

**Millburn Township Committee Meeting Minutes**

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

Mayor Miggins opened the meeting and read the following statement:

In accordance with Section 5 of the Open Meetings Act, Chapter 231, Public Laws, 1975, 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 at 7:00 PM on June 7, 2022.

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

Upon call of the roll, the following Committee members were recorded present: Maggee Miggins, Sanjeev Vinayak (remotely via Zoom), Tara B. Prupis, and Dianne Thall Eglow.

Also present were Business Administrator Alexander McDonald, Township Clerk Christine Gatti (remotely via Zoom), Township Counsel Brad Carney, and Assistant Business Administrator Jesse Moehlman.

Absent: Richard J. Wasserman

**Approval of Agenda**

Mayor Miggins asked for a motion to approve the amended agenda with public comment moved to the beginning of the agenda, the removal of Ordinance 2614-22 introduction, and the removal of Resolution 22-150. The motion was offered by Ms. Prupis and seconded by Ms. Thall Eglow

Vote: All Ayes

Absent: Wasserman

**Minutes**

Mayor Miggins asked for a motion to approve the March 15, 2022 Regular Township Committee meeting minutes. The motion was made by Ms. Thall Eglow and seconded by Mr. Vinayak.

Vote: All Ayes, except Prupis who abstained

Absent: Wasserman

**Reports**

Ms. Thall Eglow reported on the Taylor Park Gateway Survey and urged resident to participate.

Mr. McDonald reviewed various grants received by the township

Mayor Miggins reports on various upcoming library activities and the Memorial Day Parade.

Mr. McDonald reported on the Mayor's Rahway River Coalition and advised that the Army Corps of Engineers were restarting the process for the fall. The Committee along with Mr. McDonald discussed proposed future plans.

Ms. Thall Eglow suggested a gathering of Mayor's to discuss Affordable Housing in order to help change what is going on in all of our communities.

The Committee discussed the flooding issues and the impacted communities. Ms. Prupis asked where Essex County stood in regard to the flooding issues. Mr. McDonald advised that without a final plan nothing had been presented to the county as of yet.

Ms. Thall Eglow suggested lowering water the reservoir. Mr. McDonald agreed and spoke on the dredging of the Taylor Park Pond. He added that he would keep the Committee updated.

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### Public Comment

Mayor Miggins 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 the raise hand button. All members of the public wishing to speak would be put into the queue to address the Committee. Whenever an audience or Committee member reads from a prepared statement, please email a copy to the Township Clerk’s Office at [townclerk@millburntwp.org](mailto:townclerk@millburntwp.org). To help facilitate an orderly meeting and to permit all to be heard, speakers are asked to limit their comments to one 3 minute session. You would be prompted when there was 30 seconds remaining. This was 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 Miggins opened the public comment period.

Mara Epstein, resident, voiced support of extending the current crossing guard service and mentioned how successful it has been. She advised that the PTOC endorsed the contract. She thanked the Mayor for commenting on the upcoming library sale.

Frank Saccomandi, resident, voiced his concerns with the affordable housing plan, especially for what is being proposed at the DPW site. He voiced his opposition and asked the Committee to reconsider.

