

**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 7:00PM 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 and in person at 7:00 PM on May 4, 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 Assistant Business Administrator 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. Thall Eglow.

Vote: All Ayes

**Minutes**

Mayor Prupis asked for a motion to approve the February 9, 2021 regular meeting minutes. The motion was made by Ms. Thall Eglow and seconded by Mr. Wasserman.

Vote: All Ayes,

Mayor Prupis asked for a motion to approve the February 9, 2021 special meeting minutes. The motion was made by Mr. Wasserman and seconded by Ms. Thall Eglow.

Vote: All Ayes,

**Reports**

Mayor Prupis reported that the DPW Redevelopment Subcommittee met and the Planning Board Chair and Mr. McDonald were working on a public engagement session in the near future. She advised that the Sign Ordinance Review Subcommittee met and was working on a community survey and pointed out that the next meeting would be held in two weeks. She announced that the Taylor Park Entrance Revitalization Subcommittees was working on the scope for the Request for Proposal for a landscape architect. She advised that the Two-way Traffic Investigations Subcommittee would meet on May 7<sup>th</sup> to review the traffic report that was currently planned to be presented to the Township Committee on June 6<sup>th</sup>. She announced that the food pantry was asking for donations of the following: canned soup, mayonnaise (plastic only) laundry detergent, milk. Donations could be dropped off at Millburn Town Hall, Green Nectar Market during regular business hours and at 15 Cypress Street in Millburn. The Short Hills Desi Club had a Covid-19 relief donation drive for India. Donations of any amount were welcome and would help in accomplishing the goal of \$50,000.00.

Ms. Thall Eglow reported that the Taylor Park Entrance Revitalization Subcommittee meeting had a very successful discussion pertaining to Taylor Park and was looking forward to the next meeting. She advised that the Shade Tree Board met and discussed procedures and the permitting process. Information about the tree removal requirements were available on the township website for the public to view.

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Ms. Miggins reported that a meeting was held to further discuss the subcommittee for Zoning and additional information would be provided to the Township Committee once the information was ready to be presented.

Mr. Wasserman reported that Ms. Miggins and he attended a Short Hills Saint Rose of Lima Troops 17 Ceremony to welcome new Eagle Scouts and the turnout for the event was great. He reminded everyone that Millburn Township would be hosting a Mother's Day event on May 8<sup>th</sup> and it would be full of different activities for the whole family. He welcomed Mr. Steve Grillo, Executive Director of the Explore Millburn Short Hill Board of Trustees.

Mr. Steve Grillo, Executive Director, provided an overview of the Mother's Day activities and hoped that the community would come to celebrate. He thanked the businesses that offered donations for the event and spoke about the current federal programs available for businesses. He stated that he would go to the businesses in person to provide additional information. He pointed out that he would be accessible in town hall for anyone who wished to speak to him from 8:30 a.m. - 4 p.m. Monday through Friday.

Mr. Vinayak reported that both he and Ms. Miggins visited the facility where Verizon requested permission to place a cell tower to better understand the possibilities of usage of the field. The Joint Committee was reviewing the possibility of installing lights at the library field. He noted that the cost would be \$275,000.00 of which the township would contribute \$50,000.00; the Joint Committee would contribute \$50,000.00 and the rest would come from donations. He asked that anyone interested in making a donation is welcome to contact the Recreation Department.

Mr. Falcon reported that a confidential mediation took place as requested by Judge Gardner pertaining to the townships affordable housing and the resolution was a settlement and an adoption of a zoning ordinance. He provided an update on the Woodland Road project which was before the Planning Board. He stated that the Township Litigation Steering Committee had been working hard with the Township Affordable Special Council on the mediation for Affordable Housing and Judge Gardner extended the Township immunity to May 30, 2021 and another mediation meeting was scheduled for May 6<sup>th</sup>. He advised that once the mediation ended and an agreement made, the information would be made public.

Ms. Miggins asked if Woodmont was under contract to buy the land in the watershed that provided water for everyone in the township. Mr. Falcon advised yes.

Mr. Vinayak asked if any company could negotiate this type of building arrangement with Affordable Housing. Mr. Falcon stated that agreements depended on what the Judge allowed and agreed too.

Ms. Thall Eglow asked if the information provided would be available online. Mr. Falcon informed Ms. Thall Eglow that the information provided at the meeting would be available online.

Mr. McDonald announced that the township website has an area where updates and available information was posted regarding affordable housing. He reported that a Memorial Day Parade was scheduled for Saturday, May 29<sup>th</sup> and provided an overview. He pointed out that at the previous Committee meeting a question pertaining to 519 Millburn Avenue had been posed. He provided an update on the property and advised they were issued a zoning violation. He pointed out that they were scheduled to be heard by the Zoning Board of Adjustment on June 7<sup>th</sup>. Failure to appear and submit an application would cause them to be fined and/or potentially closed.

**Public Comment – Consent Agenda**

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

No comments were made.

Mayor Prupis opened public comment in regards to the consent agenda.

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Oladimeji Owolabi, 46 Maple Street, questioned legal costs and asked what ways these costs could be minimized. She asked where the Civil Rights Resolutions came from and who wrote it and asked what was going to be done on the matter. She asked if any of the Committee Members had any objections to residents attending or listening in on the meetings that pertained to the affordable housing.

Jeffery Feld, of 11 Alexander Lane, asked questions in reference to the bills list. He asked questions pertaining to the Bare Properties litigation, the cost of OPRA Requests and Co-op. He asked what the cap was from now versus last year. He asked who wrote the Civil Rights resolution and why.

Jean Pasternak, of 342 Hobart Avenue, asked questions pertaining to the bills list. She asked for more details for the contract for Resolution 21-124. She posed questions regarding the Civil Rights Policy Resolution. In regard to the deed restriction resolution, she asked why the resolution and restriction was being created and what had changed that the process was required.

Nancy Stone, 10 Fielding Road, asked questions pertaining to the bills list. She asked about the Civil Rights Resolution and how the resolution was going to protect the citizens and their freedom of speech. She thanked Mr. McDonald for his explanation of 519 Millburn Avenue.

Dominique Urso, of 514 Millburn Avenue, asked about Resolution 21-122 and the amount paid on legal services included on the bills list. She asked why the township had not created escrow accounts for services in the township.

No other comments or questions were presented.

Mr. McDonald pointed out that the Civil Rights resolution was a requirement by the Joint Insurance Fund, employment practices liability and the public official liability. Pertaining to the Bills List, he reviewed legal bills and what was included on the bills list.

Mr. Falcon reviewed Resolution 21-126.

Mr. Wasserman recommended the public to view videos of previous meetings to understand where Committee members stood on certain matters.

Ms. Thall Eglow stated that legal fees were high due to the litigation matters currently being handled by the township and the need of legal representation.

Mr. Vinayak and Mr. Wasserman stated that they supported Mr. McDonald and appreciate his hard work and dedication to the township.

