

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 and in person at 7:00 PM on May 18, 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 Sanjeev Vinayak and Richard J. Wasserman.

Also present were Business Administrator Alexander McDonald, Township Clerk Christine Gatti (remotely, via Zoom), Christopher Falcon, Township Attorney 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. Miggins and seconded by Mr. Wasserman.

Vote: All Ayes

Minutes

Mayor Prupis asked for a motion to approve the February 23, 2021, Regular Township Committee meeting minutes. The motion was made by Ms. Miggins and seconded by Ms. Thall Eglow.

Roll Call Vote: All Ayes.

Proclamations

Ms. Thall Eglow presented a Community Service Award Proclamation to the July 4th Millburn / Short Hill Committee for their volunteerism and hard work for the annual 4th of July event. Elaine Becker, Chair of the Community Service Award Committee, and Cory Biller, President of the 4th of July Committee, reviewed the background of the July 4th Committee and their service to the community and thanked the Committee for the Proclamation.

Reports

Mayor Prupis addressed the public and stated that the Sign Ordinance Subcommittee met and was working on a survey that would be sent to residents in the near future. She added that the Taylor Park Entrance Revitalization Subcommittee was continuing to work on the scope for a request for proposals for a landscape architect and reviewed upcoming meeting details. She reported that the Two-Way Traffic Investigation Subcommittee was scheduled to meet to review the traffic report to be presented to the Township Committee on June 6th. Mayor Prupis advised an open position was available to service on the Recreation Commission and encouraged those who wanted to volunteer to submit an application to the Township Clerk, Christine Gatti. She advised that the Environmental Commission was collaborating with the Short Hills Garden Club to help fund the Whittingham triangle pollinator garden. She added that the Environmental Commission would also host a home efficiency webinar which would and pointed out additional information would be forthcoming. She announced that the Township had diverted over 6,000 pounds of organic food waste from garbage with the composting pilot. She reported on an upcoming DPW Redevelopment Subcommittee meeting and advised that they were working on public engagement plans to provide information to the public.

Millburn Township Committee Meeting Minutes

Ms. Thall Eglow reported that Springfield would be part of the 911 Dispatch Program including EMS and Fire Dispatch with Millburn-Short Hills. She advised that the center would not require an additional dispatcher and the arrangement would be reviewed in a year before being renewed. She added that Springfield would pay a \$21,000 initiation fee and \$100,000 per year saving costs on the shared 911 dispatch services.

Ms. Miggins reported that the Millburn Library would close for renovations from July through October. She added that the township was searching for a pop-up location where the library could operate during the renovations. Residents were encouraged to provide inputs on available locations.

Mayor Prupis called for a quick recess.

Ms. Miggins announced that the Memorial Day Parade and Fourth of July celebrations were scheduled for 2021.

Mr. Wasserman reported that positions in local businesses, town hall and elsewhere were sought for the high school students participating in internship program. He encouraged residents to shop and stay local. Events would be held throughout the summer and they would include live music at the Paper Mill and in the park. He announced local events and advised that the Small Business Association had help available for restaurants.

Mr. Vinayak stated that sponsors were needed for the purchase of lights for the Library Turf Field. He stated that a position was currently available on the Recreation Board and anyone wishing to participate was welcome to submit a volunteer application.

Mr. Falcon advised that mediation meetings continued with the Judge pertaining to the Special Improvement District (SID) and updates would be provided once allowable by the court.

Mr. McDonald reported that discussions with the Department of Public Works and Ms. Urso pertaining to the speed bumps on Jarvis Lane had occurred and advised that two speed bumps in the lot have been put back and the additional one that Ms. Urso inquired about was being worked on to see if it was feasible to add. He reported that law enforcement has been increased on Millburn Avenue due to parking and traffic issues in the area. He reviewed some new parking and traffic plans. He stated that the Main Street closure was scheduled to be on Friday afternoons instead of Thursday afternoons and the full closure of Main Street for the summer would take place on June 24th until August 30th. He stated that commuter parking was looking to make adjustments to allow for additional all-day parking spaces in Lot 7 which was located at the Millburn Train Station. He added that the town was also looking at Lot 3 in the Short Hills Train Station to allow for all-day parking for residents commuters. He announced that resident shopping permits were available for downtown shopping or wherever there were meters. The permit was \$40.00.

Mayor Prupis stated that Zoom Township Committee meetings would end in August 2021 and the Committee would return to in person meetings for the public.

Presentation

Presentation – Millburn Municipal Alliance Update by Heather Jenquine

Ms. Heather Jenquine, Millburn Municipal Alliance Coordinator, provided a summary of activities and services from the Millburn Municipal Alliance during 2021. She provided a summary of their funding which includes grants.

Millburn Exxon Service Station Remediation Update by Mr. Jeffrey Powley, TRC

TRC Environmental Corporation remediation expert Jeffrey Powley provided a brief update and history of the former Exxon site remediation project. He stated that soil samples from the site have shown improvement after soil delineation into the ground and the next step is to monitor the soil every six months or annually.

Millburn Township Committee Meeting Minutes

Ms. Thall Eglow asked who was covering the cost of TRC. Mr. Powley stated that the township is covering the costs. Mr. Vinayak asked how long would the process take. Mr. Powley stated that the time and process depended on how long it takes for the permits to be issued and how long the land will be monitored.

Mr. Vinayak asked how many times the land needed to be inspected and what the cost would be for the township. Mr. Powley stated the cost depended on the test on soil and water but estimated the cost to be between \$50,000.00 in total.

Ms. Thall Eglow asked why Exxon was not responsible for the cost. Mr. Powley stated that the land belongs to the township therefore the township covers the cost of remediation. He added that the previous budgeted amount for the project had changed and TRC was asking for an additional funding in the amount of \$14,000.00 which included the cost of the DEP applications.

Joanne Vos, township legal counsel, provided a history of the land remediation and the litigation process that the township had gone through since the Exxon spill. She reviewed the townships legal responsibility for the remediation cost.

Mr. Vinayak asked if any township employees were involved in the remediation process. Mr. McDonald stated that the Township Engineer was involved.