Jerry Kung, resident, read and submitted the following statement: “Last month, I questioned whether the town council’s pattern of secretive behavior was due to plain incompetence or something more nefarious. I regret to inform the community that upon further digging, I’m more alarmed than ever before. Let’s revisit the TC meeting on April 19, during which a second round of public comment was being considered. Miggins, Wasserman, and Vinayak all voted to shut down this proposal – Vinayak claimed that it would be a waste of time, Wasserman chimed in with some unrelated comments, and Mayor Miggins with no explanation at all. Not a single one of them even paused to respond to Thall-Eglow’s opposition on the grounds that residents might have something to contribute or would like to respond to points that arose during further discussion. These three officials—Miggins, Wasserman, and Vinayak—seem to hold our input with disdain, and our opinions as an inconvenience. We are their constituents, but they have no interest in representing us. To add insult to injury, Mayor Miggins cheerily chirped “consensus” to mark the end of the vote where they were the only three councilmembers to vote in favor of silencing residents. Mayor Miggins: the word consensus means “an opinion or position reached by a group as a whole”. If a vote passes 3-2 it is NOT a consensus. Which leads me to another vote by the town council that was passed 3-2. On February 15 of this year, these same three individuals voted to ram through the designation of RPM as the conditional developer on the 100% affordable housing project. At the last TC meeting, in a 12-minute marathon of an indignant, rambling diatribe in which he accused us of being misinformed and then lectured us on how to use a website, councilman Vinayak claimed, “I don’t know what you’re saying when we rushed a decision, but that is my information and that is what I know of it.” Here are the ways in which the decision was rushed (I would have responded last time, but it seems there was no second round of public comment available to do so.)· Residents were excluded from the selection process, unlike in many other neighboring towns.· There were 4 RFPs, yet only one of them was blessed to show up and present at the same town council meeting where they were to be anointed. · 2 councilmembers were completely blindsided by RPM even being invited to present to the community, and were vehemently opposed to rushing through the process. I have grave concerns about the lack of rigor in this vetting process. One of the spurious excuses that Mr. Vinayak gave for supporting RPM was that they were the only ones who brought up their past experience with affordable housing. Of course, I have zero insight into what was discussed in the presentations because I as a resident was shut out entirely, but I did file an OPRA request for the other RFPs, and I have right here with me the one submitted by L+M, in which they prominently detail all of their past affordable housing projects, of which there are many. So it’s clear to me that the already flimsy reasoning that Mr. Vinayak employed to justify his vote possibly wasn’t even correct to begin with. Or perhaps the process was so rushed that he could not even properly review all of the RFPs submitted? What was the rush here? Why are residents repeatedly being shut down and

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excluded? Councilmembers – there needs to be more accountability and transparency, and I recommend that you start by giving your constituents the right to participate.”

Perri Urso, resident/business owner, voiced her concern in regard to Resolution 22-150 and Ordinance 2610-22. She asked if there was any input from the property owners. She thanked and agreed with Ms. Thall Eglow’s comments concerning flood mitigation. She also thanked Ms. Prupis. She questioned accountability in regard to Fair Share Housing.

Mayor Miggins closed the public comment period and asked if any Committee members had any comments.

Ms. Thall Eglow thanked the residents for commenting and reiterated her recommendation to gather various mayors together to discuss the issues with affordable housing. She commented on the segregation the proposed 100% affordable housing would cause. She voiced her opposition to the proposed project.

Ms. Prupis spoke on the crossing guard resolution and asked when it would be voted on. Mr. McDonald and the Mayor advised it was presently up for consideration by the Committee. Mr. McDonald provided an overview and history of outsourcing the crossing guard services and how there were no issues reported. He advised the township would go out to bid next year. He provided a review on certain utility repairs to Lot 14.

The Committee reviewed the proposed 100% affordable housing project at the DPW property and the applicable timelines imposed by the settlement agreement.

Mr. McDonald reviewed the environmental company that had been hired to review the DPW site and advised the findings would be posted on the township’s website.

Ms. Prupis reviewed the history of how the settlement agreement with Fair Share Housing was negotiated and approved and voiced her opposition to the proposed project at the DPW site.

Mayor Miggins reviewed the history on how Ms. McManus was brought to Millburn as a Special Planner for the affordable housing matter.

Ms. Prupis asked how new sites were selected and Mr. McDonald reviewed the process. Ms. Prupis expressed her appreciation to the residents for asking the necessary questions.

Mr. Vinayak suggested the creation of a FAQ’s section on the website, in regards to the affordable housing matter, for new people asking similar questions. He reviewed the history of the Fair Share Housing matter.

Ms. Thall Eglow reviewed the history of Fair Share Housing matter. She thought the township should go back to fair share housing to renegotiate the township’s settlement agreement.

### **Consent Agenda**

Mayor Miggins asked if any of the Committee members had any questions or concerns regarding agenda items. Ms. Prupis and Mr. Vinayak discussed the success of the crossing guard service outsourcing. Ms. Thall Eglow asked, in regard to Resolution 22-144, perhaps adding crosswalks as well. Mr. McDonald reviewed the matter and noted that he would provide additional detail after discussion with the Engineering Department. Ms. Prupis asked for clarification in regard to Resolution 22-145 and Mr. McDonald provided an overview. Mayor Miggins asked for a motion to approve the items on the consent agenda Resolutions 22-142 – 22-149; excluding 22-150. Ms. Prupis made a motion to approve the consent agenda which was seconded by Ms. Thall Eglow.

