

Millburn Township Committee Meeting Minutes

Minutes of the Regular Meeting of the Township Committee of the Township of Millburn, in Essex County, New Jersey, held in Town Hall and remotely starting at 7:00 PM on the above date.

Mayor Prupis opened the meeting and read the following statement:

In accordance with Section 5 of the Open Meetings Act, Chapter 231, Public Laws, 1975, are advised that notice of this meeting was made by posting on the Bulletin Board, Town Hall, and serving the officially designated newspapers, a notice stating that this meeting would take place at the Town Hall and remotely at 7:00 PM on June 1, 2021.

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

Upon call of the roll, the following Township 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. Miggins.

Vote: All Ayes

Mr. McDonald provided a brief statement pertaining to the public hearings on Ordinances 2576-21 and Ordinance 2577-21 which would be adjourned and the public hearing would be scheduled for the June 15, 2021 Township Committee meeting.

RESOLUTION

Mayor Prupis asked for a motion to approve Resolution 21-164 in order to enter into closed session. A motion was made by Mr. Wasserman to approve the resolution, seconded by Ms. Miggins.

Roll Call Vote: All Ayes

**RESOLUTION 21-164
RESOLUTION TO CLOSE SESSION**

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the Public from a meeting under certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances do exist;

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters;

The general nature of the subject matter to be discussed is as follows:

- a.) Personnel – Board/Committee Appointment

2. The minutes of the discussions shall be made public as soon as the matters under discussion are no longer of a confidential or sensitive nature.

Minutes

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

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Vote: All Ayes

Reports

Mayor Prupis reported that the Sign Ordinance Review Subcommittee would be sending a community survey to residents in the near future; the Taylor Park Revitalization Subcommittee was working to finalize the landscaping architect RFP and the name of the redevelopment of the Department of Public Works had been changed to the Redevelopment Study Review Subcommittee to reflect the larger scope of the designated area in need of redevelopment. She advised that the Environmental Commission was hosting a home efficiency webinar and reviewed the details.

Ms. Thall Eglow reported that “Moms Against Guns” proclaimed June 7th, as Gun Violence Awareness Day and read a proclamation that provided a brief history on gun violence awareness. She reminded everyone that International Pride is June 10th and the Pride flag would be raised to stand in solidarity with township residents.

Resident Jay Morreale thanked the Township Committee for their support and their effort for the continued support on Gun Violence Awareness Day.

Mr. Wasserman voiced his support to the Pride Flag raising for the second time in Millburn Township. He reported that CEDA would be putting in new sculpture from Michael Copper “We All Together Now Sculpture” in Taylor Park in the upcoming weeks.

Mr. Falcon reported that the mediation meetings had continued without incidents. He added that a meeting was held on announced upcoming meetings. He added that Judge Gardener also extended the mediation process to June 15th.

Mr. McDonald reported that the 2021 Memorial Day Parade had a very nice turnout and thanked all those who were able to participate in the rainy weather event and all those who worked quickly to pull it together when restrictions were lifted.

Mr. Moehlman reported that the Food Waste Recycling Program had collected an average of 95 pounds per week during the six months. He advised that the township had decided to continue with the program and were going to try to expand the number of participants.

Presentations

JCP&L First, Presented by Carol Biancni

Carol Biancni, JCP&L Representative, provided a summary of the storm restoration process that JCP&L had created as of June 2021. She presented information pertaining to tree density in New Jersey in various areas and provided information on the JCP&L tools available to customers in order to provide immediate assistance 24 hours a day.

Ms. Thall Eglow asked why JCP&L only served the township and not in conjunction with PSE&G. Ms. Biancni advised that the infrastructure was created through the state and the Board of Public Utilities.

Mayor Prupis thanked Ms. Biancni. Mayor Prupis announced that the information presented would be posted on the township website.

2 Way Traffic in Downtown Millburn- Downtown Traffic Circulation Study Subcommittee by Dan Baer.

Daniel Baer, Planning Board Member and Professional Planner, provided an introduction to the feasibility study of Millburn Downtown and the possibility of having two-way traffic.

Maurice Rached, Traffic from Engineer Colliers Engineering & Design, presented the goals and objectives of the two-way feasibility study of the Downtown Millburn and Vision Plan. He reviewed the goals and objectives of the Master Plan and noted that “traffic circulation in the downtown should be viewed with the goal of business promotion and not only with the traditional goal of facilitating through-traffic.” Mr. Rached stated that the circulation study objectives were to reduce vehicular speed along Main Street and Essex Street and to improve pedestrian safety including sidewalks, crossing intervals, new crossings, signage and signals. Other noted objectives were to build on previous plans with input from the public;

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capitalize on new opportunities; and ensure no impact on adjacent neighborhoods. He noted that the one-way pattern was implemented in the late 1940's with the main objective to facilitate east-west regional mobility. He reviewed the phases of the proposal with the data shown and collected and whether the proposal was viable and durable for the Township of Millburn.

It was announced that the presentation of the Circulation Study would be available on the township website for the public to view.