Mr. Vinayak voiced his desire of having a Committee member be a part of the remediation process of the site. Ms. Vos stated the Township Engineer had been involved in the process since the beginning and Mr. Powley was the licensed expert advising the township. However, she would further discuss Mr. Vinayak's concern with the Township Engineer.

Mr. Powley reported that TRC continued to focus on the best cost effective option for the township. Mr. Vinayak thanked Mr. Powley for his information and advised him of his desire to having someone from the Township Committee be involved.

Ms. Thall Eglow noted that the remediation was very costly. Ms. Miggins asked if the testing and the current process was required by the DEP. Mr. Powley stated yes and noted that everything presented and being done was required by the DEP.

Mr. Vinayak asked the Township Administrator to have a township employee review the quarterly reports from TRC and provide the Township Committee continued information on the matter.

Community Energy Aggregation from Concord Energy Services

Vicki Molloy, Vice President of Concord Energy Services and the representative at Hunterdon County, presented and provided a history of Concord Energy Services and explained that Concord Energy Services was a program with fix rates which would be available to everyone in Millburn Township except those using solar power. She advised reviewed the process and what would be required from the Township of Millburn in order to participate in the Concord Energy Services. She advised that the service was set up for residents to have the ability to opt-out within 30 days as per a contract with the company and the township. She added that Concord Energy Services would provide various ways for residents to opt-out such as an opt-out postcard which would have a barcode to facilitate the process or they could opt-out online. She stated there would be a phone number where they could call to ask any questions or report any concerns they might have regarding the Concord Energy Service program. She reported on savings for users.

Mr. McDonald advised that if agreeable to the Committee the changes would commence once the ordinance was adopted. Ms. Thall Eglow voiced her excitement for the program.

Mr. Vinayak asked Ms. Molloy if they offered nuclear programs. Ms. Molloy advised that New Jersey is currently subsidizing all nuclear plants therefore, Concord Energy Services had a large amount of nuclear plants access. Ms. Miggins asked if the rates would be fixed for one year. Ms. Molloy reviewed the rates.

Ms. Miggins asked what the benefits would be for the Township of Millburn under Concord Energy Services. Ms. Molloy advised that the prices under Concord Energy Services would be around a penny

Millburn Township Committee Meeting Minutes

and half cheaper than the current prices on electricity which would average out to around \$6-\$15 savings per household on a monthly basis.

Ms. Miggins asked if the township would be reimbursed in any way from Concord Energy Services. Ms. Molloy stated that the township would not receive any reimbursements under the contract with Concord Energy Services. She added that the Contract would benefit the residents of the Township of Millburn. A discussion ensued between Ms. Miggins and Ms. Malloy

Ms. Thall Eglow stated that several other municipalities used aggregation programs to save the residents money on energy cost.

Mr. McDonald stated that the aggregation would also provide an opportunity for the township to participate in the green energy program.

Public Comment – Consent Agenda

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

Ms. Thall Eglow asked in regard to Resolution 21- 143 if the poles would be Wi-Fi enabled. Mr. McDonald stated that at the present time the poles would have the possibility to become Wi-Fi enabled.

Mayor Prupis opened public comment.

Oladimeji Owolabi, of 46 Maple Street, questioned the estimated tax bill and the snow removal budget. She requested clarification on various bills list items.

Jeffery Feld, of 11 Alexander Lane, asked various questions pertaining to the bill list. He further asked who was holding up the tax bill certification and what component of the taxes were increased. He reminded the Committee that he asked prior about what steps were being taken to compel the county to collect all long-term tax exemptions. He voiced his concern in regard to Mr. Buzak’s representation in the Fair Share Housing since he was also the Board Attorney.

Jean Pasternak, of 342 Hobart Avenue, congratulated a resident who participated in the Olympics. She asked if monthly, quarterly estimates and actual budgets would be provided so residents could compare them. She asked if the Beehive zoning litigation was obtained and what the cost was and how much did Millburn Township pay the municipal attorney to investigate whether the Buzak Firm and Mayor had a conflict of interest in representing and being involved in the Township of Millburn on the Fair Share Housing matter.

Nancy Stone, of 10 Fielding Road, asked if Resolution 21-146 affected the drinking water of the town and if the town knew what tanks contaminated the soil at Exxon. She asked about the actual budget and the differences from the estimated budget and if there were over payments.

No other comments or questions were presented.

Ms. Thall Eglow stated that the Exxon contamination on soil did not affect the drinking water.

Mr. McDonald reviewed the need for an estimated tax bill. As per Beehives, no special litigation was obtained; therefore, no additional cost was obtained. Mr. McDonald pointed out that payments made for 2020 bills were usually submitted after the end of the year such as for snow removal and salt.

Mr. Vinayak pointed out that municipal taxes were not increased in 2021.

Mayor Prupis asked Mr. Falcon to advise if Mr. Buzak representing the township for Fair Share Housing is a conflict of interest.

Mr. Falcon stated that no, there was no conflict of interest and should any information stating otherwise arise, to contact his office with the information for review. He provided an update on the settlement agreement with the Chai Center.

Millburn Township Committee Meeting Minutes

Consent Agenda

Mayor Prupis asked for a motion to approve the items on the consent agenda Resolutions 21-138– 21-150. Mr. Wasserman made a motion to approve the consent agenda resolutions which was seconded by Mr. Vinayak.