Roll Call Vote: All Ayes

Absent: Wasserman

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**RESOLUTION 22-142  
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 7, 2022, in the following accounts:

|                                  |    |            |
|----------------------------------|----|------------|
| General Fund                     | \$ | 961,520.01 |
| Capital Fund                     |    | 232,045.56 |
| Parking Utility - Operating Fund |    | 7,084.39   |
| Dog Fund Trust                   |    | 2,550.00   |
| Donation Trust Fund              |    | 2,152.45   |
| Waste Recycling Trust Fund       |    | 1,780.00   |
| PATFA II                         |    | 3,327.00   |

**RESOLUTION 22-143  
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>        |
|--|--|----------------------|
| Philippe Zimmerman &<br>Adrienne Topping<br>15 East Lane<br>Short Hills, NJ 07078<br>Block 2208 Lot 11     | Tax Appeal<br>2018 Taxes<br>(\$6,221.44)<br>2019 taxes<br>(\$4,865.53)         | \$20,828.12          |
| 15 East Lane   | 2020 Taxes<br>(\$4,855.45)<br>2021 Taxes<br>(\$4,885.70)                       |                      |
| Ida Dally<br>79 Southview Drive<br>Berkeley Heights, NJ 07922<br>Block 1003 Lot 6<br>295 Main Street       | Tax Refund<br>2022 Taxes<br>Duplicate Pymt<br>Overcollection                   | \$3,493.73           |
| Corelogic Tax Service<br>Attn: Refunds Dept<br>Mail Code: DFW 1-3<br>3001 Hackberry Rd<br>Irving, TX 75063 | Tax Refunds<br>2022 Taxes<br>Duplicate Pymts<br>Overcollection<br>Listed Below | \$15,762.71          |
| <b><u>Block</u></b>  | <b><u>Lot</u></b>  | <b><u>Amount</u></b> |
| 1703   | 10   | 5,632.31             |
| 2111   | 20   | 10,130.40            |

**RESOLUTION 22-144  
AUTHORIZING THE ADVERTISING OF BIDS –  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM – GLENWOOD AREA BARRIER-FREE CURB  
RAMPS**

**BE IT RESOLVED** by the Township Committee of the Township of Millburn in the County of Essex, that the Township Clerk be and is hereby authorized and directed to advertise, as required by law, in the

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ITEM, a newspaper published in said Township, an Invitation to Bidders for sealed proposals to be received by the Township Clerk of the Township of Millburn in the County of Essex, New Jersey, for:

**Community Development Block Grant Program – Glenwood Area Barrier-Free Curb Ramps**

**BE IT FURTHER RESOLVED** that the sealed proposals will be opened and read in public at Town Hall, Millburn, New Jersey at a date and time to be determined and in the event no bids are received at that time, then authorization to re-advertise is hereby directed.

**RESOLUTION 22-145**

**APPOINTING A MUNICIPAL HOUSING LIAISON**

**WHEREAS**, pursuant to N.J.A.C. 5:93 and N.J.A.C. 5:80-26.1 et. seq., the Township of Millburn is required to appoint a Municipal Housing Liaison for the administration of Township of Millburn affordable housing program to enforce the requirements of N.J.A.C. 5:93 and N.J.A.C. 5:80-26.1 et. seq.; and

**WHEREAS**, Section 501.4 of the Township of Millburn provides for the appointment of a Municipal Housing Liaison to administer Millburn’s affordable housing program;

**NOW THEREFORE BE IT RESOLVED**, by the Governing Body of the Township of Millburn, in the County of Essex and the State of New Jersey that the Business Administrator, Alexander McDonald, is hereby appointed by the Governing Body of Township of Millburn as the Municipal Housing Liaison for the administration of the affordable housing program, pursuant to and in accordance with § 501.5 of the Township of Millburn Code.