Gaston Haupt, PTOC Safety Committee Chair, Pedestrian-Safety Advisory Board Member, Planning Board Member and Downtown Visioning Steering Committee, stated that the two-way traffic study was compliant with the Master Plan and noted that the proposed plan would create a more pedestrian friendly downtown which would also include a bike safety area.

Mr. Rached reviewed steps that would follow for the proposed plan and reviewed the impact it would have on the surrounding areas.

Mr. Wasserman asked how the bump-out would impact two-way traffic. He also asked if the implementation of the proposed plan would be in phases in order to avoid disturbing residents and merchants. Lastly, he asked if the proposed plan is approved, how the flex parking would be impacted.

Mr. Rached stated that the bump-out would need to be reduced. He stated that the process would require input from the residents and additional studies in order for the township to choose the most logical option. He advised that flex parking removal would provide additional room for parking which would be beneficial for the proposed plan but it would not impact the process at all.

Ms. Miggins asked how the proposed plan would impact the removal of flex parking and the time frame.

Ms. Thall Eglow asked how the proposed plan would work without the use of traffic lights and she questioned whether this would be a million dollar project to undertake by the township.

Mr. Rached stated that he would look at the proposed plan, timeline and provide additional information as promptly as possible.

Ms. Thall Eglow asked Mr. Rached to review and advise as promptly as possible. She voiced her concern about moving too fast on the two-way traffic in the downtown of Millburn.

Mayor Prupis advised that she met with the county to further discuss the proposed plan. She stated that the county reviewed the next phase and the need for additional studies for the public to view and comment on it by 2022. She advised that the presentation was offered in order to provide information to the Township Committee and the public to see if the proposed plan is something the Committee had an interest in pursuing as part of the Vision Plan.

Mr. Vinayak stated that if the proposed two-way traffic was needed, additional discussions were required to provide a clear understanding of the project the township would be undertaking.

Mayor Prupis stated that currently the proposed plan was in phase one and updates would be provided during the project to show the process.

Appointment

Mayor Prupis appointed Mr. Gregory Seth Berman to the Board of Recreation, to an unexpired term to fill the open position of Mr. Frederick Leightman, with a term expiration of December 31, 2024.

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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Jeffery Feld, of 11 Alexander Lane, stated that prior to the meeting he submitted a memo to the Township Committee stating his questions. He asked why Resolution 21-154 pertaining to the bills list showed payments made for the SID expenses on Main Street. He inquired about the municipal attorney's invoices as well as his contract. He questioned Resolution 21-157 and asked why there was not a cap on spending and encumbrances.

Dominique Urso, of 514 Millburn Avenue, questioned Resolution 21-154 pertaining to the bills list and the spending for the SID. She questioned why the township was spending taxpayer's money when the entity was in litigation. She questioned why the Township Committee had not reviewed the oppositions of the residents who have voiced and asked for the township to stop spending taxpayers' money on the SID.

Nancy Stone, of 10 Fielding Road, voiced her discontent with the Township Committee not responding to the concerns of residents. She questioned the salary of the SID Executive Director and the increase in the amount being paid to him versus the old director. She reviewed her concern with the township spending wastefully. She voiced her opposition to the SID and noted that the SID was an illegal entity.

Jean Pasternak, of 342 Hobart Avenue, submitted and read the following statement: "I'd like to comment on 21-154 Bills List, I concur with the comments imploring the TC to not transfer \$154,000 of taxpayer's trust fund monies to the Special Improvement District. The State has made its position clear- the Millburn SID does not comply with its regulations for Main St designation, a predicate for approval. Mr. Grillo's and Deputy Mayor Wasserman's spin on the denial, citing the delay obtaining 501 non-profit status as the sole reason, is a half-truth and part of the big lie by this TC. Read the May 18th letter from the state- "We are currently developing a Developing Main Street Program aimed at preparing districts for designation and we will reach out to you with information about this program in the coming months." The message is clear- start over and follow the law. On May 7th attorney Ryan Cooper for the SID wrote: "As for the questions regarding the SID and your retention, I'm not aware of any written opinion by counsel on these subjects." No attorney will write an opinion about this illegally formed SID. Superior Court law division Judge Moore made clear the Bear Properties lawsuit contesting the SID's validity should be mediated. Instead each member of this TC stubbornly agreed to litigate in the face of his advice. You are wasting our tax dollars, transferring funds and litigating a losing case. Mayor Prupis, Deputy Mayor Wasserman and former Mayor Lieberberg did the wrong thing voting this in. Former Mayor Eglow and Burstein did not concur. Do the right thing. Rescind it tonight. The payments to Maraziti Falcon need to end. These monies need to be set aside in escrow. We are entitled to competent legal counsel and we are not getting it. He was overpaid by \$2 million without a change order since 2013, he prohibited the public from seeing bill lists for years, he oversaw the debacle of the SID's illegal formation, and he hid the 85 Woodland Rooftop Decks from the public, not to mention the restaurant zoning ordinance mess. Then there was the matter of OPRA requests that go unanswered, never answered, obfuscated. In addition to still not getting the records supporting the Legal Presentation made last January, recently I made an OPRA request for all written communications about the Main St NJ application to and from township officials, employees, citizens and staff of MSNJ. I got nothing. Here is what I got from an OPRA request to the state. Why is it that the same OPRA request is fulfilled by the state but not by Millburn? Finally, I have a question with regard to 21-163, when you do get a Fair Share settlement, what are your plans to explain this settlement agreement to the public -and certainly with more than one week's notice to the public-- so that transparent, open, robust dialogue will occur with the community?"

