditor	\$ 4,500.00
IT/Tech Support	\$ 2,000.00
Insurance	\$ 1,000.00
Membership Dues/Fees	\$ 2,000.00
Office Supplies	\$ 1,000.00
<i>Sub-Total: \$ 19,000.00</i>	

Programs:

COVID Grant Program	\$ 10,000.00
Holiday/Seasonal Events	\$ 29,000.00
<i>Sub-Total: \$ 39,000.00</i>	

Visual Improvements:

Streetscape/Aesthetic Improvements	\$ 11,089.43
Lighting, Signage, Historical Markers	\$ 15,000.00
<i>Sub-Total: \$ 26,089.43</i>	

Total Expenses \$ 215,839.43

Resolution 21-106

Mayor Prupis brought forth Resolution 21- 106 and asked if there were any comments or questions regarding Resolution 21-106.

Receiving none, Mayor Prupis asked for a motion to approve Resolution 21-106. Mr. Vinayak made a motion to approve Resolution 21-106 which was seconded by Mr. Wasserman.

Roll Call Vote: All Ayes

**RESOLUTION 21-106
AUTHORIZING EXECUTION OF SETTLEMENT AGREEMENT AND MUNICIPAL SERVICES
AGREEMENT BETWEEN THE TOWNSHIP OF MILLBURN AND THE ENCLAVE AT SHORT
HILLS CONDOMINIUM ASSOCIATION, INC.**

WHEREAS, the New Jersey Municipal Services Law, N.J.S.A. 40:67-23.2, et seq. (“Act”) provides that municipalities are to either reimburse qualified private communities within their boundaries for certain services specified in the Act or to provide those specified services within the qualified private communities in the same fashion that such services are provided on public roads and streets within the municipality; and

WHEREAS, the Enclave at Short Hills Condominium Association, Inc. (“Enclave”) and Millburn Township (“Township”) (collectively, the “Parties”) are engaged in litigation captioned The Enclave at

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Short Hills Condominium Association, Inc. v. The Township of Millburn, et al, Docket No.: ESX-L-1109-21 (“Lawsuit”); and

WHEREAS, the subject of the Lawsuit is, among other things, the alleged obligation of the Township to reimburse the Enclave pursuant to the Act and the alleged obligation of the Township to either reimburse the Enclave or agree to provide certain services to the Enclave in the future; and

WHEREAS, the Enclave and the Township desire to resolve their differences amicably without any admission of fault, liability, or wrongdoing on the part of either party; and

WHEREAS, in order to resolve their disputes with finality, the parties desire to execute a Settlement Agreement and a Municipal Services Agreement as reviewed and approved by the Township Committee, and to effectuate the terms of the Settlement Agreement and the Municipal Services Agreement by authorizing, *inter alia*, the payment of sums agreed upon therein.

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

1. The Township of Millburn hereby authorizes the settlement of the following matter in accordance with the Settlement Agreement: The Enclave at Short Hills Condominium Association, Inc. v. The Township of Millburn, et al, Docket No.: ESX-L-1109-21, (referred to as “Lawsuit”).
2. The Mayor is hereby authorized and directed to execute a Municipal Services Agreement by and between the Township of Millburn and the Enclave at Short Hills Condominium Association, Inc. substantially in the form attached to this Resolution after the same is executed by the duly authorized representative of the Enclave at Short Hills Condominium Association, Inc.
3. The Mayor is hereby authorized and directed to execute the Settlement Agreement in the form agreed to by the Township Committee and recommended by Counsel after the same is executed by the duly authorized representative(s) of the Enclave at Short Hills Condominium Association, Inc.
4. A copy of the Settlement Agreement and the Municipal Services Agreement shall be filed with the Office of the Township Clerk following execution by the Parties.
5. Upon execution of the Settlement Agreement and Municipal Services Agreement, the Business Administrator is hereby authorized to fund the Settlement and other obligations related to the resolution of the above Lawsuit.
6. The Township’s staff and consultants are hereby authorized to execute documents and take all other actions necessary and desirable to effectuate the terms and conditions of this Resolution.
7. This Resolution shall take effect immediately, and/or as provided by law.

Ordinance/Introduction

Ordinance 2573-21

Mr. Wasserman brought forth Ordinance 2573-21 for introduction. He provided an explanatory statement about the ordinance. Mr. Wasserman moved the ordinance to be taken up and passed on first reading noting that the public hearing would take place on May 4, 2021, Ms. Thall Eglow seconded the motion. Mayor Prupis requested a roll call vote.