Roll Call Vote: All Ayes

**RESOLUTION 21-138
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 18th, 2021, in the following accounts:

General Fund	\$	282,199.06
Capital Fund		9,110.18
Parking Utility - Operating Fund		27,553.42
Dog Fund Trust		118.20
Escrow Trust Fund		2,181.52
Police Off Duty Trust Fund		51,976.00
SUI Trust Fund		801.73
PATFA II		4,436.00

**RESOLUTION 21-139
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>
Blau & Blau Attorneys & Vivian Steinberg 223 Mountain Ave Springfield, NJ 07081 Block 3803 Lot 24 205 Parsonage Hill Rd	Tax Appeal 2019 Taxes (\$1,721.56) 2020 Taxes (\$1,717.99)	\$ 3,439.55
Wolf Vespasiano LLC Attorney Trust Account and Frank & Jane Barone 331 Main Street Chatham, NJ 07928 Block 3704 Lot 18 246 Dale Dr.	Tax Appeal 2017 Taxes (\$1,919.10) 2018 Taxes (\$1,966.67) 2019 Taxes (\$1,995.62) 2020 Taxes (\$593.21)	\$ 6,474.60
Wolf Vespasiano LLC Attorney Trust Account and David & Melissa Brown 331 Main Street Chatham, NJ 07928 Block 2604 Lot 4 25 Sinclair Terrace	Tax Appeal 2018 Taxes (\$2,615.25) 2019 Taxes (\$2,653.75) 2020 Taxes (\$2,648.25)	\$7,917.25
Wolf Vespasiano LLC Attorney Trust Account and Sergei & Elena Brylin 331 Main Street Chatham, NJ 07928 Block 3704 Lot 5	Tax Appeal 2019 Taxes	\$4,479.53

Millburn Township Committee Meeting Minutes

32 Robert Drive

Wolf Vespasiano LLC	Tax Appeal	\$6,362.83
Attorney Trust Account and	2017 Taxes	
David B. Croman	(\$2,373.82)	
331 Main Street	2018 Taxes	
Chatham, NJ 07928	(\$1,806.90)	
Block 1403 Lot 16	2019 Taxes	
2 Woodcrest Ave	(\$1,833.50)	
	2020 Taxes	
	(\$348.61)	

Wolf Vespasiano LLC	Tax Appeal	\$1,397.32
Attorney Trust Account and	2019 Taxes	
Charles & Anna L. Dwyer		
331 Main Street		
Chatham, NJ 07928		
Block 1604 Lot 26		
114 Hobart Ave		

Wolf Vespasiano LLC	Tax Appeal	\$10,987.10
Attorney Trust Account and	2019 Taxes	
Todd G. & Amy R. Finegold	(\$4,294.25)	
331 Main Street	2020 Taxes	
Chatham, NJ 07928	(\$6,692.85)	
Block 2602 Lot 6		
59 Fairfield Dr		

Wolf Vespasiano LLC	Tax Appeal	\$1,930.00
Attorney Trust Account and	2019 Taxes	
Gail P. Gamboni		
331 Main Street		
Chatham, NJ 07928		
Block 2306 Lot 8		
11 Jefferson Ave		

Wolf Vespasiano LLC	Tax Appeal	\$7,675.61
Attorney Trust Account and	2019 Taxes	
Scott & Stephanie Hoffman		
331 Main Street		
Chatham, NJ 07928		
Block 4101 Lot 66		
48 Great Hills Terrace		

Wolf Vespasiano LLC	Tax Appeal	\$5,518.58
Attorney Trust Account and	2018 Taxes	
Christopher M. Grace	(\$1,687.07)	
331 Main Street	2019 Taxes	
Chatham, NJ 07928	(\$2,194.41)	
Block 101 Lot 5	2020 Taxes	
61 Sagamore Rd	(\$1,637.10)	

Wolf Vespasiano LLC	Tax Appeal	\$4,347.76
Attorney Trust Account and	2019 Taxes	
Ralph & Laurene Inglese	(\$3,161.34)	
331 Main Street	2020 Taxes	
Chatham, NJ 07928	(\$1,186.42)	
Block 3003 Lot 8		
174 Highland Ave		

Wolf Vespasiano LLC	Tax Appeal	\$6,251.80
Attorney Trust Account and	2020 Taxes	

Millburn Township Committee Meeting Minutes

Thea J. Lewis, (Revocable Trust)
 331 Main Street
 Chatham, NJ 07928
 Block 2202 Lot 5
 40 Minnisink Rd

Valerie Hofer, Esq Trust Account & Sybil Jayson (Irrevoc Trust) Valerie Hofer Law Office PO Box 787 Montville, NJ 07045 Block 4502 Lot 2 1 Barry Lane	Tax Appeal 2017 Taxes (\$2,373.82 2018 Taxes (\$2,432.66) 2019 Taxes (\$4,969.75)	\$9,776.23
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**RESOLUTION 21-140
 AUTHORIZE THE CANCELLATION OF SEWER CHARGE**

NOW, THEREFORE BE IT RESOLVED that the Millburn Township Committee authorize the Tax Collector to cancel the 2021 sewer charges listed below.

<u>Block</u>	<u>Lot</u>	<u>Location</u>	<u>No. of Units</u>	<u>Reason</u>	<u>Amount</u>
4206	4	470 Old Short Hills Rd	1	single family dwelling	\$176.00

**RESOLUTION 21-141
 AUTHORIZE THE REFUND OF SEWER OVERPAYMENTS**

NOW, THEREFORE BE IT RESOLVED that the Treasurer of the Township of Millburn be and is hereby authorized and directed to the draw warrants to pay the payees listed below in the specified amounts;

<u>Make check payable to:</u>	<u>Type</u>	<u>Amount</u>
Stephen & Louise Horgan 25 Greenwood Dr Millburn, NJ 07041 Block 504 Lot 18 25 Greenwood Dr.	2021 Sewer Duplicate pymt Sewer overcollection	\$176.00
Brett & Jill Krasnove 73 Tennyson Dr Short Hills, NJ 07078 Block 5201 Lot 40 73 Tennyson Dr.	2021 Sewer Overpayment Sewer overcollection	\$176.00
Andrew & Maggie Silverman 39 Nottingham Rd Short Hills, NJ 07078 Block 2304 Lot 3 39 Nottingham Rd.	2021 Sewer Overpayment Sewer overcollection	\$176.00
Xiaojing Dong & Xiaonan Huang 92 Cypress St Millburn, NJ 07041 Block 206 Lot 18 92 Cypress St.	2021 Sewer Duplicate pymt Sewer overcollection	\$176.00

**RESOLUTION 21-142
 AUTHORIZE MILLBURN TOWNSHIP TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN
 ACCORDANCE WITH P.L. 1994, c.72**

Millburn Township Committee Meeting Minutes

WHEREAS, the Township of Millburn introduced the budget on April 20, 2021 and the Essex County Board of Taxation is unable to certify Millburn’s tax rate at this time and the Millburn Township Tax Collector will be unable to mail the Township’s final 2021 tax bills on a timely basis;