**Consent Agenda**

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

Roll Call Vote: All Ayes

**RESOLUTION 21-122  
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 May 4, 2021, in the following accounts:

General Fund	\$	346,163.46
Capital Fund		53,640.38
Parking Utility - Operating Fund		35,111.83
Donation Trust		2,470.00
Waste Recycling Trust		2,770.30

**RESOLUTION 21-123  
AUTHORIZE THE REFUND OF TAX OVERPAYMENTS**

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**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>
Michael I. Schneck, Trustee & Gregory Gallick & Carolyn Dorfman 301 South Livingston Ave, Ste. 105 Livingston, NJ 07039 Block 2208 Lot 7 118 Forest Drive North	Tax Appeal 2020 taxes	\$ 13,709.27
Wolf Vespasiano LLC Attorney Trust Account and Alan & Lauren Aaron 331 Main Street Chatham, NJ 07928 Block 5110 Lot 8 51 Canoe Brook Road	Tax Appeal 2018 taxes (\$2,554.39) 2019 taxes (\$5,486.99) 2020 taxes (\$7,704.00)	\$ 15,745.38
Wolf Vespasiano LLC Attorney Trust Account and Frank & Jane Barone 331 Main Street Chatham, NJ 07928 Block 4601 Lot 24 586 White Oak Ridge Rd	Tax Appeal 2018 taxes (\$909.16) 2019 taxes (\$922.54)	\$ 1,831.70
Brian & Jessica Glatt 50 Birch Lane Short Hills, NJ 07078 Block 2306 Lot 18 50 Birch Lane	Tax Appeal 2020 taxes	\$ 6,808.41
Brach Eichler LLC & Lisa Ditommaso 101 Eisenhower Parkway Ste. 201 Roseland, NJ 07068 Block 2602 Lot 3 43 Fairfield Dr.	Tax Appeal 2018 taxes (\$3,376.05) 2019 taxes (\$6,320.75)	\$ 9,696.80
Estate of Jerome Scherzer 250 W. 85 <sup>th</sup> St. Apt 15E New York, NY 10024 Block 4402 Lot 8 941 South Orange Ave	Tax Appeal 2017 taxes	\$ 1,932.10
Estate of Michael Kwiatowski c/o Elan Goldstein 190 Morris Ave Apt 3F Springfield, NJ 07081	Tax Refund Homestead Rebate credit overcollection	\$ 1,010.99

**RESOLUTION 21-124**

**AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT VENDORS AND CERTAIN MORRIS COUNTY COOPERATIVE PRICING COUNCIL VENDORS FOR CONTRACTING UNITS PURSUANT TO N.J.S.A. 40A:11-12a**

**WHEREAS**, the Township of Millburn, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program and other approved Cooperative Purchasing Programs for any State or Cooperative Purchasing contracts entered into on behalf of the State by the Division of

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Purchase and Property in the Department of the Treasury and/or by the approve the Cooperative Purchasing Program; and

**WHEREAS**, the Township of Millburn is a member of the Morris County Cooperative Pricing Council; and

**WHEREAS**, The Township of Millburn is a member of the Middlesex Regional Educational Services Commission (MRESC); and

**WHEREAS**, The Township of Millburn is a member of the Educational Services County Co-op:

**WHEREAS**, The Township of Millburn is a member of the Cranford Police Cooperative Pricing Council:

**WHEREAS**, the Township of Millburn, has the need on a timely basis to purchase goods or services utilizing State contracts, Morris County Cooperative Pricing Council Contract, MRESC, Cranford Police Pricing Council, and the Educational Services County Co-op; and

**WHEREAS**, the Township of Millburn intends to enter into contracts with the attached Referenced State Contract and Morris County Cooperative Pricing Council Contract Vendors, MRESC, Cranford Cooperative Police Pricing Council, and Educational Services County Co-op through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State and Cooperative Purchasing Program contracts;

**NOW, THEREFORE, BE IT RESOLVED**, that the Township of Millburn authorizes the Purchasing Agent to purchase certain goods or services from those approved New Jersey State Contract, Morris County Cooperative Pricing Council Vendors, MRESC, Cranford Police Cooperative Pricing Council, and Educational Services County Co-op on the below list, pursuant to all conditions of the individual State and Cooperative Purchasing contracts; and

**BE IT FURTHER RESOLVED**, that the Governing Body of the Township of Millburn pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

**BE IT FURTHER RESOLVED**, that the duration of the contracts between the Township of Millburn and the Referenced State Contract, Morris County Cooperative Pricing Council Vendors, MRESC vendors, Cranford Police Cooperative Pricing Council, and The Educational Services County Commission of Morris County shall be from January 1, 2021 to December 31, 2021.

**Referenced State Contract Vendors**

<u>Commodity/Service</u>	<u>Vendor</u>	<u>State/Co-Op Contract #</u>
General Office Supplies	W.B. Mason	State Contract # 00000003
	W.B. Mason	ECSNJ Contract 18/19-02
		MCCPC Contract # 16, 30
	The Office Concepts Group	MCCPC Contract # 16
Road Salt	Morton Salt	MCCPC Contract # 3
Road Paving & Resurfacing	Tilcon New York, Inc	MCCPC Contract # 5, 6
	Micro-Pave Systems	MCCPC Contract # 6
Line Painting	Denville Line Painting	MCCPC Contract # 36
Tree Removal & Trimming	Tree King	MCCPC Contract # 18
Tree Removal & Trimming	Peters Todd, INC	State Contract # 18-Dpp-00647
Electrician Services	MTB Electric	ECSNJ Contract #17/19-77
Technology Supplies & Services Connection		State Contract #AR-1464,

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	Johnston Communications Dell	MNWNC-117, MNWNC-226, MNWNC-119 State Contract #88766, 85152 State Contract #89850, 88796
Police Vehicles	Beyer Ford	MCCPC - # 15-A CPCPS - #19-01
Sporting Goods-Clothing	R&R Trophy & Sporting Goods	Co-op Contract # 20-A
Vehicles, Passenger Vans	Mall Chevrolet	State Contract #19-fleet-00954 CPCPS - #19-01
Bullets	Eagle Point Gun	State Contract # 17DPP00046
Street Signs/Cones	Garden State Highway	Somerset County - CC-0099-19
Police Vehicles	Hertrich Fleet Service	State Contract # 88729
Copier Services	Ricoh	State contract # 40467
Firefighter Equipment	Firefighter One	State Contract # 17-Fleet-00807
Firefighter Equipment	Lion First Responder	State Contract # 17-Fleet-00837
Police Uniforms	Atlantic Uniforms	State Contract #17-Fleet-00763
Police Equipment	Atlantic Tactical	State Contract #17-Fleet-00732
Firefighter Equipment	Morning Pride Manufacturing	State Contract # 17-Fleet-00810
Records Management	File Bank	Ed. Data Services - # 9172
Police Equipment	Triangle Communications	MCCPC # 41 State Contract # 83926
Vehicles	Vehicles/Truck	ESCNJ 20/21-55
Police Equipment	Life Savers	State Contract # 84689
Police Equipment	Watch Guard	State Contract # 00793
Janitorial Supplies	ATRA Janitorial	ESCNJ 18-19-35

**BE IT FURTHER RESOLVED** that this resolution replaces Resolution 21-028 adopted by the Millburn Township Committee on January 5, 2021.

**RESOLUTION 21-125**

**AFFIRM THE TOWNSHIP OF MILLBURN’S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS**

**WHEREAS**, it is the policy of the Township of Millburn to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

**WHEREAS**, the Governing Body of the Township of Millburn has determined that certain procedures need to be established to accomplish this policy

**NOW, THEREFORE BE IT ADOPTED** by the Millburn Township Committee that:

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**Section 1:** No official, employee, appointee or volunteer of the Township of Millburn by whatever title known, or any entity that is in any way a part of the (local unit type) shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person’s constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Township of Millburn’s business or using the facilities or property of the Township of Millburn.

**Section 2:** The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Township of Millburn to provide services that otherwise could be performed by the Township of Millburn.