Roll Call Vote: All Ayes

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**ORDINANCE NO. 2573-21
CALENDAR YEAR 2021
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 2021 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 \$1,620,968.01 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 2021 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 \$1,620,968.01 and that the CY 2021 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.

Resolution

Resolution 21-107

Mayor Prupis brought forth Resolution 21- 107 and asked Mr. McDonald to proceed with the presentation of the resolution for the Township of Millburn 2021 Budget Introduction.

Mr. McDonald presented the 2021 Township Budget along with Chief Financial Officer, Mr. Jason Gabloff. Mr. McDonald advised the presentation would be posted on the township website for the public to view.

Mr. McDonald provided a brief description of the township's goals and objectives for the 2021 calendar year. He stated that the township would continue to work on providing and maintaining fiscal responsibility and sustainable financial management. He noted that the Township would continue to examine shared service opportunities and areas for cost savings, uphold strong fund balance and cash flow position, evaluate revenue items and fees for potential increases. He added that the township would continue to invest in Long-Term Infrastructure Improvements and Maintenance of township

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Assets and improve long-term capital planning and data-driven infrastructure improvements. He stated that the township would continue to reduce debt through increased cash basis capital spending.

Mr. Gabloff reviewed financial areas in which the town lost revenue due to COVID-19. It was noted that commuter parking permits, for example, declined dramatically, resulting in an \$8,000 revenue loss. Residents used golf courses, so the courses raised a good deal of money, but revenue from the swimming pool and other recreational activities declined due to COVID-19. Another considerable COVID-19 related loss was the Hilton not having to pay their regular tax amount because of the 2020 Tax Relief Bill. However, Millburn and Short Hills residents’ municipal taxes would not increase in 2021.

Mr. Gabloff noted that the township was budgeting \$1.4M for 2021 capital projects which included any capital items greater than \$5,000 with a useful life longer than five years and the many of the capital expenses were ‘pay-as-you-go’ and were backed by grants.

Mr. McDonald noted that COVID-19 related expenses included personal protective equipment and additional cleaning supplies. He added that the Township received some financial aid from the federal government through the CARES Act as reimbursement to the Storm Trust Funds which had been used for expenses for PPE spending.

It was announced that the Public Hearing for the 2021 Township Municipal Budget would be held on May 4, 2021.

Mayor Prupis asked if there were any comments or questions regarding Resolution 21-107 through 21-109

Mr. Vinayak thanked Mr. Gabloff for his hard work and putting together the 2021 budget and pointed out that the township worked hard to make sure that tax money was well spent on the needed areas while lowering the township debt at the same time.

Mr. Wasserman thanked Mr. McDonald and Mr. Gabloff for the presentation.

Mayor Prupis asked for a motion to approve Resolution 21-107. Mr. Wasserman made a motion to approve Resolution 21-107 which was seconded by Ms. Thall Eglow.

Roll Call: All Aye

**RESOLUTION 21-107
GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION’S
“Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment
Decisions Under Title VII of the Civil Rights Act of 1964”**

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the Governing Body of each municipality and county to certify that their local unit’s hiring practices comply with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the Governing Body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Millburn, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit’s hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

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Resolution 21-108

Mayor Prupis asked for a motion to approve Resolution 21-108. Ms. Thall Eglow made a motion to approve Resolution 21-108 which was seconded by Mr. Wasserman.

Roll Call Vote: All Ayes

**RESOLUTION 21-108
SELF-EXAMINATION OF BUDGET RESOLUTION
[as required by DCA]**

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the *Township of Millburn* has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2021 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the *Township of Millburn* that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget would permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution would be forwarded to the Director of the Division of Local Government Services upon adoption.

Resolution 21-109

Mayor Prupis asked for a motion to approve Resolution 21-109 for introduction of 2021 Township Budget on first reading and with a public hearing and adoption scheduled for May 4, 2021. Mr. Thall

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Eglow made a motion to approve Resolution 21-109 on first reading with a public hearing on May 4, 2021 which was seconded by Mr. Vinayak.