**RESOLUTION 22-146**

**AUTHORIZING ONE YEAR OPTION #1 ON CONTRACT FOR MILLBURN TOWNSHIP CROSSING GUARD SERVICES**

**WHEREAS**, the Township of Millburn entered into a contract in 2021 with All City Management Services, 10440 Pioneer Boulevard, Suite 5, Santa Fe Springs, CA 90670, to provide Crossing Guard Services for Township School Posts for the Millburn Township Police Department; and

**WHEREAS**, the Police Department and Business Administrators Offices recommend exercising the Township’s option by renewal of this contract with the same terms and conditions for one additional year which is first and only option year for the contract (for July 1, 2022 through June 30, 2023); and

**WHEREAS**, the Township reserves the right to terminate this contract at any time, providing the contractor is given thirty (30) days written notice;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee hereby authorize the extension of this contract and the amount of the payment to the Township as set forth in the contract shall be as follows: \$798,188.00 (based on 180 school days/\$24,750 hours billed) for July 1, 2022 through June 30, 2023.

**RESOLUTION 22-147**

**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 Agreements for Storm Sewer Connections for 91 Western Drive, Block: 2202, Lot: 9 and 34 Harvey Drive, Block: 5002, Lot: 9, as per the recommendation of the Superintendent of Public Works.

**RESOLUTION 22-148**

**RENEWAL OF ALCOHOLIC BEVERAGE CONTROL LICENSES FOR 2022-2023**

**WHEREAS**, there have been filed applications for various Alcoholic Beverage Control License Renewals for the year July 1, 2022 to June 30, 2023; 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

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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, 2022 to June 30, 2023 pursuant to their applications, be issued to:

|  |                 |
|--|-----------------|
| Benihana National Corp                 | 0712-33-002-003 |
| Four Star Group, Inc.                  | 0712-44-008-006 |
| ACME Markets Inc.                      | 0712-44-012-010 |
| Newmark NJ LLC                         | 0712-33-014-009 |
| LSF Short Hills LLC                    | 0712-33-015-013 |
| The Cheesecake Factory Restaurant Inc. | 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 Inc.    | 0712-31-021-001 |
| Racquets Club of Short Hills, NJ       | 0712-31-023-001 |
| Hilton Management LLC                  | 0712-36-027-003 |
| RCSH Operations LLC                    | 0712-32-001-016 |
| Millburn Standard LLC                  | 0712-33-005-007 |
| SAM & RY Enterprises LLC               | 0712-44-011-014 |

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 22-149  
APPROVE SIDEWALK CAFÉ LICENSES**

**WHEREAS**, the following has submitted an application to the Township Clerk to obtain a sidewalk café license, providing all required documentation and the appropriate fees; and

**WHEREAS**, the appropriate departments have conducted investigations of those establishments and have found nothing to prevent their issuance;

**NOW, THEREFORE, BE IT RESOLVED** that the following be approved and a sidewalk café license be issued:

Fiamma  
Millburn Standard

**Ordinance / Introduction**

**Ordinance 2609-22**

Ms. Thall Eglow brought forth Ordinance 2609-22 for introduction. A brief explanatory statement about the ordinance was made by Mr. McDonald. Ms. Thall Eglow asked questions regarding the details of the

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ordinance which were addressed 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 July 19, 2022. Ms. Prupis seconded the motion. Mayor Miggins requested a roll call vote.

Roll Call Vote: All Ayes

Absent: Wasserman

ORDINANCE NO. 2609-22

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 \$2,150,000 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 a new automotive vehicle, including original apparatus and equipment, consisting of an SUV and (ii) acquisition of new additional or replacement equipment and machinery consisting of (a) water rescue equipment, (b) extrication equipment, (c) turnout gear and (d) personal protective equipment.

Estimated Cost: \$236,000

(B) Department of Public Works ("DPW")

Acquisition of a new automotive vehicle, including original apparatus and equipment, consisting of a pickup truck with plow.

Estimated Cost: \$60,000

(C) DPW

Repair or replacement of sewer lines at various locations.

Estimated Cost: \$100,000

(D) Police Department

(i) Undertaking of various improvements to Police Headquarters, (ii) acquisition of new additional or replacement equipment and machinery consisting of defibrillators and (iii) acquisition of a new automotive vehicle, including original apparatus and equipment, consisting of an SUV.