WHEREAS, the Millburn Township Tax Collector in consultation with the Millburn Township Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54: 4-66.3, and they have both signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MILLBURN, IN THE COUNTY OF ESSEX AND STATE OF NEW JERSEY on this 18th day of May, 2021, as follows:

- 1. The Millburn Township Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Township for the third installment of 2021 taxes.
2. The entire estimated tax levy for 2021 is hereby set at \$190,594,815.19.
3. In accordance with law the third installment of 2021 taxes shall not be subject to interest until the later of August 7th or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

RESOLUTION 21-143
APPROVAL TO APPLY AND OBTAIN GRANT FROM NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS FOR A LOCAL RECREATIONAL IMPROVEMENT PROJECT

WHEREAS, the Township of Millburn desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$ 132,500.00 to carry out a project to add Taylor Park light fixtures to enhance safety and enjoyment of the park and to promote use of paths which connect neighborhoods to the Downtown area;

NOW, THEREFORE, BE IT RESOLVED that Township of Millburn, in the County of Essex, State of New Jersey:

- 1.) does hereby authorize the application for such a grant; and
2.) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Millburn and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED that the Millburn Township Mayor and Municipal Clerk are hereby authorized to sign the application, and that they or their successors in said titles are authorized to the sign the agreement, and other documents necessary in connection therewith.

RESOLUTION 21-144
REJECTING BIDS RECEIVED FOR
“SHORT HILLS WESTBOUND PLATFORM BARRIER FREE ACCESS”

WHEREAS, the Township of Millburn (the “Township”) received two sealed bids on December 1, 2020 in response to its advertisement for the receipt of bids for the “Short Hills Westbound Train Station Barrier Free Access Ramp” project; and

WHEREAS, the amounts of the bids received for the “Short Hills Westbound Train Station Barrier Free Access Ramp” are set forth as follows:

Table with 2 columns: Bidder, Bid Amount. Rows include D.S. Meyer Enterprises, LLC (\$64,250.00) and 2 North Street, Suite 2A (Alt. #1 \$59,400.00).

Millburn Township Committee Meeting Minutes

Waldwick, New Jersey 07463

Automatic Door Systems \$94,380.00
86 Portete Avenue Alt. #1 \$91,880.00
North Arlington, New Jersey 07031

WHEREAS, the bid of D.S. Meyer Enterprises, LLC was deemed not responsive; and

WHEREAS, the bid of Automatic Door Systems substantially exceeds the pre-bid cost estimate; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-13.2, permits the rejection of bids for the reasons listed;

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

- 1. The Township Committee hereby rejects the bid of D.S. Meyer Enterprises, LLC for the "Short Hills Westbound Train Station Barrier Free Access Ramp" because the bid was not responsive because all the required paperwork was not submitted.
2. The Township Committee hereby rejects the bid of Automatic Door Systems for the "Short Hills Westbound Train Station Barrier Free Access Ramp" because the bid substantially exceeds the pre-bid cost estimate for the goods or services.
3. The Business Administrator is authorized and directed to forward notice of rejection to D.S. Meyer Enterprises, LLC and Automatic Door Systems and return their respective bid securities.
4. The Township's staff and consultants are hereby authorized and directed to take all other actions necessary or desirable to effectuate the terms and conditions of this Resolution.
5. This Resolution shall take effect immediately.

RESOLUTION 21-145
AUTHORIZE EXECUTION OF CONTRACT FOR
IMPROVEMENTS TO PEDESTRIAN BRIDGES AT TAYLOR PARK PROJECT

WHEREAS, the Township of Millburn (the "Township") received two sealed bids on April 27, 2021 in response to its advertisement for the receipt of bids for the "Improvements to Pedestrian Bridges at Taylor Park" project; and

WHEREAS, the bid prices for the bids received on April 27, 2021 for the "Improvements to Pedestrian Bridges at Taylor Park" project are as follows:

Bidder

- 1. CMS Construction, Inc.
Total Base Bid Amount: \$71,350.00
Alt. #1: \$45,000.00 Alt. #3: \$22,000.00
Alt. #2: \$12,600.00 Alt. #4: \$43,500.00
2. Zenith Construction Services
Total Base Bid Amount: \$313,350.00
Alt. #1: \$110,000.00 Alt. #3: \$210,000.00
Alt. #2: \$22,500.00 Alt. #4: \$230,000.00

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

WHEREAS, CMS Construction, Inc., 521, North Avenue, Plainfield, NJ, 07060, is the lowest responsible bidder, as determined by the Millburn Township Recreation Director and Project Engineer, M.

Millburn Township Committee Meeting Minutes

Disko Associates, and the submitted bid 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 CMS Construction, Inc. in the base bid amount of \$71,350.00 plus Alt. #3 in the total amount of \$1,500.00 (*note*: when exercising Alt. #3, there will be a corresponding deduction in Alt. #3 amount of \$20,500.00 from the base bid as per bid specifications);

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 18th day of May 2021 as follows:

1. The Township hereby awards the Contract for “Improvements to Pedestrian Bridges at Taylor Park” to CMS Construction, Inc., 521, North Avenue, Plainfield, NJ, 07060, as the lowest responsible bidder, in the amount not-to-exceed \$72,850.00 (base bid plus deducted Alt. #3) and the Mayor and Municipal Clerk are authorized to execute said Contract in a form acceptable by the Municipal Attorney.
2. The Business Administrator and staff are authorized and directed to execute any other necessary documentation and to take all other actions necessary or desirable to effectuate the terms and conditions of this Resolution.
3. 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 21-146

AUTHORIZING TRC ENVIRONMENTAL CORPORATION TO PERFORM CONTINUED REMEDIATION SERVICES TO ADDRESS ENVIRONMENTAL CONTAMINATION AT THE FORMER EXXON STATION LOCATED ON ESSEX AND MAIN STREETS AT BLOCK 701, LOT 6 ON THE TAX MAP OF THE TOWNSHIP OF MILLBURN