Roll Call Vote: All Ayes

RESOLUTION 21-109
RESOLUTION TO APPROVE BUDGET AND
SET PUBLIC HEARING DATE (May 4, 2021)

MUNICIPAL BUDGET NOTICE
Municipal Budget of the Township of Millburn, County of Essex
for the Fiscal Year 2021

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2021; and

BE IT FURTHER RESOLVED, that said Budget be published in The Item of Millburn and Short Hills in the issue of April 15, 2021.

The Governing Body of the Township of Millburn does hereby approve the following as the Budget for the year 2021:

RECORDED VOTE: Ayes: Miggins, Thall Eglow, Wasserman, Vinayak, Prupis; Nays: None; Absent: None; Abstain: None

Notice is hereby given that the Budget and Tax Resolution was approved by the Township Committee of the Township of Millburn, County of Essex, on April 6, 2021.

A Hearing on the Budget and Tax Resolution would be held at Town Hall on May 4, 2021 at 7:00 p.m. at which time and place objections to said Budget and Tax Resolution for the year 2021 may be presented by taxpayers or other interested parties.

Old Business

Removal of Flex Parking Update

Mr. McDonald stated that on April 2nd he walked through downtown Millburn Avenue to view the merchants and resident areas there that would be impacted by the removal of flex parking in the event that decision was made. He advised that flyers were handed out for an information session that would take place on Friday, April 9th at 8 a.m. via a webinar and on Wednesday, April 14th. The meeting would take place with the business owners and residents to answer any questions or concerns they may have.

Ms. Thall Eglow expressed the project was really promising. Ms. Miggins asked for the information to be put on the township Wwbsite.

Business Advocacy Zoning Regulations Update

Mr. McDonald reported that review of the proposed B-3 District zoning changes continued. He reviewed the proposed revisions. He announced that a public discussion and information session would be held on April 8th at 4 p.m. which had been advertised on the township website.

Mr. Wasserman stated that any changes should maintain the standards of noise control and ensure resident's protections were in place.

Downtown Vision Plan Next Steps

Mayor Prupis reported that the subcommittees for the redevelopment area projects would be meeting on the following dates:

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- April 8: the investigation subcommittee would be holding an internal meeting with the two-way traffic bureau;
- April 12: a meeting with the Essex County engineering and traffic officials was scheduled to discuss the feasibility of the project;
- April 9 the first meeting of the DPW site was scheduled and they would present on the redevelopment path on the Township Committee on April 20;
- April 9: a meeting was scheduled to discuss the Taylor Park entrance revitalization project.

Mr. Vinayak and Mr. McDonald reviewed the legislation on marijuana.

Mr. McDonald provided an update on parklets and outdoor dining.

New Business

Public Comment

Ms. Miggins deferred to Mr. Carney to speak on the public comment portion of the Committee meetings. Mr. Carney stated that the Committee had spoken in reference to removing multiple public comments and reinstate having one public comment area during Township Committee meetings. He reviewed the Open Public Meetings Act (OPMA). He advised that OPMA required that the Township Committee set aside one public comment portion at their own discretion of time limit at each meeting. He added that the Committee could allow multiple sessions of public comment if they wished.

Ms. Miggins asked if it is upon the discretion of the Committee to have more than one public comment period and time frame allowed. Mr. Carney stated that yes it is at the discretion of the Township Committee and one public comment period is required at each meeting.

Ms. Eglow asked for clarification of ordinance public hearings. Mr. Carney stated that as per statute, public hearings were required for the public to engage in such ordinances but the time frame was upon the discretion of the Governing Body. He briefly reviewed local budget law which included a required public hearing.

Mayor Prupis pointed out that the intention is to have an orderly Township Commute meeting.

Development Review Committee

Ms. Miggins reported that there was a development of a review subcommittee in other towns to assist and review applicant's architecture plans or landscaping plans prior to their presentation to the Historic Preservation Commission, Zoning Board of Adjustment or Planning Board. She added that this would assist in maintaining the integrity of community development.

Mayor Prupis agreed and asked Ms. Miggins how she would implement and asked who would be part of the subcommittee. Ms. Miggins stated that the subcommittee would benefit from having a member from the Planning Board, Zoning Board, the Historic Preservation Committee, a Forster, a Township Committee member, architects and a landscape architect.

Mr. Vinayak stated that he felt that the subcommittee may conflict with the Planning Board. Ms. Miggins stated that the plan for the new subcommittee would be to assist the Planning Board and work in conjunction with the board to facilitate the process of applications.