**Section 3:** Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

**Section 4:** The Business Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

**Section 5:** No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

**Section 6:** The Business Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Township of Millburn as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

**Section 7:** The Business Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

**Section 8:** At least annually, the Business Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Township of Millburn. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Township of Millburn’s web site.

**Section 9:** This resolution shall take effect immediately.

**Section 10:** A copy of this resolution shall be published in the official newspaper of the Township of Millburn in order for the public to be made aware of this policy and the Township of Millburn’s commitment to the implementation and enforcement of this policy.

**RESOLUTION 21-126  
AUTHORIZING THE EXECUTION OF A DEED RESTRICTION  
FOR THE AFFORDABLE HOUSING UNITS IN THE MULTI-FAMILY  
RESIDENTIAL DEVELOPMENT KNOWN AS THE UPTON LOCATED  
ON BLOCK 5303, LOT 4, MILLBURN TOWNSHIP, NEW JERSEY**

**WHEREAS,** 233 Canoe Brook Associates, LLC and Mack-Cali Short Hills, LLC (collectively, the "Developer") received Preliminary and Final Site Plan Approval for a mixed use development including a 200-unit multi-family residential building, a 246-room hotel, and a 626-space parking structure ("Development") on the Property as fully described in the Resolution of the Township of Millburn Planning Board dated July 6, 2016; and

**WHEREAS,** the Township of Millburn ("Township") and the Developer entered into a Developer's Agreement in 2017 setting forth the rights, duties and obligations of the parties in

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connection with the Development; and

WHEREAS, the Developer's Agreement requires that the Developer retain an Administrative Agent to administer the thirty (30) affordable units located in the 200-unit multi-family residential building; and

WHEREAS, the Developer's Agreement also requires a Deed Restriction for the affordable units providing, among other things, that the units are to be dedicated for occupancy by affordable households, for the affirmative marketing of the units to affordable households and for controls on affordability, and also requires that the Deed Restriction be reviewed and approved by the Township for compliance with applicable legal requirements; and

WHEREAS, SH Residential Unit, LLC, the successor to the Developer for the 200-unit multi-family residential development, has prepared a Deed Restriction that has been reviewed and approved by The Buzak Law Group, LLC, special counsel to the Township, for compliance with applicable legal requirements; and

WHEREAS, the Township desires to authorize the execution of the Deed Restriction subsequent to its execution by SH Residential Unit, LLC and Piazza & Associates, Inc., the Administrative Agent retained by SH Residential Unit, LLC to administer the affordable units.

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

- 1. All the terms and conditions of a certain Deed Restriction by and between Piazza & Associates, Inc. as Administrative Agent, SH Residential Unit, LLC and the Township of Millburn are hereby approved, ratified and confirmed by the Township of Millburn.
- 2. The Mayor and Clerk are hereby authorized to execute said Deed Restriction subsequent to the execution by the SH Residential Unit, LLC and Piazza & Associates, Inc. and, together with other appropriate officers and employees of the Township, are hereby authorized to take all steps necessary to effectuate the purposes of this Resolution.
- 3. This Resolution shall take effect immediately.

**RESOLUTION 21-127  
 AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY  
 COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP THEREIN FOR THE  
 PERIOD OF OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2026**

WHEREAS, the Morris County Cooperative Pricing Council ("MCCPC") was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of education, and other public bodies located in the County of Morris and adjoining counties; and

WHEREAS, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

WHEREAS, the Township of Millburn desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency, to renew its membership in the MCCPC for the period of October 1, 2021 through September 30, 2026.

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

- 1. Millburn Township Committee of the Township of Millburn hereby authorizes the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2021, pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for renewal of membership in the MCCPC for a five (5) year period from October 1, 2021, through September 30, 2026.

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- 2. The Millburn Municipal Clerk is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC.
- 3. This Resolution shall take effect immediately upon final passage according to law.
- 4. All appropriate Millburn Township Officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

RESOLUTION 21-128

ESTABLISH THE MILLBURN CREATIVE COLLECTIVE, A SUB-COMMITTEE OF THE MILLBURN TOWNSHIP GREEN TEAM, IN SUPPORT OF THE SUSTAINABLE JERSEY CERTIFICATION PROGRAM

WHEREAS, there is an increasing body of knowledge that firmly establishes the link between the arts, creativity and positive outcomes for communities; and

WHEREAS, the arts create robust and vital communities and contribute to overall quality of life. They are one of the few activities that bridge all the components of sustainability - economic, environmental & social, and

WHEREAS, the arts increase prosperity and economic development, such as increasing property values, increasing cultural tourism, and supporting a flow of commerce to other sectors via the creative economy, and

WHEREAS, the arts celebrate nature and build awareness of and an appreciation for the physical environment - its beauty, fragility and its need for stewardship, and

WHEREAS, the arts provide an opportunity to gather and engage all community members in shared experience. They foster creativity and innovation to transform individual lives and communities, and

WHEREAS, the Millburn Township Green Team has, pursuant to Sustainable Jersey guidelines, established a creative team as a sub-committee, to promote creative efforts and overall sustainability in Millburn Township, and that sub-committee has been named the Millburn Creative Collective (the "MCC"), and

WHEREAS, the Millburn Creative Collective celebrates, encourages and actively promotes social connections, community collaboration and cooperative programming that fosters artistic vibrancy, cultural diversity, economic health and environmental wellbeing, and

WHEREAS, the Millburn Township Committee desires to confirm the establishment of the Millburn Creative Collective and appoint Tara Prupis to serve as the Official Township Representative to be appointed to serve on the Millburn Creative Collective Sub-Committee for the remainder of 2021;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millburn, in the County of Essex and the State of New Jersey on this 4<sup>th</sup> day of May, 2021, the establishment of a sub-committee of the Millburn Township Green Team, hereafter known as the Millburn Creative Collective.

RESOLUTION 21-129

AUTHORIZING EXECUTION OF CONTRACT FOR BARRIER FREE ACCESS CURB RAMP IMPROVEMENTS WYOMING SECTION

WHEREAS, the Township of Millburn (the "Township") received three sealed bids on April 20, 2021 in response to its advertisement for the receipt of bids for the "Barrier Free Access Curb Ramp Improvements Wyoming Section" project; and

WHEREAS, the bid prices for the bids received on April 20, 2021 for the "Barrier Free Access Curb Ramp Improvements Wyoming Section" project are as follows:

<u>Bidder</u>	<u>Total Bid Amount</u>
1. Diamond Construction	\$53,450.00
2. Cifelli & Son	\$59,580.00

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3. D.S. Meyer Enterprises \$69,290.00

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

WHEREAS, Diamond Construction is the lowest responsible bidder as determined by the Millburn Township Engineer and is 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 award of the aforementioned contract to Diamond Construction in the bid amount of \$53,450.00.

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 May 2021 as follows:

- 1. The Township hereby awards the Contract for "Barrier Free Access Curb Ramp Improvements Wyoming Section" to Diamond Construction, having a business address of 35 Beaverson Blvd. #12C, Brick, New Jersey 08723, as the lowest responsible bidder, in the amount not-to-exceed \$53,450.00 and the Mayor is 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. With the exception of the bid security for the lowest three bidders, the Municipal Clerk is authorized to release the bid security submitted by the other bidders. Within three days, Sundays and holidays excepted, after the awarding and full execution of the Contract and the approval of the required bonds for Diamond Construction, the bid security of the remaining unsuccessful bidders shall be returned to them.
4. A copy of this Resolution shall be kept on file at the offices of the Township.
5. This Resolution shall take effect immediately.