Mayor Prupis closed Public Comment.

Ms. Thall Eglow stated that the comment "The big lie", is problematic to use in the Township Committee setting and offensive.

Ms. Urso spoke and Mayor Prupis asked Ms. Urso to stop disrupting the meeting, seeing public comment period had ended, and allow for the Township Committee to respond to comments.

Mayor Prupis called for a five minute recess.

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Mayor Prupis opened the meeting and reminded the public to not disrupt others.

Mr. Wasserman stated the Township Committee decided to create the Special Improvement District (SID) due to the open vacancy rates and, if the vacancies were not addressed, it would fall onto the taxpayers. He stated that volunteers work very hard on the SID board and voiced his dislike of residents and merchants bothering volunteers. He added that the SID would allow the township to apply for grants and other assistance programs to help the township.

Mr. Vinayak stated that the Main Street application was declined because it was not yet a 501c3 but it did not impact the process of the SID. He asked if the Main Street application could be resubmitted.

Mr. Wasserman stated that the application of Main Street failed because the area was not yet a 501c3; however, the application was submitted to the state to make Main Street a 501c3 area. He added that different opinions could occur; however, the decisions made regarding the SID was for the benefit of the township and, the application for Main Street which was previously declined, could be resubmitted to the state for reconsideration.

Mr. Vinayak stated that all Committee members supported the SID budget and the businesses.

Mr. Falcon reported that his firm was not a part of the rooftop deck consideration.

Mr. McDonald stated that the Civil Rights resolution was adopted as per a request and requirement from our JIF insurance. He reported that the application for a 501c3 was submitted in November for Main Street and reviewed the background.

Ms. Miggins asked Mr. Falcon if the Township Committee could discuss the SID settlement. Mr. Falcon stated that because the SID was currently under mediation, discussions pertaining to the SID litigation was not allowed.

Mr. Vinayak stated that Mr. Falcon already provided a presentation pertaining to the status of the SID and advised that further updates would be provided once a decision with the litigation is made.

Ms. Miggins asked Mr. Vinayak if the cost of legal services from Mr. Falcon was in part due to individuals litigating against the township. Mr. Vinayak affirmed Ms. Miggins' question and noted that the township cost in legal services was in part due to individuals litigating, OPRA requests and legal advice.

Mr. Falcon pointed out that his billings represented the services provided to the township. Mr. Vinayak thanked Mr. Falcon and everyone in his firm for his legal services.

Mayor Prupis stated that two businesses currently were opposed to the SID and the majority of the businesses were participating and were happy to support the SID.

No other comments or questions were presented.

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 21-154
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 June 1, 2021, in the following accounts:

General Fund	\$ 1,513,538.06
Capital Fund	8,628.00
Parking Utility - Operating Fund	30,934.22
Dog Fund Trust	130.50
Escrow Trust Fund	4,052.92

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Police Off Duty Trust Fund	63,292.00
Waste Recycling Trust Fund	1,020.00

**RESOLUTION 21-155
AUTHORIZE THE REFUND OF TAX OVERPAYMENTS**

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

<u>Make check payable to:</u>	<u>Type</u>	<u>Amount</u>
Valerie Hofer, Esq Trust Account & Vinaykumar & Aruna Patwardhan PO Box 787 Montville, NJ 07045 Block 4802 Lot 7 460 Long Hill Dr.	Tax Appeal 2017 taxes (\$2,138.11) 2018 taxes (\$4,093.10)	\$6,231.21
Wolf Vespasiano LLC Attorney Trust Account & Eleanor Jennings 331 Main Street Chatham, NJ 07928 Block 5201 Lot 2 25 Timber Acres Rd	Tax Appeal 2017 taxes (\$645.89) 2018 taxes (\$661.90) 2019 taxes (\$671.64)	\$1,979.43
Wolf Vespasiano LLC Attorney Trust Account & Craig & Kathy Stine 331 Main Street Chatham, NJ 07928 Block 1502 Lot 9 28 Inverness Court	Tax Appeal 2017 taxes (\$15,137.54) 2018 taxes (\$19,316.71) 2019 taxes (\$24,426.08) 2020 taxes (\$12,615.30)	\$71,495.63
Corelogic Refund Dept. Mail Code: DFW 1-3 3001 Hackberry Road Irving, TX 75063 Block 1801 Lot 68 3 Claremont Dr.	Tax Refund 2021 taxes Duplicate pymt Overcollection	\$4,493.35

**RESOLUTION 21-156
AUTHORIZE REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER**

WHEREAS, at the Municipal Tax Sale held on November 20, 2018, a lien was sold on Block 3502 Lot 24, Tax Sale Certificate No. 2018-003 also known as 33 Byron Rd, Short Hills, NJ 07078 and assessed to Oravetz, G, & C. & O’Neil, J.R. & E. for 2017 delinquent taxes and;

WHEREAS, this lien was sold to US Bank Cust for Tower DB VIII Trust 2018-1 for 0% interest on the certificate and a \$106,000.00 premium; and

WHEREAS, Ms. Elisa O’Neil has requested redemption;

NOW, THEREFORE BE IT RESOLVED, that the treasurer of Millburn Township be authorized to issue two checks in the amounts of \$89,485.73 for redemption of the lien and \$106,000.00 for the return of the premium. Each check payable to US Bank Cust for Tower DB VIII Trust 2018-1.