Estimated Cost: \$190,000

(E) Recreation

Undertaking of the following improvements: (i) various improvements to Gero Park, (ii) various improvements to Recreation buildings and facilities and (iii) refurbishing of tennis courts at Taylor Park.

Estimated Cost: \$297,000

(F) General Improvements

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(i) Undertaking of improvements to various public buildings and (ii) installation of pedestrian safety and street signs at various locations.

Estimated Cost: \$225,000

(G) 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: \$730,000

(H) Engineering

Improvement of the Mohawk Pump Station.

Estimated Cost: \$130,000

(I) Engineering

Undertaking of pedestrian safety improvements in the vicinity of the intersection of Hobart Avenue and Coniston Road.

Estimated Cost: \$52,000

(J) Engineering

Supplemental funding for the installation of a traffic signal at the intersection of Hobart Gap Road, White Oak Ridge Road and Hobart Avenue. It is hereby determined and stated that the Township has heretofore appropriated the sum of \$175,000 for such improvement pursuant to Ord. No. 2558-20 adopted on August 11, 2020.

Estimated Cost: \$100,000

(K) Engineering

Acquisition of a new automotive vehicle, including original apparatus and equipment, consisting of an SUV.

Estimated Cost: \$30,000

Section 2. The sum of \$2,150,000 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 \$2,150,000 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 2610-22**

Ms. Thall Eglow brought forth Ordinance 2610-22 for introduction. A brief explanatory statement about the ordinance was made by Ms. Thall Eglow. Ms. Thall Eglow moved the ordinance to be taken up and passed on first reading noting that the public hearing would take place on July 19, 2022. Ms. Prupis seconded the motion. Mayor Miggins requested a roll call vote.

Roll Call Vote: All Ayes

Absent: Wasserman

**ORDINANCE NO. 2610-22**

**CAPITAL ORDINANCE OF THE TOWNSHIP OF MILLBURN, IN THE COUNTY OF ESSEX, NEW JERSEY  
AUTHORIZING THE UNDERTAKING OF VARIOUS IMPROVEMENTS TO PARKING LOT #14 IN, BY AND  
FOR THE PARKING UTILITY OF THE TOWNSHIP, APPROPRIATING THEREFOR THE SUM OF \$400,000  
AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE PARKING UTILITY  
CAPITAL IMPROVEMENT FUND**

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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 undertake various improvements to Parking Lot #14 in, by and for the Parking Utility of the Township. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$400,000 is hereby appropriated to the payment of the cost of the improvements authorized and described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be raised from the Parking Utility Capital Improvement Fund, as hereinafter provided. The sum of \$400,000 is hereby appropriated from the Parking Utility Capital Improvement Fund to the payment of the cost of said purpose.

Section 3. Said improvements are lawful capital improvements of the Township having a period of usefulness of at least five (5) years. Said improvements 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 2611-22**

Mayor Miggins brought forth Ordinance 2611-22 for introduction. A brief explanatory statement about the ordinance was made by Mr. McDonald. Mayor Miggins moved the ordinance to be taken up and passed on first reading noting that the public hearing would take place on July 19, 2022. Ms. Prupis seconded the motion. Mayor Miggins requested a roll call vote.

Roll Call Vote: All Ayes

Absent: Wasserman

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ORDINANCE NO. 2611-22

**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 \$690,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, 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**

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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.

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 down payment appropriated by this ordinance. It is anticipated that the following grants shall be received by the Township: (A) a \$565,000 grant from the New Jersey Department of Transportation to finance the cost of the improvement of Myrtle Avenue authorized in Section 4.A hereof; and (B) a \$35,000 grant from the Essex County Community Development program, pursuant to the Federal Housing and Community Development Act, to finance the cost of the barrier-free curb cuts 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 down payment hereinafter appropriated to finance such purposes, 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:

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SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Reconstruction of Myrtle Avenue (from Glen Avenue to Mountain 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 | \$635,000 |
| Down Payment Appropriated        | \$31,750  |
| Bonds and Notes Authorized       | \$603,250 |
| Period of Usefulness             | 10 years  |