RESOLUTION 21-130
AUTHORIZING ADVERTISEMENT OF BIDS -
SLAYTON DRIVE ROAD IMPROVEMENTS

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:

Slayton Drive 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 21-131
AUTHORIZING ADVERTISEMENT OF BIDS -
CYPRESS STREET ROAD IMPROVEMENTS

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:

Cypress Street Road Improvements

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**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 21-132  
AUTHORIZING THE AWARD OF A CONTRACT FOR ENGINEERING CONSULTANT SERVICES -  
CONSTRUCTION PHASE FOR SHORT HILLS GARDENS CHANNEL RECONSTRUCTION [SUBURBAN  
CONSULTING ENGINEERS, INC.]**

**WHEREAS**, there exists a need for Engineering Consultant Services for the Construction Phase for the Short Hills Gardens Channel Reconstruction project for the township; and

**WHEREAS**, Suburban Consulting Engineers, Inc., 96 U.S. Highway 206, Suite 101, Flanders, NJ 07836 can provide such specialized services; and

**WHEREAS**, Suburban Consulting Engineers, Inc. has provided the Business Entity Disclosure Certification in accordance with the N.J.S.A. 19:44A-20.8 and completed Political Contribution Disclosure Form; and

**WHEREAS**, the Local Public Contracts Law (NJSA 40A:11-1 et seq.) requires that a resolution authorizing the payment of such professional fees, without competitive bidding must be publicly advertised;

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

1. The Mayor and the Township Clerk are hereby authorized and directed to execute a professional services agreement in a form subject to the approval of the Township Attorney with Suburban Consulting Engineers, Inc., 96 U.S. Highway 206, Suite 101, Flanders, NJ 07836 for this professional service.
2. This contract is made without competitive bidding as a “professional service” under the provisions of the Local Public Contracts Law because of the qualitative nature of the service provided.
3. Fees for services are authorized as per proposal dated April 5, 2021 and the Chief Financial Officer has certified funds in the estimated maximum amount of \$49,950.00.
4. A copy of this resolution shall be published in The Item of Millburn Short Hills as required by law, within ten (10) days of its passage.

**RESOLUTION 21-133  
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:

Parent Guild Oratory Prep

**ORDINANCE / SECOND READING AND CONSIDERATION OF ADOPTION**

**Ordinance 2573-21**

Mr. Wasserman brought forth and reviewed Ordinance 2573-21 for consideration of adoption and CFO Mr. Jason Gabloff provided a brief overview of need for the ordinance. Mr. Vinayak and Mr. Wasserman advised they reviewed the budget in great length. Mayor Prupis declared the public hearing open.

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Since comments or questions were not presented, Mr. Wasserman declared the public hearing closed. Mr. Wasserman made a motion to approve the ordinance on final reading, which was seconded by Ms. Thall Eglow.

Roll Call Vote: All Ayes

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 21-134

Mayor Prupis brought forth Resolution 21-134. Mayor Prupis asked if there were any comments or questions regarding Resolution 21-134, no comments were presented. Mayor Prupis asked for a motion to approve Resolution 21-134. Mr. Vinayak made a motion to approve Resolution 21-134 which was seconded by Mr. Wasserman.

Roll Call Vote: All Ayes

RESOLUTION 21-134
READ 2021 MUNICIPAL BUDGET BY TITLE

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**WHEREAS**, pursuant to N.J.S.A. 40A:4-8, as amended by Chapter 78, P.L. 1964, the- municipal budget as advertised, may be read as its title at the public hearing, a complete copy of the approved budget, as advertised, shall be posted, in the principal municipal building and township website, and is made available to each person requesting the same, during said week and during the public hearing; and

**WHEREAS**, the Township Committee of the Township of Millburn hereby determines that the above conditions have been met.

**NOW, THEREFORE, BE IT RESOLVED** that the municipal budget shall not be read in full, but its title only.

**Resolution 21-135**

Mayor Prupis brought forth Resolution 21-135 and Mr. McDonald provided a brief explanation of the budget previously presented on April 6<sup>th</sup>. Mr. Vinayak made the motion to approve Resolution 21-134 which was seconded by Mr. Wasserman.

Mayor Prupis asked if there were any comments or questions regarding Resolution 21-135.

Jeff Feld, of 11 Alexander Lane, asked if the budget had an allocated amount for the SID and if the snow budget had been exceeded. He asked for clarification on what expenses were reduced. He questioned how many commercial tax appeals were filed and how much money had been reserved for the tax appeals. He asked if the Maggot Streetscape Project was included in the 2021 Budget and what the cost savings would be to issue bonds. He asked what the township’s bond rating was.

Perri Urso, of 514 Millburn Avenue, asked how the public could provide input on the budget if the information was not provided in advance.

Jean Pasternak, of 342 Hobart Avenue, asked why the public was limited to speak at a public hearing. She asked if the SID funds were included in the budget and stated that the resolution for the SID should have been placed before budget approval and not after.

Nancy Stone, of 10 Fielding Road, asked how the budget would not increase if the Board of Education budget was increasing.

Mr. Falcon pointed out that the time allotted for public hearings may be limited.

Mr. Vinayak stated that the Committee had worked very hard to make sure the budget being presented is beneficial for residents. He pointed out that the Township Committee was only able to manage the municipal budget and is unable to manage or speak on the Board of Education Budget or County Budget.

Seeing there were not additional comments, Mayor Prupis closed the public hearing.

Mayor Prupis asked for a motion to approve Resolution 21-135. Ms. Thall Eglow made a motion to approve Resolution 21-135 which was seconded by Mr. Wasserman.

Roll Call Vote: All Ayes

**RESOLUTION 21-135  
ADOPT 2021 MUNICIPAL BUDGET**

**BE IT RESOLVED** by the Township Committee of the Township of Millburn, County of Essex, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$43,489,453.19 (Item 2 below) for municipal purposes, and

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SUMMARY OF REVENUES

1. General Revenues:	
Surplus Anticipated	\$ 5,350,000.00
Miscellaneous Revenues Anticipated	\$ 6,668,830.97
Receipts from Delinquent Taxes	\$ 640,000.00
2. Amount To Be Raised By Taxation	
For Municipal Purposes (Item 6, Sheet 11)	<u>\$46,789,178.19</u>
3. Total Revenues	\$59,448,009.16

SUMMARY OF APPROPRIATIONS

5. General Appropriations:	
Salaries & Wages	\$22,864,500.00
Other Expense	\$30,141,677.00
(a) Capital Improvements	\$ 1,820,000.00
(b) Municipal Debt Service	\$ 1,895,000.00
(c) Deferred Charges – Municipal	\$ 255,000.00
(d) Reserve for Uncollected Taxes (Include Other Reserves if Any)	<u>\$ 2,471,832.16</u>
6. Total Appropriations	\$59,448,009.16

PARKING UTILITY  
SUMMARY OF REVENUES

1. Surplus	\$ 594,218.00
2. Total Miscellaneous Revenues	<u>\$ 880,000.00</u>
Total Revenues	\$ 1,474,218.00

GENERAL BUDGET  
SUMMARY OF APPROPRIATIONS

1. General Appropriations:	
Salaries & Wages	\$ 278,700.00
Other Expenses	\$ 240,280.00
Capital Improvements	\$ 50,000.00
Debt Service	<u>\$ 905,238.00</u>
Total Appropriations	\$ 1,474,218.00

**Resolution 21-136**

Mayor Prupis brought forth Resolution 21-136, 2021 Millburn Short Hills Business Organization Budget read by title for second reading. Mr. Michael Parlavecchio and Mr. Steven Weiner, Trustees of the Millburn Short Hills Business Organization, Inc., provided an overview of the proposed Special Improvement District proposed budget.