WHEREAS, by Resolution No. 13-129, the Township of Millburn (the “Township”) authorized the award of a contract to TRC Environmental Corporation (“TRC”) to provide the Township with Licensed Site Remediation Professional (“LSRP”) services and for the purpose of undertaking the remediation of the site located at the corner of Essex and Main Streets upon Block 701, Lot 6 on the Tax Map of the Township, more commonly known as the Former Exxon Station (the “Site” or the “Former Exxon Station Project”); and

WHEREAS, TRC has provided the Township with such LSRP services at the Site and in furtherance of same, TRC has conducted various environmental investigation and remediation activities pursuant to those proposals issued in or around April 2013, January 2014, May 2015, February 2018, and February 2020, each of which was authorized by Resolution of the Township Committee, namely, Resolution No. 13-129, Resolution No. 14-030, Resolution No. 15-113, Resolution No. 18-065, and Resolution No. 20-104, respectively; and

WHEREAS, TRC has submitted a proposal and change order request entitled “Change Order for Environmental Consulting and LSRP Services” (“Change Order Proposal”) dated February 9, 2021 which supplements the last proposal dated February 2020 and describes the necessity for an increase in the budget for the scope of work that was approved by Resolution No. 20-104 (the “February 2020 Proposal”); and

WHEREAS, as set forth in the Change Order Proposal, additional time and additional activities are necessary in order to fully complete the tasks that were initially set forth in the February 2020 Proposal

Millburn Township Committee Meeting Minutes

in order to, *inter alia*, comply with applicable rules and regulations, including but not limited to: revising the Groundwater Classification Exception Area (CEA), completing the Remedial Action Report, and undertaking an updated public notification process (collectively, the “Change Order Scope of Work”); and

WHEREAS, the Change Order Scope of Work requires an additional budget of \$14,000.00 to the budget of \$107,000.00 that was authorized for the February 2020 Proposal; and

WHEREAS, the Township desires to execute the Change Order Proposal attached hereto, as an amendment to the February 2020 Proposal and to the original agreement between the Township and TRC which was executed in or around April 2013, in order that TRC may undertake the Change Order Scope of Work and continue to investigate and remediate the environmental contamination at the Site in accordance and compliance with all applicable laws, rules and regulations.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millburn:

1. The Township Committee does hereby authorize TRC to perform the additional tasks set forth in the Change Order Proposal dated February 9, 2021 which are estimated to cost up to an additional \$14,000.00, thereby supplementing the February 2020 Proposal and the Township Committee’s authorization of same.
2. The Mayor or her designee is authorized to execute an amendment to the existing contract between the Township and TRC in substantially the form of the Change Order Proposal, which is deemed acceptable by the Township’s Attorney and which shall be on file and available for public inspection in the Office of the Township Clerk following the full execution of same.
3. Township staff and/or counsel are authorized and directed to undertake any tasks necessary to effectuate the purposes of this Resolution.
4. TRC shall be paid from funds appropriated for the purposes set forth herein in accordance with the duly adopted budget of the Township.
5. The Township Clerk is in receipt of a Certification that the funds referenced herein are available.
6. The Township Clerk is authorized and directed to cause a copy of this Resolution to be published in the official newspaper of the Township within ten (10) days of the date hereof.
7. This Resolution shall take effect immediately.

RESOLUTION 21-147

AUTHORIZING MUNICIPAL ALLIANCE GRANT CYCLE OCTOBER 2020-JUNE 2025

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Township Committee of the Township of Millburn, County of Essex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Committee has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Essex;

Millburn Township Committee Meeting Minutes

NOW, THEREFORE, BE IT RESOLVED by the Township of Millburn, County of Essex, State of New Jersey hereby recognizes the following:

- 1. The Township Committee does hereby authorize submission of a strategic plan for the Millburn Municipal Alliance grant for fiscal year 2020-2021 in the amount of:

Table with 2 columns: Category and Amount. Rows: DEDR (\$24,700.00), Cash Match (\$ 6,175.00), In-Kind (\$18,525.00)

- 2. The Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

RESOLUTION 21-148
AUTHORIZING EXECUTION OF GRANT AGREEMENT WITH THE ESSEX COUNTY MUNICIPAL ALLIANCE
(COUNTY OF ESSEX OFFICE OF ALCOHOLISM,
DRUG ABUSE AND ADDICTION SERVICES)

NOW THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Millburn in the County of Essex State of New Jersey, hereby authorizes the Business Administrator to execute the Municipal Alliance Grant Agreement with the County of Essex for the prevention, education and intervention of alcohol/drug abuse for citizens in the entire community in accordance with the approved Strategic Plan which shall begin July 1, 2021 through June 30, 2022.

RESOLUTION 21-149
AUTHORIZE EXECUTION OF STORM SEWER INDEMNIFICATION AGREEMENTS

NOW, THEREFORE BE IS RESOLVED that the Millburn Township Mayor and Township Clerk are hereby authorized to execute the Indemnification Agreement for Storm Sewer Connection for 91 Western Drive, Block: 2202, Lot: 9, as per the recommendation of the Superintendent of Public Works.

RESOLUTION 21-150
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:

Millburn Education Foundation

Resolutions

Resolutions 21-151, 21-152, 21-153

Resolution 21-151

Mayor Prupis brought forth Resolution 21- 151. Mayor Prupis asked if there were any comments or questions regarding Resolution 21-151.

Mr. Falcon advised that these sites were recommended to the Township Committee from the Millburn Township Historic Preservation Commission and review the process.

Ms. Miggins provided a brief history of the properties included and voiced her excitement and noted that the designations were important to protect the historical sites in Millburn Township.

Millburn Township Committee Meeting Minutes

Mr. Wasserman agreed that the resolutions were important to maintain and protect historic sites in the township.

Receiving no additional comments, Mayor Prupis asked for a motion to approve Resolution 21-151. Ms. Miggins made a motion to approve Resolution 21-151 which was seconded by Mr. Wasserman.