Treasurer’s Note: 1099: \$18,498.97

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RESOLUTION 21-157

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 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

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Road Paving & Resurfacing	Tilcon New York, Inc Micro-Pave Systems	MCCPC Contract # 5, 6 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	Johnston Communications Dell	State Contract #AR-1464, MNWNC-117, MNWNC-226, MNWNC-119 State Contract #88766, 85152 State Contract #89850, 88796
Police Vehicles	Beyer Ford	MCCPC - # 15-A CPCPS - #19-01 ECSNJ - # 20/21-55
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
Truck Repair/Maintenance	Campbell Freightliner (Campbell Supply)	State Contract # 89264, 42074
Police Uniforms	Atlantic Uniforms Fit-Rite	State Contract #17-Fleet-00763 State Contract #16-FOOD-0109
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/Trucks	A&K Equipment W.E. Timmerman Cliffside Body Corp. Campbell Freightliner (Campbell Supply)	ESCNJ 20/21-55
Police Equipment	Life Savers	State Contract # 84689
Police Equipment	Watch Guard	State Contract # 00793

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Janitorial Supplies

ATRA Janitorial

ESCNJ 18-19-35

Auto Parts and Supplies

Genuine Parts Company
(DBA – Chatham NAPA)

State Contract # 42093

BE IT FURTHER RESOLVED that this resolution replaces Resolution 21-124 adopted by the Millburn Township Committee on May 4, 2021.

RESOLUTION 21-158

AUTHORIZATION FOR THE TOWNSHIP OF MILLBURN TO APPLY FOR AND ACCEPT A SUBGRANT AWARD OF THE FEDERAL FISCAL YEAR 2020 OF DEPARTMENT OF LAW AND PUBLIC SAFETY FOR EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM FUNDING AND FOR THE TOWNSHIP CHIEF FINANCIAL OFFICER TO CERTIFY THE AVAILABILITY OF FUNDS

WHEREAS, the Township of Millburn, Office of Emergency Management has been awarded Emergency Management Performance Grant, Emergency Management Agency Assistance (EMAA) #FY20-EMPG-EMAA-0712, CDFA#: 97.042 from the New Jersey Department of Law and Public Safety Office of the Attorney General and the Subgrant, consisting of a total amount of up to \$10,000.00 Federal Award purpose of enhancing the Township of Millburn’s Emergency Management Program and that the funds will be used for Emergency Management purposes; and

WHEREAS, the subgrant award incorporates all conditions and representations contained or made in application and notice of award; and

WHEREAS, the Township of Millburn Office of Emergency Management, designated by the New Jersey Department of Law and Public Safety Office of the Attorney General, has submitted an Application for Subgrant Award that has been required by the said New Jersey Department of Law and Public Safety Office of the Attorney General; and

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Millburn accepts the award of the FFY20 Emergency Management Performance Grant, Emergency Management Agency Assistance (EMAA) Grant Program Subgrant in the amount of up to \$10,000.00 Federal Funds, grant and sub-award period of the grant shall be from July 1, 2020 to June 30, 2021: and

BE IT FURTHER RESOLVED that the Township Chief Financial Officer and the Township Director of Emergency Management are authorized to sign the appropriate subgrant award documents and the Township of Millburn is hereby accepting the specific grant of funds for the purpose described in the application; and

BE IT FURTHER RESOLVED that copies of this Resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management; the Director of the Division of Local Government Services, the Township Manager, the Township Chief Financial Officer, the County Division of Emergency Management and Office of the Treasury.

BE IT FURTHER RESOLVED that this resolution replaces Resolution 21-042 adopted by the Millburn Township Committee on January 19, 2021.

RESOLUTION 21-159

CONFIRM PERMITTING THE DISPLAY OF FIREWORKS AT MILLBURN TOWNSHIP HIGH SCHOOL

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

1. The permit submitted to the Township Fire Chief is hereby formally granted as per the recommendation from the Fire Marshall to Millburn Short Hills July 4th Committee to conduct a display of fireworks, as part of the Fourth of July Celebration, held at Millburn Township High School, 462 Millburn Avenue, Millburn, New Jersey, at 9:30 p.m. on Sunday, July 4, 2021 (rain date: July 5, 2021).

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- 2. The applicant complied with all the requirements set forth in the Millburn Township Code 3-30 titled "Fireworks – Possession, Use of and Public Display".
- 3. The handling of the display authorized by the permit will be conducted by Pyrotecnico, which the Chiefs of Police and Fire Departments of said Township of Millburn, approved as a competent operator thereof, and the delivery to the site will be at approximately 12:00 pm – set up will take approximately 4 to 6 hours at Millburn High School, and all displays will comply with all the requirements as set forth in NJAC 5:70-F3100 and NFPA.1123, NFPA1125 and NFPA1126.
- 4. This resolution shall take effect immediately, but nothing herein contained, nor the permit hereby authorized, shall relieve the applicant therefor, nor the operator of said display from any liability created by law which may arise or be incurred by the storage, handling or use of fireworks in said Township.
- 5. The Millburn Township Committee hereby waives the permit fees payable to the township for this application seeing it is a township sponsored event.