B. Undertaking of barrier-free curb cuts in the Glenwood section.

|                                  |           |
|----------------------------------|-----------|
| Appropriation and Estimated Cost | \$ 55,000 |
| Down Payment Appropriated        | \$ 2,750  |
| Bonds and Notes Authorized       | \$ 52,250 |
| Period of Usefulness             | 10 years  |

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|  |           |
|--|-----------|
| Aggregate Appropriation and Estimated Cost     | \$690,000 |
| Aggregate Down Payment Appropriated            | \$ 34,500 |
| Aggregate Amount of Bonds and Notes Authorized | \$655,500 |

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$35,000 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 \$34,500, 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 \$34,500 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 \$655,500 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 \$655,500 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 said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of ten 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 \$655,500 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.

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Section 13. The Township intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Township 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 2612-22**

Mayor Miggins brought forth Ordinance 2612-22 for introduction. A brief explanatory statement about the ordinance was made by Mr. McDonald; the Committee reviewed the ordinance. Mayor Miggins moved the ordinance to be taken up and passed on first reading noting that the public hearing would take place on July 19, 2022, Ms. Prupis seconded the motion. Mayor Miggins requested a roll call vote.

Roll Call Vote: All Ayes

Absent: Wasserman

**ORDINANCE NO. 2612-22**

**BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF TOWNSHIP-WIDE SECURITY IMPROVEMENTS IN, BY AND FOR THE TOWNSHIP OF MILLBURN, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,500,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, 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:

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Section 1. The Township of Millburn, in the County of Essex, State of New Jersey (the "Township") is hereby authorized to undertake Township-wide security improvements in, by and for the Township. The cost of the improvements includes all work, materials, appurtenances and equipment necessary and suitable therefor.

Section 2. The sum of \$1,500,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefitted.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Township, and (2) it is necessary to finance said purpose by the issuance of obligations of said Township pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$1,500,000, and (4) \$75,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$1,425,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$50,000 which is estimated to be necessary to finance the cost of such purpose, 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 4. It is hereby determined and stated that the sum of \$75,000 in the Township's Capital Reserve for Police Equipment is now available to serve as the down payment on said purpose. The sum of \$75,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Township of an aggregate principal amount not exceeding \$1,425,000 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 6. To finance said purpose, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$1,425,000 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 7. 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 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of ten years computed from the date of said bonds.

Section 9. 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 \$1,425,000 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 10. Any funds received from the 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 purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. 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,

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Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 12. The Township intends to issue the bonds or notes to finance the cost of the improvements described in Section 1 of this bond ordinance. If the Township 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 13. 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 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

**Ordinance 2613-22**

Mr. Vinayak brought forth Ordinance 2613-22 for introduction. A brief explanatory statement about the ordinance was made by Mr. Petto, Planner. Mr. Vinayak moved the ordinance to be taken up and passed on first reading noting that the public hearing would take place on July 19, 2022. Ms. Prupis seconded the motion. Mayor Miggins requested a roll call vote.

Roll Call Vote: All Ayes

Absent: Wasserman

**ORDINANCE 2613-22  
ORDINANCE AMENDING AND SUPPLEMENTING THE TOWNSHIP OF MILLBURN  
DEVELOPMENT REGULATIONS AND ZONING ORDINANCE**

WHEREAS, the Township of Millburn Zoning Board of Adjustment in their 2019 Annual Report to the Township Committee and Planning Board identified several applications that required variance relief approval from the Board for accessory structure setbacks; and

WHEREAS, the Development Regulations and Zoning Ordinance treat all accessory buildings, uses, and structures as accessory regardless of their orientation to and integration with the principal structure, with the exception of garages; and

WHEREAS, the Township wishes to provide accessory setback requirements that are consistent and appropriate for minimum lot dimensions in each residential zoning district.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MILLBURN, IN THE COUNTY OF ESSEX AND STATE OF NEW JERSEY, AS FOLLOWS (additions are underlined and deletions appear as strikethroughs):

Section 1: DRZ 300: Words and Phrases Defined

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301.1. ACCESSORY BUILDING, STRUCTURE OR USE: A building, structure or use which is customarily associated with and is subordinate and incidental to the principal building, structure or use and which is located on the same lot therewith. ~~An accessory building attached to the principal building shall be considered part of the principal building.~~ See specific zone requirements for permitted accessory uses.