Roll Call Vote: All Ayes

RESOLUTION 21-151

REFERRING THE PROPOSED NOMINATION OF 358 WHITE OAK RIDGE ROAD, THE PARSIL FAMILY CEMETERY, AS A HISTORIC LANDMARK TO THE PLANNING BOARD FOR A REPORT AND RECOMMENDATION IN ACCORDANCE WITH THE HISTORIC PRESERVATION ORDINANCE

WHEREAS, by Resolution dated May 6, 2021, the Historic Preservation Commission recommended the following property as a Historic Landmark pursuant to Millburn Development Regulation Section 803.2(b):

358 White Oak Ridge Road (Parsil Family Cemetery) Block 4903 Lot 31; and

WHEREAS, The Historic Preservation Commission conducted a public hearing on the proposed recommendation and adopted a Resolution on May 6, 2021 recommending that the Parsil Family Cemetery located at 358 White Oak Ridge Road in Lot 31 of Block 4903 be designated as a local Historic Landmark;

NOW, THEREFORE, BE IT RESOLVED, by the Millburn Township Committee, in the County of Essex, that the Township Committee hereby refers the Historic Preservation Commission’s Resolution, and accompanying nomination report, to the Planning Board for a report and recommendation in accordance with Millburn Code Section 804.3(i), which report shall be provided to the Township Committee as soon as possible but not more than 60 days from the date of this Resolution.

Resolution 21-152

Mayor Prupis brought forth Resolution 21- 152. Mayor Prupis asked if there were any comments or questions regarding Resolution 21-152. Receiving none, Mayor Prupis asked for a motion to approve Resolution 21-152. Ms. Miggins made a motion to approve Resolution 21-152 which was seconded by Mr. Wasserman.

Roll Call Vote: All Ayes

RESOLUTION 21-152

REFERRING THE PROPOSED NOMINATION OF 363 WHITE OAK RIDGE ROAD, THE PARSIL HOUSE, AS A HISTORIC LANDMARK TO THE PLANNING BOARD FOR A REPORT AND RECOMMENDATION IN ACCORDANCE WITH THE HISTORIC PRESERVATION ORDINANCE

WHEREAS, by Resolution dated May 6, 2021, the Historic Preservation Commission recommended the following property as a Historic Landmark pursuant to Millburn Development Regulation Section 803.2(b):

363 White Oak Ridge Road (Parsil House) Block 4901 Lot 3; and

Millburn Township Committee Meeting Minutes

WHEREAS, The Historic Preservation Commission conducted a public hearing on the proposed recommendation and adopted a Resolution on May 6, 2021 recommending that the Parsil House located at 363 White Oak Ridge Road in Lot 3 of Block 4901 be designated as a local Historic Landmark;

NOW, THEREFORE, BE IT RESOLVED, by the Millburn Township Committee, in the County of Essex, that the Township Committee hereby refers the Historic Preservation Commission’s Resolution, and accompanying nomination report, to the Planning Board for a report and recommendation in accordance with Millburn Code Section 804.3(i), which report shall be provided to the Township Committee as soon as possible but not more than 60 days from the date of this Resolution.

Resolution 21-153

Mayor Prupis brought forth Resolution 21- 153. Mayor Prupis asked if there were any comments or questions regarding Resolution 21-153. Receiving none, Mayor Prupis asked for a motion to approve Resolution 21-153. Mr. Wasserman made a motion to approve Resolution 21-153 which was seconded by Ms. Miggins.

Roll Call Vote: All Ayes

RESOLUTION 21-153

REFERRING THE PROPOSED NOMINATION OF 155 MILLBURN AVENUE, THE HESSIAN HOUSE, AS A HISTORIC LANDMARK TO THE PLANNING BOARD FOR A REPORT AND RECOMMENDATION IN ACCORDANCE WITH THE HISTORIC PRESERVATION ORDINANCE

WHEREAS, by Resolution dated May 6, 2021, the Historic Preservation Commission recommended the following property as a Historic Landmark pursuant to Millburn Development Regulation Section 803.2(b):

155 Millburn Avenue (Hessian House) Block 401 Lot 5; and

WHEREAS, The Historic Preservation Commission conducted a public hearing on the proposed recommendation and adopted a Resolution on May 6, 2021 recommending that the Hessian House located at 155 Millburn Avenue in Lot 5 of Block 401 be designated as a local Historic Landmark;

NOW, THEREFORE, BE IT RESOLVED, by the Millburn Township Committee, in the County of Essex, that the Township Committee hereby refers the Historic Preservation Commission’s Resolution, and accompanying nomination report, to the Planning Board for a report and recommendation in accordance with Millburn Code Section 804.3(i), which report shall be provided to the Township Committee as soon as possible but not more than 60 days from the date of this Resolution.

ORDINANCE / SECOND READING AND CONSIDERATION OF ADOPTION

Ordinance 2574-21

Mr. Wasserman brought forth Ordinance 2574-21 for public hearing. A brief explanatory statement about the ordinance was made by Mr. McDonald.

Millburn Township Committee Meeting Minutes

Mayor Prupis opened the public hearing.

Jeffery Feld, of 11 Alexander Lane, asked for clarification on the budget and questioned where the remaining balance come from.

Mr. McDonald reviewed the budget and advised that the balance came from capital improvement funds.

Seeing there were no additional comments, Mr. Wasserman closed the public hearing.

Mr. Wasserman moved the ordinance to be taken up and passed on second reading and the ordinance be adopted. Mr. Vinayak seconded the motion. Mayor Prupis requested a roll call vote.

Roll Call Vote: All Ayes

ORDINANCE NO. 2574-21

CAPITAL ORDINANCE OF THE TOWNSHIP OF MILLBURN, IN THE COUNTY OF ESSEX, NEW JERSEY AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE TOWNSHIP, APPROPRIATING THEREFOR THE SUM OF \$1,624,700 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP

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

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

- (A) Fire Department
 (i) Acquisition of new fire apparatus and a new automotive vehicle, including original apparatus and equipment, consisting of (a) a tower ladder truck (partial funding) and (b) an SUV and (ii) acquisition of new additional or replacement equipment and machinery consisting of turnout gear.
 Estimated Cost: \$341,000
- (B) Department of Public Works ("DPW")
 Acquisition of new automotive vehicles, including original apparatus and equipment, consisting of dump trucks with plows and spreaders.
 Estimated Cost: \$320,000
- (C) Police Department
 (i) Undertaking of communication system upgrades, (ii) acquisition of new additional or replacement equipment and machinery consisting of body cameras and related equipment, (iii) acquisition of new information technology equipment consisting of a computer server and (iv) acquisition of a new automotive vehicle, including original apparatus and equipment, consisting of an SUV.
 Estimated Cost: \$210,000
- (D) Recreation
 Replacement of an awning and pool chairs at the Millburn Township Municipal Pool.
 Estimated Cost: \$17,200
- (E) General Improvements
 Undertaking of streetscape improvements in the business districts, including, but not limited to, installation of planters (with trees) and decorative lighting.