**RESOLUTION 21-160
RENEWAL OF ALCOHOLIC BEVERAGE CONTROL LICENSES FOR 2021-2022**

WHEREAS, there have been filed applications for various Alcoholic Beverage Control License Renewals for the year July 1, 2021 to June 30, 2022; and

WHEREAS, the applications appear to be in order and all conditions and requirements have been complied with and no objections have been filed in the Clerk’s Office and the Millburn Township Departments of Police, Health, Fire and the Township Clerk have recommended approval of the issuance of said licenses as applied for;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millburn, Essex County, that License Renewals for the year July 1, 2021 to June 30, 2022 pursuant to their applications, be issued to:

Benihana National Corp	0712-33-002-003
Canoe Brook County Club	0712-33-003-002
MB Wine Rack LLC	0712-44-006-008
Four Star Group, Inc.	0712-44-008-005
Kings Super Markets, Inc.	0712-44-012-009
Newmark NJ LLC	0712-33-014-009
Legal Sea Foods Inc.	0712-33-015-012
The Cheesecake Factory Restaurant	0712-33-017-003
Short Hills Club	0712-33-018-001
Guy Bosworth Post 140 American Legion	0712-31-020-001
Casa Colombo Civic Association	0712-31-021-001
Racquets Club of Short Hills, NJ	0712-31-023-001
Hilton Management, LLC	0712-36-027-003

in the Township of Millburn in the County of Essex, New Jersey, and that the Township Clerk be and is hereby authorized to issue and deliver such licenses in accordance with Chapter 3, Section 3-1-11 of the Code of the Township of Millburn, New Jersey.

**RESOLUTION 21-161
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:

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American Legion Post 140

RESOLUTION 21-162

CREATE A COMMITTEE TO STUDY AND MAKE RECOMMENDATIONS FOR THE IMPLEMENTATION OF A DEVELOPMENT REVIEW/TECHNICAL COORDINATING COMMITTEE AND APPROPRIATE AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP TO INCORPORATE THE SAME

WHEREAS, the Township Committee has discussed the desirability of implementing new procedures for use in the consideration of land use applications made to its Boards so as to streamline and simplify the process for the benefit of the Land Use Boards and the applicants; and

WHEREAS, the Township Committee has determined that it would be best to form a committee as a working group to perform the tasks needed to bring this concept back to the Township committee with recommendations as to the duties and powers to be accorded to such a development review committee, the fees to be associated with its operations and the outline of ordinance provisions and new amendments which would need to be made to the Township's Development Regulations and Zoning Ordinance in order to implement the same.

NOW THEREFORE BE IT RESOLVED by the Township Committee in the Township of Millburn, County of Essex and State of New Jersey on this 1st day of June, 2021 as follows:

1. There is hereby created a working group as an ad hoc advisory council in keeping with Millburn Township's Master Plan, as permitted pursuant to the Laws of the State of New Jersey including, but not limited to, N.J.S.A. 40A: 63-1 et. seq., which shall undertake a study and make recommendations pertaining to the potential establishment of a Development Review Committee/ Technical Coordinating Committee pursuant to the Municipal Land Use Law with topics for analysis to include the following potential activities:
 - a. To review applications for development submitted to the Planning Board and/or the Board of Adjustment.
 - b. To determine the adequacy and completeness of application materials to address technical standards set forth in the Development Regulations and Zoning Ordinance.
 - c. To make recommendations on the design and technical elements of an application.
 - d. To act as a minor site plan committee of the Planning Board.
 - e. To determine whether a project is in a critical area as defined by the Township's Environmental Resources Inventory.
 - f. To recommend whether an environmental impact assessment, traffic impact assessment or any other special studies should be required of an applicant.
 - g. To recommend a schedule of fees and escrow charges for applications to the Review Committee.
 - h. To recommend to the Township Committee the composition and membership of the Development Review Committee/Technical Coordinating Committee for the balance of 2021.
 - i. Such other activities or duties which the working group may determine to be useful.
 - j. Preparation of an outline of the provisions and terms thereof for amendment of the Development Regulations and Zoning Ordinance to authorize a Development Review/Technical Coordinating Committee.
2. The following are hereby appointed to the working group:

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- a. Two members of the Township Committee: Committeewomen Miggins and Thall-Eglow
 - b. Beth Zall, Planning Board Chair or her designee
 - c. Eileen Davitt, Planning/Zoning Secretary
 - d. Paul Phillips, Township Planner
 - e. Edward Buzak, Planning Board Attorney
 - f. Joseph Steinberg, Board of Adjustment Chair, or designee
 - g. Elizabeth Vollavanh, Shade Tree Advisory Board Chair, or designee
 - h. Alison Canfield, Historic Preservation Chair, or designee
 - i. Priya Patel, Environmental Commission Chair, or designee
3. The working group shall report within 120 days to the Township Committee with its recommendations concerning the activities proposed to be undertaken by a Development Review Committee/Technical Coordinating Committee, proposed membership and an outline of amendments to the Development Regulations and Zoning Ordinance to implement the same.
4. Prior to commencing any work, the professional consultants appointed to the working group shall provide an estimate to the Business Administrator concerning the fees estimated to be charged to the Township for their participation. Following review, the Township Committee shall authorize the Business Administrator to notify the professionals to proceed with their work as members of the working group by resolution amending their existing agreements with the Township, establishing a working budget for each and providing for additional funds if reasonably required to complete the work.
5. This Resolution shall take effect as provided by law.