Mayor Prupis asked if there were any comments or questions regarding Resolution 21-136.

Mr. Wasserman asked for verification that the budget had enough funds for each event. Mr. Weiner stated that yes, the budget allocated enough funds for each event planned.

Mayor Prupis opened the public hearing.

Jeff Feld, of 11 Alexander Lane, asked if the new Executive Director salary would impact the budget and asked why the budget was on the agenda if an adjustment to the total amount had to be made. He reviewed regulations on budgets. He asked if a legal opinion had been submitted for the SID and if a feasibility study had been provided. He asked how or who was funding the SID.

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Nancy Stone, of 10 Fielding Road, asked how the budget was being approved if adjustments were needed and why were financial resources being allocated to some resources and not merchants in the township. She voiced her disapproval for the budget and asked for the Committee Members to consider not approving the budget being presented.

Nicolas Volpicelli, of 18 Overlook Terrace, voiced his opposition to the budget approval and stated that the SID Project should be a project where the community and the Committee members worked together to better the township.

Perri Urso, of 514 Millburn Avenue, asked why the SID budget was delayed multiple times and asked if the Mayor should recuse herself. She asked if Ms. Miggins and Mr. Vinayak would go against their campaigns and vote for the budget. She spoke on the lack of transparency. She asked Ms. Thall Eglow how she could be for the resolution when she voted against the SID.

Jean Pasternak, of 342 Hobart Avenue, asked what the current status of the Main Street - NJ application was. She asked if Millburn responded to any of the objections to the Main Street- NJ application. She noted that there was outstanding record requests. She asked why the budget omitted the increase in the Executive Director's new salary and when the public was notified that the SID would be funded by taxpayers. She asked who approved the purchase order of for the SID.

Seeing there were no additional comments, Mayor Prupis closed the public comment session and asked if any of the Committee members had any comments.

Ms. Miggins asked Mr. Falcon if it was legal to vote on the SID budget even if minor adjustments may been required. Mr. Falcon advised that yes, voting on the business budget was legal as it stood.

Mr. Wasserman stated that the SID was created to lower the rate of vacant businesses in the township. He stated that the treasurer met with Ms. Pasternak and reviewed the budget to further discuss any concerns. As for the Main Street application, the application was submitted to receive grant funds to help the community. He added that it was disheartening when objections letters were received on the Main Street applications seeing that would only help the organization.

Ms. Miggins asked if a feasibility study is required for the SID and if t voting on the budget with a change in salary for the new Executive Director would create a conflict. Mr. Falcon stated that due to the litigation matters currently open, further information may not be disclosed pertaining to the SID. The budget amount was not being changed and salary changes would not impact nor change anything on the budget total being presented.

Mayor Prupis asked for a motion to approve Resolution 21-136. Mr. Wasserman made a motion to approve Resolution 21-136 which was seconded by Mr. Vinayak

Roll Call Vote: All Ayes

**RESOLUTION 21-136  
READ 2021 MILLBURN SHORT HILLS BUSINESS ORGANIZATION, INC. BUDGET BY TITLE (SPECIAL  
IMPROVEMENT DISTRICT)**

**WHEREAS**, the Millburn Short Hills Business Organization, Inc. budget, as advertised, may be read as its title at the public hearing;

**WHEREAS**, a complete copy of the approved budget, as advertised, was posted in the principal municipal building, and is made available to each person requesting the same, during said week and during the public hearing; and

**WHEREAS**, the Township Committee of the Township of Millburn hereby determines that the above conditions have been met.

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NOW, THEREFORE, BE IT RESOLVED that the Millburn Short Hills Business Organization, Inc. budget shall not be read in full, but its title only.

**Resolution 21-137**

Mayor Prupis brought forth Resolution 21-137, Resolution to Adopt the 2021 Budget of Millburn Short Hills Business Organization, Inc., and provided an overview. Mayor Prupis asked for a motion to approve Resolution 21-137. Mr. Wasserman made a motion to approve Resolution 21-137 which was seconded by Mr. Vinayak.

Roll Call Vote: All Ayes

**RESOLUTION 21-137  
RESOLUTION TO ADOPT THE 2021 BUDGET  
OF MILLBURN SHORT HILLS BUSINESS ORGANIZATION, INC.  
(SPECIAL IMPROVEMENT DISTRICT)**

BE IT RESOLVED by the Township Committee of the Township of Millburn, County of Essex that the 2021 Millburn Short Hills Business Organization, Inc. Budget (Special Improvement District) hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums herein set forth as appropriations, and authorization of the amount of \$215,839.43 for Millburn Short Hills Business Organization, Inc. purposes.

**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
<i>Sub-Total: \$ 114,950.00</i>	

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
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Lighting, Signage, Historical Markers \$ 15,000.00
Sub-Total: \$ 26,089.43

Total Expenses \$ 215,839.43

ORDINANCE / INTRODUCTION

Ordinance 2575-21

Mayor Prupis brought forth Ordinance 2575-21 for introduction. An explanatory statement about the ordinance was made. Mayor Prupis moved the ordinance to be taken up and passed on first reading noting that the public hearing would take place on June 1, 2021. Ms. Thall Eglow seconded the motion. Mayor Prupis requested a roll call vote.

Roll Call Vote: All Ayes

ORDINANCE NO. 2575-21

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VII "TRAFFIC", SECTION 7-25 "BUS STOPS" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MILLBURN

STATEMENT OF PURPOSE: To relocate the bus stop on Main Street near the southwest corner of Millburn Avenue, to the northwest corner of Main Street and Taylor Street, for improved safety to motorists, bicyclists, and bus passengers while traveling in the Township of Millburn. This would be accomplished by providing an improved location with ample space for ingress and egress of omnibus vehicles dropping off and picking up passengers. Relocation of the bus stop to this nearby location would also assist in preventing congestion of traffic at the corner of Millburn Avenue and Main Street where the bus currently has difficulty completely pulling into the designated area, impeding the flow of traffic.

WHEREAS, the Traffic Bureau of the Millburn Township Police Department has conducted a review of the bus stop relocation; and

WHEREAS, New Jersey Transit has also reviewed the request for relocation of the bus stop on Mains Street; and

WHEREAS, the Township Committee has considered the recommendation and desires to relocate the bus stop on Main Street to a safer location and one that is distanced from first floor retail areas.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MILLBURN, IN THE COUNTY OF ESSEX AND THE STATE OF NEW JERSEY, as follows:

Section 1. Chapter VII "Traffic" Section 7-25 "Bus Stops" is hereby amended supplemented by deleting existing text as per the strike throughs and adding new text as underlined below;

Table with 3 columns: Street, Hours. Row 1: b. Along Main Street, southbound on the westerly side at: 1. Millburn Avenue (far side) All Beginning at the southerly curbline of Millburn Avenue and extending 90 feet thereof. Row 2: b. Along Main Street, southbound on the westerly side at: 1. Taylor Street (near side) All Beginning 25 feet from the northerly curbline of Taylor Street and extending 100 feet north thereof.

Section 2. The provisions of this Ordinance are severable and the invalidity of any phrase, clause or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

Section 3. This Ordinance shall take effect after final passage and publication as provided by law.