Millburn Township Committee Meeting Minutes

Estimated Cost: \$100,000

(F) Engineering

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

Estimated Cost: \$406,500

(G) Engineering

Undertaking of drainage and sanitary sewer improvements at various locations.

Estimated Cost: \$230,000

Section 2. The sum of \$1,624,700 is hereby appropriated to the payment of the cost of the improvements and acquisitions authorized and described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be raised from the Capital Improvement Fund of the Township, as hereinafter provided. The sum of \$1,624,700 is hereby appropriated from the Capital Improvement Fund of the Township to the payment of the cost of said purpose.

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

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

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

Ordinance/Introduction

Ordinance 2578-21

Ms. Thall Eglow brought forth Ordinance 2578-21 for introduction. A brief explanatory statement about the ordinance was made. Ms. Thall Eglow moved the ordinance to be taken up and passed on first reading noting that the public hearing would take place on June 15, 2021 Mr. Wasserman seconded the motion. Mayor Prupis requested a roll call vote.

Roll Call Vote: All Ayes

**ORDINANCE NO. 2578-21
ORDINANCE SUPPLEMENTING CHAPTER III OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MILLBURN TO INCLUDE AN ORDINANCE TO CONTROL THE PRESENCE OF RODENTS AND OTHER VERMIN AT RETAIL FOOD ESTABLISHMENTS**

Millburn Township Committee Meeting Minutes

WHEREAS the Township Committee determined that there is need to require certain actions by food handling establishments in the Township to mitigate the presence of rodents and other vermin that could affect public health; and

WHEREAS the Township Committee believes that providing an amendment to the police powers is the most advantageous way to achieve the goal of eliminating public health issues stemming from the presence of rodents and other vermin; and

NOW, THEREFORE, Be Ordained by the Township Committee of the Township of Millburn in the County of Essex and State of New Jersey as follows:

SECTION 1 Chapter III “Police Regulations” of the Revised General Ordinances of the Township of Millburn is here by amended, supplemented and revised to include Section 3-3 hereby entitled “Control of Rodents and Other Vermin by Retail Food Establishments” which shall state as follows:

Each and every retail food establishment which has been licensed by the Township Board of Health to operate in the Township shall annually file with the Health Officer a plan for the control of rodents and other vermin together with a copy of a current contract with a licensed exterminator requiring at least monthly inspections and provisions for the prompt implementation of control measures in the event of evidence of infestation or a public health problem. The plan shall also provide that if the exterminator is called upon to abate or control a rodent or vermin problem the exterminator must contact the Health Officer to ensure that the methods conducted by the exterminator are adequate to abate the problem. Failure to comply with these requirements shall, to the maximum extent permitted by law, result in the revocation or suspension of the establishment’s license pursuant to the Board of Health ordinance (BH:4-2.5) entitled “Revocation or Suspension of License; Grounds” as well as the imposition of fines upon conviction of violations, and such other orders and penalties as are applicable.

SECTION 2 Repeal of Inconsistent Provisions

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or parts of ordinances now existing or in effect; unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION 3 Severability

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this ordinance, which shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4 Effective Date

This Ordinance shall take effect immediately after passage and publication as provided by law.

Old Business

Removal of Flex Parking Update

Mr. McDonald reviewed the proposed timeline for the removal of flex parking and pointed out that if the Committee would like to move forward that they consider a bond ordinance. He added that drainage would also be restored in the area.

Mr. Wasserman stated that the Committee should move forward with the removal but it should be done with a plan in place and in a timely manner even if that means to wait until August of 2022.

Ms. Thall Eglow felt the Township Committee should move forward with the removal of flex parking this summer.

Millburn Township Committee Meeting Minutes

Mr. Vinayak stated that the removal of flex parking should continue with the expected date of August of 2021.

Mayor Prupis asked for a motion to approve the allowance for the Township of Millburn to go out for bids on the removal of flex parking. The motion to go out to bid for the removal of flex parking was made by Ms. Thall Eglow and seconded by Mr. Wasserman.

Roll Call Vote: All Ayes

General Code Update

Mr. McDonald reported that the next steps that the township was researching was to provide an update to the code ordinance and business security. He advised the township was considering drafting ordinances to ensure restaurants had a rodent abatement plan, established noise regulations and times to protect nearby residents of business noise and disorderly conduct.

Mr. Wasserman asked if the ordinances were a safeguard for residents residing near business districts. Mr. McDonald stated that yes, the ordinances were being considered to provide residents peace of mind. Mayor Prupis asked Mr. McDonald to have the noise ordinance draft for the upcoming Committee meeting for consideration.

Development Review Subcommittee

Ms. Miggins reported that the subcommittee is being reviewed and a committee was being established with the assistance of Mr. Falcon which included the responsibilities that the committee will handle.

Mr. Vinayak asked if the attorney in the subcommittee would charge hourly or would they have a contract. Mr. Falcon stated that a provision was provided stating that a summary of the charges and changes of the various individuals in the subcommittee would be presented to the Township Committee to review along with any contract amendment and if budget changes were needed that would also be presented to the township prior to any work being done.

Mr. McDonald asked if the changes would be for the remainder of the calendar year. Mr. Falcon stated that the charges would include any work done.

Ms. Thall Eglow advised the Committee that she studied a map of the potential cell tower location and noted that the side of the cell tower would be small and would not prevent another usage of the field. Mr. Vinayak stated that he was not opposed to the cell tower but would like to use the field as a recreation area. Mayor Prupis asked what the process of the tower would be. Mr. McDonald advised the Township Committee that the cell tower would require a bidding process. Mayor Prupis asked for the Committee to revisit the topic at the next Committee meeting for further review and consideration.