RESOLUTION 21-163
RESOLUTION TO CLOSE SESSION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the Public from a meeting under certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances do exist;

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

- 1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters;

The general nature of the subject matter to be discussed is as follows:

- a.) Pending Litigation – Attorney Client Privileged briefing on pending Litigation/ Court Ordered Mediation involving the Declaratory Judgment Action, Fair Share Housing Center, Woodmont Properties
3. The minutes of the discussions shall be made public as soon as the matters under discussion are no longer of a confidential or sensitive nature.

ORDINANCE/INTRODUCTION

Ordinance 2574-21

Mr. McDonald reviewed Ordinance 2574-21 which was being introduced again due to a noticing error. A brief explanatory statement about the ordinance and the need for Re-introduction was made. Mr. Wasserman moved the ordinance to be taken up and passed on first reading noting that the public hearing would take place on June 15, 2021. Ms. Thall Eglow seconded the motion. Mayor Prupis requested a roll call vote.

Roll Call Vote: All Ayes

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ORDINANCE NO. 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.

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

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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 2579-21

Ms. Thall Eglow brought forth Ordinance 2579-21 for introduction. A brief explanatory statement about the ordinance was made by Mr. McDonald. 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. 2579-21

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE TOWNSHIP OF MILLBURN, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$855,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT OR FULLY FUND AN APPROPRIATION FROM THE CAPITAL IMPROVEMENT FUND, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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

Section 1. The Township of Millburn, in the County of Essex, State of New Jersey (the "Township") is hereby authorized to make various public improvements in, by and for said Township, as more particularly described in Section 4 hereof. The cost of the improvements includes all work, materials and appurtenances necessary and suitable therefor.

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Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the Capital Improvement Fund moneys (either to make a down payment or fully fund an appropriation) appropriated by this ordinance. It is anticipated that a \$305,000 grant from the New Jersey Department of Transportation shall be received by the Township to finance the cost of the improvement of Short Hills Avenue authorized in Section 4.B hereof. Said grant funds shall be applied as set forth in Section 12 hereof. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Township.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the appropriation from the Capital Improvement Fund hereinafter made to either fully fund the appropriation or to provide a down payment, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Installation of a 9-11 memorial at Crescent Park.

Appropriation and Estimated Cost	\$ 50,000
Capital Improvement Fund Appropriated	\$ 50,000
Period of Usefulness	15 years

B. Reconstruction of Short Hills Avenue (from the Springfield border to Hobart Avenue). It is hereby determined and stated that said road being improved is of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$ 330,000
Down Payment Appropriated	\$ 16,500
Bonds and Notes Authorized	\$ 313,500

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Period of Usefulness 10 years

C. Removal of flex parking along Millburn Avenue.

Appropriation and Estimated Cost	\$ 475,000
Down Payment Appropriated	\$ 23,750
Bonds and Notes Authorized	\$ 451,250
Period of Usefulness	10 years

Aggregate Appropriation and Estimated Cost	\$855,000
Aggregate Capital Improvement Fund	
Appropriated either as a Down Payment or to Fully Fund an Appropriation	\$ 90,250
Aggregate Amount of Bonds and Notes Authorized	\$764,750

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$110,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. It is hereby determined and stated that moneys exceeding \$90,250, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Township, are now available to finance said purposes. The sum of \$90,250 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Township of an aggregate principal amount not exceeding \$764,750 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 8. To finance said purposes, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$764,750 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in

this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the average period of usefulness of the purposes to be financed with bonds or notes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 10 years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$764,750 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. Any funds received from private parties, the County of Essex, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. The Township intends to issue the bonds or notes to finance the cost of the improvements described in Section 4 of this bond ordinance (except for Section 4.A). If the Township

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incurs such costs prior to the issuance of the bonds or notes, the Township hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 14. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 15. The capital budget is hereby amended to conform with the provisions of this 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 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Ordinance 2580-21

Ms. Miggins brought forth Ordinance 2579-21 for introduction. A brief explanatory statement about the ordinance was made by Mr. McDonald. Ms. Miggins moved the ordinance to be taken up and passed on first reading noting that the public hearing would take place on July 13, 2021. Mr. Wasserman seconded the motion. Mayor Prupis requested a roll call vote.