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**Ordinance 2576-21**

Mr. Vinayak brought forth Ordinance 2576-21 for introduction. An explanatory statement about the ordinance was made by Mr. McDonald. Mr. Vinayak moved the ordinance to be taken up and passed on first reading noting that the public hearing would take place on June 1, 2021. Mr. Wasserman seconded the motion. Mayor Prupis requested a roll call vote.

Roll Call Vote: All Ayes

**ORDINANCE NO. 2576-21  
AN ORDINANCE OF THE TOWNSHIP OF MILLBURN, COUNTY OF ESSEX,  
STATE OF NEW JERSEY, AUTHORIZING THE ESTABLISHMENT OF A GOVERNMENT ENERGY  
AGGREGATION PROGRAM**

**WHEREAS**, the State of New Jersey has been engaged in a process to establish a competitive market place through deregulation and restructuring the electric utility market; and

**WHEREAS**, the establishment of a government aggregator and an energy aggregation program to purchase electric generation service pursuant to N.J.S.A. 48:3-93.1 et seq. and N.J.A.C. 14:4-6.1 et seq. will increase competition for the provision of electric power to residential and non-residential users, thereby increasing the likelihood of lower electric rates for these users without causing any interruption in service; and

**WHEREAS**, the Millburn Township Committee is interested in ensuring that a greater percentage of energy provided by the Program comes from renewable energy sources, and will therefore include provisions for the inclusion of renewable energy in the proposals for energy aggregation services; and

**WHEREAS**, the purchase of renewable energy will reduce the dependence on fossil fuels and under the aggregation process the residential and non-residential ratepayers will likely receive a direct reduction in their electric bills; and

**WHEREAS**, the realization of energy cost savings is in the interests of the health, safety and welfare of the residents and non-residents of the Township of Millburn ("Township"); and

**WHEREAS**, the Township Committee hereby finds that it is in the best interests of residential and non-residential ratepayers for the Township to create the opportunity for them to enter into an aggregation agreement in order to seek savings on electric rates.

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

1. The Township publicly declares its intent to become an aggregator of electric power on behalf of its residential users of electricity pursuant to the Government Energy Act of 2003, N.J.S.A. 48:3-91.3 to -98, and implementing regulations.
2. The Mayor and Township Clerk are hereby authorized and directed to execute any documents necessary to carry out the purpose of the Ordinance.
3. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
4. If any portion of this ordinance shall be deemed invalid by any court of competent jurisdiction, the remainder shall survive in full force and effect.
5. This ordinance shall be effective immediately upon adoption and publication in accordance with law.

**Ordinance 2577-21**

Mr. Wasserman brought forth Ordinance 2577-21 for introduction. An explanatory statement about the ordinance was made by Mr. McDonald.

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Ms. Miggins asked if the current businesses had completed the requirements outlined in the ordinance. Mr. McDonald stated that he was not aware of the prior process; however, the process stated on Ordinance 2577-21 would be required.

Ms. Thall Eglow asked if the nearby towns had the same requirements that Millburn Township has in regards to the 125ft buffer requirement and if drive thru windows were allowed in the township. She asked if the township allowed fast food restaurants.

Mr. McDonald stated that drive thru windows were currently not allowed in the township and pointed out that, no, the nearby towns did not have the same requirements as Millburn of 125ft buffer. He reviewed the zoning regulations.

Mr. Wasserman asked if safety concerns had been implemented in the ordinance. Mr. McDonald stated that yes, safety precautions had been implemented and included in order to protect the township residents and businesses.

Mr. Wasserman moved the ordinance to be taken up as amended and passed on first reading noting that the public hearing would take place on June 1, 2021. Ms. Thall Eglow seconded the motion. Mayor Prupis requested a roll call vote.

Roll Call Vote: All Ayes

ORDINANCE 2577-21

ORDINANCE AMENDING AND SUPPLEMENTING THE TOWNSHIP OF MILLBURN DEVELOPMENT REGULATIONS AND ZONING ORDINANCE

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", Section 606 "Zone Requirements", is hereby amended and supplemented as follows (additions are underlined and deletions appear as strike-throughs).

606.6 Highway Business B-2

b. Permitted Principal Uses

2. Offices, including co-working or shared work space, and financial institutions.

11. Restaurants, fast food restaurants, retail food establishments, brewpubs and eating and drinking places provided the closest part of any structure so used, exclusive of parking and loading areas, is not less than 125 feet from the nearest lot line of a single-family dwelling in a Residential District, except that no such requirement shall apply where said lot line is separated by a street or railroad right-of-way. Drive-up windows shall not be permitted.

d. Conditional Uses. Restaurants, fast food restaurants, retail food establishments, brewpubs and eating and drinking places provided where the closest part of the structure is not less than 125 feet from the nearest lot line of a single-family dwelling in a Residential District, except that no such requirement shall apply where said lot line is separated by a street or railroad right-of-way. Drive-up windows shall not be permitted. This Section 606.6d shall apply only to lots abutting on primary and secondary roadways as shown in the Traffic Circulation Plan Element of the Master Plan. The following conditional use standards shall apply:

1. All refuse shall be stored either within the building or within an enclosed area that is screened from view of adjacent residential dwellings by landscaping, fencing or both and is located outside of a required buffer area. Any refuse stored outside of the building shall be enclosed in durable containers with a latching or locking

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- mechanism.
- 2. Development shall comply with the buffer requirements established under §609.3 herein.
- 3. Commercial grade air filtration/odor reduction devices shall be employed to minimize odors from on-premises cooking/frying. Hoods shall be designed in accordance with the International Mechanical Code (IME), Chapter 507 and shall be designed to capture and confine cooking vapors and residues through a filtering device.
- 4. Site lighting shall not be located within a required buffer and shall be designed to avoid up-lighting or a halo effect with fixtures incorporating shields/cut-offs to prevent spillage on to adjacent residential properties.
- 5. The customer entrance shall be from the front of the building (i.e., facing the street).
- 6. No outdoor seating shall be permitted in the rear of the building.

606.6.1 Neighborhood Business B- 3

b. Permitted Principal Uses

- 8. Restaurants, fast food restaurants, retail food establishments and eating and drinking places provided the closest part of any structure so used, exclusive of parking and loading areas, is not less than 125 feet from the nearest lot line of a single-family dwelling in a Residential District, except that no such requirement shall apply where said lot line is separated by a street or railroad right-of-way. This Section shall apply only to lots abutting on primary and secondary roadways as shown in the Traffic Circulation Plan Element of the Master Plan. Drive-up windows shall not be permitted.
- d. Conditional Uses. Restaurants, fast food restaurants, retail food establishments and eating and drinking places ~~provided where~~ provided where the closest part of the structure is ~~not~~ less than 125 feet from the nearest lot line of a single-family dwelling in a Residential District except that no such requirement shall apply where said lot line is separated by a street or railroad right-of-way. This Section 606.61d shall apply only to lots abutting on primary and secondary roadways as shown in the Traffic Circulation Plan Element of the Master Plan. Drive-up windows shall not be permitted. The following conditional use standards shall apply:
  - 1. All refuse shall be stored either with the building or within an enclosed area that is screened from view of adjacent residential dwellings by landscaping, fencing or both and is located outside of a required buffer area. Any refuse stored outside the building shall be enclosed in durable containers with a latching or locking mechanism.
  - 2. Development shall comply with the buffer requirements established under §609.3 herein.
  - 3. Commercial grade air filtration/odor reduction devices shall be employed to minimize odors from on-premises cooking/frying. Hoods shall be designed in accordance with the International Mechanical Code (IME), Chapter 507 and shall be designed to capture and confine cooking vapors and residues through a filtering device.
  - 4. Site lighting shall not be located within a required buffer and shall be designed to avoid up-lighting or a halo effect with fixtures incorporating shields/cut-offs to prevent spillage on to adjacent residential properties.
  - 5. The customer entrance shall be from the front of the building (i.e., facing the street).
  - 6. No outdoor seating shall be permitted in the rear of the building.