New Business

Zoning Accessory Use Revisions

Mr. Vinayak reported that the zoning subcommittee was reviewing the process of multi-family homes having rooftop decks and the subcommittee was trying to review the current process.

Ms. Thall Eglow stated that the process for rooftop and loading and unloading decks really have to be reviewed depending on locations.

Mr. Vianyak stated that properties with a large amount of apartment units required a dock for residents to be able to move in or move out and the structure of future buildings should consider having decks.

Ms. Miggins agreed with prohibiting rooftops. Mr. Wasserman agreed with Mr. Vinayak's idea.

Mr. McDonald advised Mr. Vinayak that the next step would be to consider the nearby residents, review the area and an ordinance would be required to be drafted.

Millburn Township Committee Meeting Minutes**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.

Oladimeji Owolabi, of 46 Maple Street, asked the Committee for transparency. She voiced her opposition to canceling the ZOOM meetings. She asked why the township was removing the DPW dump and asked if the Committee obtained special training like the Planning and Zoning Board members.

Elaine Becker, of 2 Brookhaven Way, commented on Ordinance 2577-21 and asked who would benefit from the changes and voiced her opposition to the ordinance and the restructure of the master plan.

Patricia Morreale, of 1 Claremont Drive, commented on Ordinance 2577-21 and voiced her opposition to the changes recommended on the ordinance pertaining to removing the 125ft requirements for businesses to remain away from resident properties.

Jay Morreale, of 1 Claremont Drive, commented on Ordinance 2577-21 and asked if the new conditions proposed included a monitor method or would the residents need to monitor the businesses to comply with the conditions. He asked if the township have a good record in resolving ordinance matter issues in a timely manner and how often did ordinance issues occur. He asked how often issues required court action. He further asked if the Zoning Board was required to approve new restaurant businesses coming into Millburn and was a variance required with the new requirements. He asked if there was an ordinance in place regarding odors.

Jeffery Feld, of 11 Alexander Lane, stated that via an OPRA request, he received government emails indicating that Millburn's SID application was rejected on May 3rd due to a defective plan and the Committee went ahead and approved moving forward with the SID. He questioned why Mayor Prupis had not recused herself from participating in making decisions pertaining to the SID being that her business was located in the SID area and that could be a conflict of interest and questioned the action as fraud. He voiced his opposition to stopping the ZOOM meeting and questioned the zoning changes proposed by ordinance.

David Cosgrove, 99 Oakview Terrace, thanked the Committee for addressing the rooftop deck issue. He thanked Ms. Thall Eglow for her comments on the rooftop deck and voiced his opposition to any rooftop decks in the township.

Sara Sherman, 42 Greenwood Drive, agreed with Mr. Cosgrove in regard to the rooftop decks and thanked the Committee for moving forward to make sure rooftops were not built in Millburn. She asked for clarification on the noise ordinance and whether the ordinance would cover any live concerts in the township as well. She asked for clarification in regard to the Exxon location.

Mr. McDonald clarified that the location was between Main Street and Essex.

Perry Urso, of 514 Millburn Avenue, voiced her opposition to the SID and stated that the comparison of Millburn with nearby towns should not be made as various variables were different in Millburn. She stated that the SID takes away businesses' incentives. She asked if Short Hills Mall received tax

Millburn Township Committee Meeting Minutes

abatements that the downtown businesses should as well since they were hurting due COVID-19 and shouldn't be overtaxed.

Merrily Riesebeck, of 91 Woodland Rd, thanked the Committee for moving forward with the removal of flex parking and asked when the 125ft went into effect in the township. She asked if the Concord Energy Services annual rates would increase and if they would be able to provide saving services programs with gas. Shee asked if the company worked with nearby towns.

Dominique Urso, of 514 Millburn Avenue, thanked the Committee and Mr. McDonald for putting the speed bump on Jarvis lane. She voiced her opposition to the SID. She asked the Committee to reconsider not moving forward with the SID.

Jean Pasternak, of 342 Hobart Avenue, asked the Committee to reconsider stopping the ZOOM meetings. She advised that through an OPRA request, she received emails indicating that Senator Tom Malinowski had involvement in the expedition of the SID designation and voiced concerns that the township was putting the interests of businesses before those of the residents. She asked what the Committee would be doing with the concerns on Ordinance 2577-21 voiced by residents in the business district. She recommended Mayor Prupis to recuse herself from the SID vote because her business was located in the SID district.

Nancy Stone, 10 Fielding Road, thanked herself for standing up for her principles and for attending the Committee meetings. She thanked Mayor Prupis for the plastic bags ordinance for approving budget items in the amount of \$2 million and for voting on the SID when she should have abstained.

Mayor Prupis closed public comment.

Mayor Prupis asked the Committee members if they had any comments.

Mr. Vinayak stated that the Township Committee did attend training. He advised when questions were asked they were answered to the best of the Committee's ability. He stated that the Concord Energy Service program did provide savings.

Ms. Thall Eglow stated that Concord Energy Service would provide additional information and answers to questions. She stated that the Township Committee was working really hard to make sure residents received the best savings programs.

Mr. McDonald advised that the ordinance pertaining to businesses was a competing interest between residents and businesses. He noted that the Committee was working hard to accomplish the best for both residents and businesses. The ordinance offered a permitted use if a restaurant was 125ft away from a residential home and would receive a permitted use. If the restaurant was closer than 120ft, it would receive a conditional use permit which meant they would have the requirements set forth and it would have to go before the Planning Board. If not all of the requirements were met, they will have to go before the Zoning Board of Adjustment. He stated that the ordinance presented to the Committee provided protection to residents and businesses and include requirements that businesses would have to fulfill.

Mr. Falcon stated that rooftop deck application and a variance request could always be submitted but that did not mean it would get approved.

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

May 18, 2021

Millburn Township Committee Meeting Minutes

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 10:23PM. Vote: All Ayes

Christine A. Gatti, RMC
Township Clerk

Approved: August 17, 2021