The Committee briefly reviewed the matter and Mr. McDonald suggested working with counsel and/or Planning Board Attorney to review the regulations. Mayor Prupis thanked Ms. Miggins and asked her to continue her review and report back to the Committee.

Proposed Summer Pilot Regarding Gas Powered Leaf Blowers

Joseph Barbanel, Commissioner of the Environmental Commission, presented the proposed draft pilot on a gas-powered leaf blower and read the draft amendment to Millburn Enumeration of Prohibited noise regulation.

Mr. Barbanel reviewed some of the major concerns pertaining to the use of gas leaf blowers and the impact they could have on people using them. He advised that the intent of the draft amendment was to protect the health and well-being of residents. He added that various vicinities had already banned gas leaf blowers because of the noise and air pollution that they emit.

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Mr. Wasserman asked if a cost analysis had been made for companies that would change to battery-operated leaf blowers. He questioned if the towns that banned gas leaf blowers provided notice to the landscaping companies and asked how much notice was provided by the towns.

Mr. Barbanel stated that the cost of electric leaf blowers depended on the size and therefore the cost would vary per company. However, the cost of electric equipment would be more cost-effective because it would not require the purchase of gas. As far as notice, the various towns were providing one month for notice.

Mr. Vinayak suggested the township review this further before any decision is made. He added that he supports it although needs to be strategic. Ms. Thall Eglow stated that a pilot this year is just too quick. She agreed there should be cost benefit analysis and suggested the township see how Summit's pilot works out after this year.

Priya Patel, Environmental Commission Chair, pointed out that the purpose of a pilot is to take a measured approach to a ban this for this summer on a temporary basis.

Ms. Miggins questions any other towns with similar bans and noted that she is aware of some legal action on this ban in another municipality. Mr. Barbanel stated that Maplewood is expecting a protest. Ms. Miggins advised that questions have been submitted to Summit for clarification on their program. She asked is anyone has been in touch with landscapers in the community. She questioned the cost to the residents for this change and voiced her concerns that this is all too fast. Ms. Thall Eglow agreed and questioned if it was fair to have landscapers purchase equipment for a temporary program. Mr. Vinayak stated that he would rather a phased approach and noted that this is a great initiative and we all must do our due diligence.

Mayor Prupis thanked the Environmental Commission for their hard work and thinks the Committee needs to digest all this information and asked everyone to continue their fact finding and can revisit.

Ms. Thall Eglow questioned if there was a rally policy. She would like to encourage this with parameters to ensure it is fair to those who wish to protest and the community. Mr. McDonald reviewed the policy.

Ms. Thall Eglow asked if there was a place to report a road pothole and Mr. McDonald advised that the website has a great portal.

Ms. Miggins asked what the end goal was with PSE&G and the restoration plan. Mr. McDonald stated that PSE&G was working in conjunction with the township in restoring the roads in the upcoming weeks.

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 would 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 would 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 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."

Mayor Prupis opened the public comment period.

Edward Marks, of 18 Edgewood Terrace, thanked Messrs. McDonald and Gabloff for the budget presentation. Mr. Marks voiced his support for the banning of gas leaf blowers and acknowledged that the gas-powered leaf blowers really destroy the environment and he knew there was a lot of concern

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about the potential costs which he understood. He noted that he believed the Committee was supposed to take a look at the current costs which not only involved the ban but also the negative impact on the guy who operates that gas-powered leaf blower.

Jeffery Feld, of 11 Alexander Lane, voiced his opposition to the removal of public comments sessions and stated that with the removal of public comments, the availability to voice a concern was being taken away. He also asked questions in regard to the SID and referenced litigation and a feasibility study.

Matthew Greller, of 72 Clinton Avenue, voiced his strong support for banning gas leaf blowers and asked the Committee to consider the ban.

Monisha Amaral of 124 Short Hill Avenue, questioned if the SID ordinance was approved with a feasibility study and also asked about the \$220,000.00 budget expenses. She questioned the dollar amount of employee salaries. She questioned the cap rate and asked about the increase rate.

Nancy Stone, of 10 Fielding Road, voiced her strong opposition to the SID. She appreciated Ms. Amaral's comments.

Vanita Gangwal, of 9 Athens Road, asked the Committee to support the ban of the leaf blowers.