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606.7 Central Business B-4

b. Permitted Principal Uses

- 4. Offices, including co-working or shared work space, but not on the street level. For the purposes of this restriction, travel agency, opticians, local newspaper offices substantially serving Township residents, and real estate sales and insurance offices shall not be considered offices and are permitted to locate on the street-level floor.
- 9. Restaurants, fast food restaurants, retail food establishments, brewpubs and eating and drinking places provided the closest part of any structure so used, exclusive of parking and loading areas, is not less than 125 feet from the nearest lot line of a single-family dwelling in a Residential District, except that no such requirement shall apply where said lot line is separated by a street or railroad right-of-way. Drive-up windows shall not be permitted.
- 10. Theaters
- 11. Museums

d. Conditional Uses. Restaurants, fast food restaurants, retail food establishments brewpubs and eating and drinking places provided where the closest part of the structure is not less than 125 feet from the nearest lot line of a single-family dwelling in a Residential District except that no such requirement shall apply where said lot line is separated by a street or railroad right-of-way. Drive-up windows shall not be permitted. This Section 606.6d shall apply only to lots abutting on primary and secondary roadways as shown in the Traffic Circulation Plan Element of the Master Plan. The following conditional use standards shall apply:

- 1. All refuse shall be stored either with the building or within an enclosed area that is screened from view of adjacent residential dwellings by landscaping, fencing or both and is located outside of a required buffer area. Any refuse stored outside the building shall be enclosed in durable containers with a latching or locking mechanism.
- 2. Development shall comply with the buffer requirements established under §609.3 herein.
- 3. Commercial grade air filtration/odor reduction devices shall be employed to minimize odors from on-premises cooking/frying to adjacent properties. Hoods shall be designed in accordance with the International Mechanical Code (IME), Chapter 507 and shall be designed to capture and confine cooking vapors and residues through a filtering device.
- 4. Site lighting shall not be located within a required buffer and shall be designed to avoid up-lighting or a halo effect with fixtures incorporating shields/cut-offs to prevent spillage on to adjacent residential properties.
- 5. The customer entrance shall be from the front of the building (i.e., facing the street).
- 6. No outdoor seating shall be permitted in the rear of the building.

607.4 Waiver of Parking Requirements in the B-4 District. In the B-4 district, where the number of off-street parking spaces does not satisfy the requirements established under Section 607.2 herein and there is a change of occupancy or use but no physical expansion of the building, there shall be no requirement to provide additional off-street parking spaces above what already exists on the lot. there shall be no requirement to provide off-street parking spaces for any use of land or building legally existing on the date of adoption of this amendment or for a change use which would not result in any increased off-street parking requirement in accordance with the standards set forth above; provided, however, that existing parking

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~~spaces on such premises are maintained or alternate parking spaces are established to replace them subject to Planning Board or by Zoning Board of Adjustment approval. Any existing requirements for the provision of off-street parking spaces including requirements to purchase municipal parking permits, which may have been previously approved by the Board having jurisdiction, shall continue in full force and effect unless modified by the parties thereto. For the purpose of this requirement, any existing floor space which may be vacant on the date of the adoption of this amendment shall be considered to have been in use for the purpose for which it has last been used prior to becoming vacant. If the use of any existing premises is changed in such a way as to increase the minimum number of required off-street parking spaces in accordance with the standards as set forth herein, the applicant shall be required to purchase municipal parking permits for such increased number of required off-street parking spaces.~~

Mayor Prupis called for a brief recess.

**Old Business**

Flex Parking Removal Update

Mr. Moehlman presented a 2018 survey pertaining to flex parking being removed and the usage of flex parking in the township.

Mayor Prupis stated that the survey information showed that the township could not move forward with the removal of flex parking as the result of the survey was neutral and did not solidify the removal of flex parking at the present time.

Ms. Thall Eglow advised that she is opposed to keeping flex parking and would like this to be reviewed further. She asked that the township consider the removal of flex parking for August, 2021.

Mr. Vinayak agreed with Ms. Thall Eglow and pointed out that he was open to hear more about the topic.

Ms. Miggins asked if the decision of removing flex parking should wait as the two-way project was currently in the works. She voiced her concern on postponing this project for the future. Mr. McDonald stated that he would need additional time to gather all the information in order to address Ms. Miggins questions. He stated that the survey should be considered as the merchants had voiced opposition to the removal of flex parking.

Mr. Wasserman asked if the removal of flex parking would be considered, how long would the removal take and what would be the approximate cost. Mr. McDonald advised that the timing depended on how soon the bid was open for and how much time would be allocated for removal of flex parking. The cost would depend on what the project entailed.

Mr. Vinayak stated that if the removal of flex parking was being considered, that it should be done sooner rather than later.

Mr. Wasserman asked for additional information to be provided for the consideration of the removal of flex parking to be presented to the Committee.

Mayor Prupis asked for the flex parking removal discussion to be placed on an upcoming Committee meeting agenda in order to further discuss.

General Code Updates

Mr. McDonald stated that the general code draft ordinances being discussed would be provided to the Committee as promptly as possible for review. He stated that the proposed ordinances discussed noise, rodents and business parking permits in the B4 district. He advised that each ordinance would require businesses to complete a health application and have a rodent abatement plan. It also discussed the outdoor seating and noise as well as the permitting times of outdoor seating and noise. He added that the ordinances would also review the process of parking permits in the B4 district which would require verification of employees requiring permits. Further information would be provided at the upcoming meeting to assist the Committee during their review.

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Development Review Subcommittee

Ms. Miggins reported that the Development Review Subcommittee would like individuals from the Zoning Board of Adjustment, Shade Tree Commission, an Attorney, Planning Board, a Planner, Historic Preservation Commission and Engineering to review the scope of the subcommittee currently being proposed. She asked if a resolution would be required to create the subcommittee.

Mr. Vinayak asked why an attorney was required for the subcommittee and questioned the cost to the township.

Mr. Falcon reviewed the need for counsel.

Ms. Miggins stated that applicants not wanting the subcommittee to review the application, were not required to submit the application to the subcommittee. She added that the subcommittee would provide assistance in assuring the necessary documents and information were accurate prior to going before the Planning or Zoning Board of Adjustment.

Mr. Wasserman asked what amount of hours would be required to provide assistance to the subcommittee.

Mr. Falcon stated that the role of the subcommittee would have to be reviewed prior to answering the question.

Mayor Prupis stated that a resolution would be required and more detailed information would be needed prior to a decision being made.

Mr. Vinayak asked for the specific amount of hours the attorney would be working on the subcommittee.

No other old business was presented.

**New Business**

Mayor Prupis stated that school would reopen in the fall and that she would like everyone to start attending Township Committee meetings in person.

Mr. Vinayak stated that he would like to make sure that the township followed any recommendations made by the Health Department prior to coming back in-person and stopping all ZOOM meetings.

No other new business was presented.