Roll Call Vote: All Ayes

ORDINANCE NO. 2580-21

ORDINANCE SUPPLEMENTING CHAPTER III OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MILLBURN TO INCLUDE CERTAIN RETAIL FOOD ESTABLISHMENT NOISES IN THE ENUMERATED PROHIBITED NOISES

WHEREAS, the Township Committee wishes to regulate excess noise coming from retail food establishments and bars in the Township; and

WHEREAS, the Township may enumerate certain rules and regulations regarding noise control in the Township and wishes to do so pertaining to the retail food establishments and bars; 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 entitled "Police Regulations" at Section 3-7 entitled "Noise Restrictions" is here by amended and supplemented by the addition of a new subparagraph to Section 3-7.2 "Enumeration of Prohibited Noises" which shall state as follows:

- q. Retail food establishments and bars. In addition to such noise described in Section 3-7.2(l), after 10:00 p.m. and before 7:00 a.m., it shall be unlawful for the owner, employee, agent, or patron of any retail food establishment or bar, in the Township of Millburn to allow, make, continue or cause to be made or continued, any loud, unnecessary or unusual noise or any noise

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which does or is likely to annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others, to the extent that it is clearly audible at a distance of one hundred (100) feet from the building, structure or vehicle in which it is located, which shall be prima facie evidence of a violation of this section.

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.

ORDINANCE / SECOND READING AND CONSIDERATION OF ADOPTION

Public Hearing and Consideration of Adoption Carried to June 15, 2021 Township Committee Meeting due to noticing errors.

Ordinance 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

Mayor Prupis brought forth and reviewed Ordinance 2576-21 for an adjournment to June 15, 2021. Mayor Prupis made a motion to approve the ordinance to be adjourned for the public hearing to be at the June 15, 2021 Township Committee meeting, which was seconded by Ms. Miggins.

Roll Call Vote: All Ayes

Ordinance 2577-21: Ordinance Amending and Supplementing the Township of Millburn Development Regulations and Zoning Ordinance

Mayor Prupis brought forth and reviewed Ordinance 2577-21 for adjournment to June 15, 2021. Mayor Prupis made a motion to approve the ordinance to be adjourned for the public hearing to be at the June 15, 2021 Township Committee meeting, which was seconded by Ms. Thall Eglow.

Roll Call Vote: All Ayes, except Ms. Miggins who abstained

ORDINANCE / SECOND READING AND CONSIDERATION OF ADOPTION

Ordinance 2575-21

Mayor Prupis brought forth and reviewed Ordinance 2575-21 for consideration of adoption and provided a brief breakdown of the Ordinance. Mayor Prupis declared the public hearing open. No comments were presented. Mayor Prupis declared the public hearing closed. Mayor Prupis made a motion to approve the ordinance on final reading, which was seconded by Mr. Wasserman.

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**

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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;

Street	Hours
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.	
b. <u>Along Main Street, southbound on the westerly side at:</u>	
1. <u>Taylor Street (near side)</u>	All
<u>Beginning 25 feet from the northerly curbline of Taylor Street and extending 100 feet north thereof.</u>	

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.

OLD BUSINESS

JFK Parkway Cell Tower

Mr. McDonald provided a CAD drawing of the area. He noted that he reviewed the property constraints and the space. He reminded the Committee that leaf composting occurred in that area, in order to proceed with utilizing the area as a turf field, additional review and investigation was required.

Mr. Vinayak thanked Mr. McDonald and voiced his enthusiasm for a turf field space in that area.

Ms. Thall Eglow asked if an additional road would be required to access the open space in question.

Mr. McDonald stated that additional discussions pertaining to the area and additional roads would be investigated and reported on.

Ms. Thall Eglow asked if the area was a flood zone. Mr. McDonald stated that the area was not a flood zone.

Zoning Accessory Use Revisions

Mr. Vinayak reviewed the revisions in zoning and asked Mr. McDonald to provide additional information on the matter. Mr. McDonald advised the Township Committee that a drafted plan was in process with

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the Planner, Mr. Philips, and would be provided as promptly as it was available to address the loading and unloading areas and also included provision prohibiting rooftop decks. He stated that the rooftop decks would not be difficult however, the loading and unloading provisions were more complex, and specific details had to be addressed such as the specification that loading and unloading be onsite. He advised that he would continue to draft a plan with the Planner and would provide the information as promptly as possible to the Township Committee.

Mr. McDonald informed the Township Committee that the Planning Board Chair, Beth Zall and counsel, Joseph Maraziti, planned to hold public engagements to discuss the Redevelopment Plan Subcommittee and provide the public with information.

Mr. McDonald reported that the township was working on how to address public consumption and the use of cannabis since cannabis was now legal. He advised that the township would work on regulations and public use of cannabis and report to the Committee.

No other old business was presented.

New Business

General Code Updates, Alcohol & Cannabis on Township Streets

Mr. McDonald reported that the township was working on how to address public consumption and the use of cannabis since cannabis was now legal in the state. The township was also working on regulations and public use of cannabis.

Mr. Vinayak asked Mr. McDonald to provide him with additional information for further review and comment.

Mr. Falcon stated that his firm had drafted an ordinance with the provisions on recent cannabis regulation use and the smoke free card within the use of cannabis. He noted that the draft would be provided soon.