Perri Urso, of 514 Millburn Avenue, asked the Committee members to take into consideration allowing people to surpass the 3-minute rule for public comment. She thanked Ms. Miggins for the 9/11 Memorial Day parade. She requested a copy of the buy-in and feasibility study for the SID and a detailed budget amount for the project.

Regina Truitt, of 385 Hartshorn Drive, asked if the flex parking survey was closed or could residents still comment.

Mr. McDonald advised Ms. Truitt that there was no survey regarding the removal of flex parking but a webinar would be held on Thursday, April 8th.

Jennifer Duckworth, of 82 Linden Street, questioned when the public hearing would be held for reverse angle parking and if it would impact the pedestrian walkway.

Mr. McDonald stated that reverse-angle parking was currently being reviewed to be pivoted and the changes would not impact pedestrian's walkways and no hearing was currently scheduled.

Dominique Urso, of 514 Millburn Avenue, asked who was responsible for the entertainment held on April 3rd located between Main Street and Millburn Avenue. She questioned who paid the vendor's bill and asked what plans the Mayor and the Committee had to prompt the event. She asked what events, if any, were planned for Upper Millburn Avenue. She asked questions in regard to the American Relief Act and questioned where was the money going to be allocated? She suggested the ZOOM be made as a split-screen.

Mr. McDonald stated that the money had not been received and therefore was not allocated as of yet. He advised the SID organized and paid for the events.

Harvey Wexleman, of 10 East Beechcroft Road, voiced his support for the gas leaf blower ban if the town agreed to support the ban.

Shannon Cross, of 15 Twin Oak Road, voiced her concern for business owners on Main Street that are struggling to maintain their business and asked for the Committee to reconsider the SID idea.

Jennifer Bhatena, of 64 Great Hills Road, asked if the SID ordinance had a feasibility study and asked why the Committee was dismissing the concerns that were being voiced by business owners. Ms. Bhatena recommended stopping the SID project and starting over by taking into consideration the concerns of business owners.

Nicolas Volpicelli, of 18 Overlook Terrace, asked if the Township Committee reviewed other options instead of the SID and stated that if a feasibility study would be made available perhaps the business owners would be more open and willing to support the SID project.

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Jean Pasternak, of 342 Hobart Avenue, spoke in regard to the public comment discussion and advised it was an obstruction of freedom of speech. She asked why public comments were directed at her. She asked if the Township Committee received a written legal opinion regarding a law firm representing the Planning Board as well as representing the municipality in fair share housing litigation. She asked questions regarding the SID budget and whether Ms. Miggins and Mr. Vinayak's campaigns were truthful. She asked questions in regard to the conflict of interest between Ms. Miggins and her ability to sit on the Planning Board. She asked for more information about the affordable fair share housing litigation. She asked why the township was spot zoning certain areas in town and whether schools had the capacity to inherit new students. She asked in regard to the January 15th meeting minutes where certain events were not fully displayed. She asked if a line was crossed in the approval of a particular restaurant in town.

Oyin Owolabi, of 46 Maple Street, advised residents that she would be running for Township Committee and noted that help was on the way.

Sydney Merves, of 23 West Beechcroft Road, voiced her support for the ban of the gas leaf blowers in the township and reviewed the environmental impact to the community.

Subadhra Vardharaj, of 16 Hamilton Road, voiced her support and approval of the ban of gas leaf blowers.

Mayor Prupis closed public comment.

Mr. Vinayak stated he has been pro-SID and would not change his judgment and decision on the project. He reiterated the transparency shown by the township.

Mr. Wasserman stated that a SID was created because of the large number of vacancy locations within the town and one of the main focuses of the SID was to address the vacancy issues and help businesses that were not doing well. He added that as a SID project it allowed for businesses to apply for grants and other financial assistance.

Ms. Thall Eglow stated that the Township Committee has the best interest in mind for the township and asked for the residents to please stop the attacking even if decisions were not made according to the expectations of some in the community.

Ms. Miggins stated the affordable housing mediation committee was working diligently to make the best decisions for the township.

Mr. McDonald reminded everyone that the budget would be available to the public to view on the township website.

Mayor Prupis thanked the Committee members for their hard work and dedication to the Township.

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 Mr. Wasserman and seconded by Mr. Vinayak. The meeting was adjourned at 10:35PM. Vote: All Ayes

Christine A. Gatti, RMC
Township Clerk

Approved: July 13, 2021