**Public Comment**

Mayor Prupis made the following statement: "When invited to speak, please come to the lectern, 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](mailto: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."

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Mayor Prupis opened the public comment period.

Jeffery Feld, of 11 Alexander Lane, voiced his support for the technical review concept and provided suggestions to provide more transparency to the township or for the people to understand the budget process.

Nicolas Volpicelli, of 18 Overlook Terrace, asked for flex parking to be left alone. He thanked the Committee for leaving 125ft set back at Chatham Road and Glenwood. In regard to the fair share housing, he asked the Committee to review all solutions presented on affordable housing. He voiced his support for nuclear energy.

Oladimeji Owolabi, 46 Maple Street, stated that her previous questions were asking for clarity and were not meant as accusations.

Dave Cosgrove, 99 Oakview Terrace, asked for clarification of the changes to the proposed zoning ordinance. He voiced his support for the subcommittee to review the Zoning and Planning Board applications and asked for residents of areas being affected by application be allowed to join the subcommittee. He asked the Committee to be careful about avoiding immunity deadlines.

Mr. McDonald advised that revisions were made to the proposed zoning ordinance prior to being introduced by the Committee.

Lisa Reppert, submitted and read the following statement: "I am speaking on behalf of Ann Andreaggi, a Township resident for close to 60 years living at 10 Glenwood Drive. Last August 11, the Township Committee ("TC") listed similar proposed changes to the B3 Zone. At that time, the TC said they heard the residents and withdrew it. Case law clearly provides that the test is whether the zoning change in question is made with the purpose or effect of establishing or furthering a comprehensive zoning scheme calculated to achieve the statutory objectives or whether it is designed merely to relieve a lot of the burden of the restriction of the general regulation. At the last meeting the township attorney referred to the 2007 study prepared by the township as supporting the rewriting of this ordinance. However, that study specifically limited itself to downtown Millburn and maintaining "Millburn's small town character". The adopted Master Plan reexamination in 2018 clearly stated (p.18) again that only the downtown area was an "area in need of redevelopment" Back in 2020, this office served a limited OPRA request for all studies and documentation in support of rewriting the B3 zone ordinance; the only document produced was a memo to the business administrator ("BA") from Phillips Preiss dated 6-16-20 stating he drafted the ordinance at Alex's request to write an ordinance that allowed fast-food restaurants and eating and drinking establishments in the Township's B-2, B-3 and B-4 districts as a permitted principal use. This is spot zoning at its best under the law and is clearly done by a rogue business administrator who for unknown reasons is attempting to cover illegal activities in this zone. Case law clearly states that it is zoning officials who determine whether or not a conditional use application is required."

Beatrice Shear, of 101 Oakview Terrace, asked for clarification of parking being permitted on either Chatham or Woodland Road as she felt it would be a terrible idea because it would exacerbate safety concerns in the area.

Sara Sherman, of 42 Greenwood Drive, asked the Committee to consider the removal of flex parking and asked questions pertaining to the funding of lights in the library field.

Debra Nevas, of 65 Knollwood Road, voiced her support for the development subcommittee.

Perri Urso, of 514 Millburn Avenue, asked when the broadcasting of the Planning, Zoning, Board of Education and the Township Committee meetings had stopped and when it would resume on cable television. She asked that Ms. Miggins apologize for falsely mentioning that her business was involved in a lawsuit against the township. She voiced her opposition to the SID and stated the township should be responsible for the vacancy rate.

Michael Shepherd, of 7 Canterbury Lane, voiced his opposition to Ordinance 2577-21 and the allowance for food and drinks establishments within 125 feet of residential properties. He stated the property values and quality of life along the areas would be negatively impacted.

Meryl Lee Riesebeck, of 91 Whittingham Terrace, voiced her support for the SID and advised there were many residents who did also support the SID, contrary to the recent comments made. In

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regard to the flex parking she asked that the Committee to please remove flex parking. She stated she concurred with Ms. Thall Eglow with regard to the cost of legal fees and found it interesting that the same individuals who spoke negatively about the attorney fees were the same individuals incurring the additional attorney charges. She asked if the township was the only nearby town with the 125ft requirements.

Jay Morreale, of 1 Claremont Drive, thanked Mayor Prupis and previous Mayor Lieberberg for their hard work and voiced his opposition and concerns to the Ordinance 2577-21 and asked for the 125ft to remain the same and hoped the Committee would reconsider his request.

Regina Truitt, of 385 Hartshorn Drive, asked if a resolution or ordinance would be recommended to use bird friendly construction material in order to protect the birds. She asked to please reconsider keeping the ZOOM meeting as the COVID-19 rates were going up once again. She echoed support for the subcommittee, the SID and the removal of flex parking.

Dominique Urso, of 514 Millburn Avenue, asked how the Committee expected people to know how to split the screen to see the time when calling in. She asked about the missing speed bump from her previous comment at the previous meeting.

Cary Heller, of 343 Millburn Avenue, voiced his support to remove flex parking and reviewed the history behind the parking and advised it could be done within 3-4 weeks.

Fran Feld, of 948 Ridgewood Road, supported the removal of flex parking and stated that the flex parking had created a bad image for the township.

Jean Pasternak, of 342 Hobart Avenue, asked about non-profit groups participating in the FAME event and how other groups could apply to participate in the Memorial Day event. Regarding the flex parking, she advised that a better survey should be created to receive better input from the community. She informed residents that written comments could be submitted to the Township Clerk and was a great option to voice concerns. She stated that having a split screen was very difficult for some residents. She asked Mr. McDonald if additional businesses had the same issue as on 514 Millburn Avenue. She asked Mr. Wasserman if he did a survey pertaining to the SID.

Nancy Stone, of 10 Fielding Road, recalled about several checks from the dissolved SID (DMDA) and stated that the checks were made out to the Beautification League and the other for the Chamber of Commerce. She was awaiting the check for the Chamber to be picked up to this day in order for it to be used by the correct people and to support the merchants of the town.

Mayor Prupis closed public comment. Mayor Prupis asked if any of the members of the Committee had any additional comments.

Ms. Thall Eglow stated that the parking on Chatham and Woodland was not changing. The turf field had been discussed and the needed funds would have to be reviewed. A resolution for bird windows to protect birds might have to come after a proper review and recommendation from the Environmental Commission. She questioned if a bid would be required for the cell tower if it would not take a lot of space on the open field currently available. She thanked all that showed support for the removal of flex parking.

Ms. Miggins responded to Ms. Stone's comment and asked Mr. Falcon if studies were needed to change ordinances. Mr. Falcon advised that studies were recommended but not required.

Mr. Wasserman reminded everyone of the Mother's Day Event and for everyone to stay local and support the event and the local shops.

Mr. Vinayak asked Mr. Falcon if there was a law that prohibited curb cuts. Parking at the library would be further discussed by the Board of Recreation at their upcoming meeting. He stated that the speed bumps were day to day matters handled by town hall and advised Ms. Urso to please contact town hall.

Mr. McDonald would look up Mr. Vinayak's question in the code and stated that in order to participate in the Memorial Day event, an invitation had to be sent from the organizers. He advise that he would report back on some matters at an upcoming meeting.

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Ms. Thall Eglow asked if fireworks would be held on July 4<sup>th</sup> and Mr. McDonald informed her that yes, fireworks would be held then.

**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 Ms. Thall Eglow. The meeting was adjourned at 10:50PM. Vote: All Ayes

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Christine A. Gatti, RMC  
Township Clerk

Approved: August 17, 2021