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. To help facilitate an orderly meeting and to permit all to be heard, speakers are asked to limit their comments to one 3 minute session. You will be prompted when there is 30 seconds remaining. This is a business meeting and please do not address professionals or staff directly and please direct all comments to me. Each individual will be given one opportunity to make their public comment. Please be patient and we will address each member of the public that wishes to speak."

Mayor Prupis opened the public comment period.

Stephen Sacks, 66 Clinton Avenue, thanked the Township Committee and Mr. McDonald for their hard work and efforts. He asked about the two-way traffic study and the long-term impact in Millburn and the businesses. He voiced his concern about emergency vehicles and deliveries in the area and how much it would cost. He asked the township to consider not making the changes and reviewed his previously submitted letter to the Mayor.

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Mayor Prupis reminded the public that responses to any comments would be made after the public comment session was closed.

Dave Cosgrove, 99 Oakview Terrace, voiced his concern with noise Ordinance 2580-21 which changed the measures on the 125ft requirements and buffer. He recommended that Code 3-7.2 be reviewed and asked for a report on the Fair Share Litigation and to allow for information to be provided regarding settlement agreements. He asked for the Township Committee to ask the judge via letter to allow a more detailed update to be provided for the public's clarity.

Sara Sherman, of 42 Greenwood Drive, advised that emergency management met with the OEM, and Mr. McDonald, to discuss the readiness of the township in case of a storm and flood plan. She advised that the township had gone through great strides to be prepared and hopes no extreme measures were needed.

Richard Futter, of 333 Millburn Avenue, commented that the two-way changes occurred in the late 50's and not in the 40's. He stated that the towns where two-way traffic was allowed had various ways to move around town unlike Millburn where there was not, therefore he thought the comparison was unfair. He voiced his displeasure of some actions by Committee members. He reviewed his complaint about the garbage dumpster underneath his building.

Mayor Prupis thanked Mr. Futter for his comments and asked him to allow Mr. McDonald to handle the matters pertaining to his dumpster.

Mike Shepherd, of 7 Canterbury Lane, voiced his opposition to Ordinance 2571-21 and thanked Mr. Wasserman for communicating with him regarding his concerns. He advised that he felt there would be impacts to the quality of life if the ordinance was passed. He asked for the Township Committee to reconsider and not pass Ordinance 2571-21.

Debra Nevas, of 65 Knollwood Road, asked the developer of the two-way traffic proposal to take into consideration the impact the changes would have on the town.

Tom Hildner, 10 Exeter Road, stated that he did not have an opinion on the SID. He stated his concern was with the amount being paid for legal services and legal fees incurred by mediation and not litigation which would be more cost effective for the township.

Jay Morale, of 1 Claremont Drive, thanked Mr. McDonald for his prompt response pertaining to Ordinance 2577-21. He expressed his opposition in regard to the ordinance and started a petition from the impacted residents to have the Township Committee meet to speak regarding the matter and had received over 50 signatures.

Elaine Becker, of 257 Brookhaven Way, reviewed the goals and objectives of the Master Plan and reminded the Township Committee to encourage appropriate land use and protect the character of the town. She voiced concerns about the protection of the neighborhood. Lastly, she asked how many restaurants had gone before the Planning Board that were less than 125ft that had been approved. She asked the Township Committee members to walk through the impacted streets and view all the impacts the ordinance would have. She voiced her opposition to Ordinance 2577-21.

William Horbatt, of 40 Whitney Road, voiced his opposition to Ordinance 2577-21 and asked for the Committee to consider the huge impact the ordinance would have on the neighborhood's character and the odor that would be created by allowing restaurants in the area.

Dominique Urso, of 514 Millburn Avenue, asked Mr. McDonald for a response to a letter submitted on May 18th, by her attorney in regard to Civic Rights. She stated that her parents had been residents in the Township of Millburn for 28 years and was saddened to see how the Committee behaved with such disregard. She noted that her parents and she have worked very hard to maintain their business alive and voiced her opposition to the SID and the extra tax.

David Honeysett, of 92 Meadowbrook Road, voiced his opposition to Ordinance 2577-21 and asked for the township to consider not making any changes and consider the impacts the ordinance would have on the community's residents.

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Jean Pasternak, of 342 Hobart Avenue, informed Ms. Thall Eglow that she stood by her statement of the SID being a lie. She stated the Main Street application was a lie and the application was approved with mistakes and deficiency. She noted that she has never put down volunteers and stated that the issue was with the legal payments. She stated that as residents, they had the right to check everything and continued to practice that right. She thanked the Committee members that participated in the Memorial Day Parade. She asked for restaurants to follow the current process in the Township of Millburn.

Jeffery Feld, of 11 Alexander Lane, directed the Township Committee to read the cases and editorial in the New Jersey Star Ledger to understand certain factors that would affect Committee members. He stated that the Phase 2 of the proposed two-way traffic would be very costly to the township and asked to consider not moving forward.

Nancy Stone, 10 Fielding Road, voiced her opposition to Mayor Prupis.

Mayor Prupis closed public comment.

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. Miggins. The meeting was adjourned at 10:22pm.

Vote: All Ayes

Christine A. Gatti, RMC
Township Clerk

Approved: September 1, 2021