301.13.1 DECK: Any horizontal accessory structure, not covered by any type of roof, serving as a floor which covers, partially or fully any portion of the lot area.

301.43.0 PATIO: A level, hardscaped surfaced area, also referred to as a terrace.

Section 2: DRZ 606: Zone Requirements

606.2: Residential R-3, R-4, R-5, R-6

606.2.e.3 Accessory Uses

|  | R-3 | R-4 | R-5                    | R-6                    |
|--|-----|-----|------------------------|------------------------|
| (a) Minimum side setback-feet          | 12  | 12  | <del>12</del> <u>9</u> | <del>12</del> <u>5</u> |
| (b) Minimum rear setback-feet          | 12  | 12  | <del>12</del> <u>9</u> | <del>12</del> <u>5</u> |
| (c) Maximum structure height<br>– feet | 18  | 18  | 18                     | 18                     |

(d) Attached garages shall be set back in compliance with the minimum setback requirements of the respective zone district. Detached garages shall be set back a minimum of 12 feet from all property lines in the R-3 and R-4 Districts and in all other Districts the setback shall be 3 feet.

606.3 Residential R-7

606.3.e.3 Accessory Uses

|                                 | One-Family   | Two-Family |
|---------------------------------|--|------------|
| Side and rear setback           | <del>12 feet</del> <u>4 feet</u> , 3 feet for detached garages |            |
| Maximum structure height - feet | <u>18 feet</u>   |            |

609.1.g: When any accessory buildings, structures or uses are attached to the principal building, or located within four feet of the principal building, it shall be considered a part of such principal building and as such shall also comply with all bulk requirements applicable to the principal building. Decks and patios, less than 18 inches above grade, and accessory buildings, structures or uses less than 100 square feet in size are exempt from this provision and shall be considered accessory buildings, structures or uses, and subject to all accessory bulk requirements.

606.4 Residential R-8

606.4.e.5 Accessory Uses:

|  | One-Family                                  | Two-Family |
|--|---|------------|
| <u>Side and rear setback</u>           | <u>4 feet</u> , 3 feet for detached garages |            |
| <u>Maximum structure height - feet</u> | <u>18 feet</u>                              |            |

Mayor Miggins provided a brief note to recall that Ordinance 2614-22 was removed from the agenda earlier in the meeting.

**Ordinance 2615-22**

Mr. Vinayak brought forth Ordinance 2615-22 for introduction. A brief explanatory statement about the ordinance was made by Mr. Graham Petto, Township Planner. Ms. Thall Eglow and Ms. Prupis reviewed

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questions which were addressed by Mr. Petto. Mr. Vinayak moved the ordinance to be taken up and passed on first reading noting that the public hearing would take place on July 19, 2022. Ms. Prupis seconded the motion. Mayor Miggins requested a roll call vote.

Roll Call Vote: All Ayes

Absent: Wasserman

**ORDINANCE 2615-22**

**ORDINANCE AUTHORIZING AND ENCOURAGING ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) & MAKE-READY PARKING SPACES**

*Purpose:* this Ordinance sets forth procedures for the installation of Electric Vehicle Supply/Service Equipment (EVSE) and Make-Ready parking spaces and establishes associated regulations and other standards within the Township of Millburn of Essex County.

WHEREAS, supporting the transition to electric vehicles contributes to the Township of Millburn's commitment to sustainability and is in the best interest of public welfare; and

WHEREAS, installation of EVSE and Make-Ready parking spaces encourages electric vehicle adoption; and

WHEREAS, the Township of Millburn encourages increased installation of EVSE and Make Ready parking spaces; and

WHEREAS, adoption of this ordinance supports the State of New Jersey's goals to reduce air pollutants and greenhouse gas emissions from the transportation sector as outlined and supported by various programs related to NJ's 2019 Energy Master Plan, Global Warming Response Act (P.L.2007, c.112 (C.26:2C-37 et al.)), and EV Law (P.L. 2019, c. 362); and

WHEREAS, P.L. 2021, c.171, which Governor Murphy signed into law on July 9, 2021, requires EVSE and Make-Ready parking spaces be designated as a permitted accessory use in all zoning or use districts and establishes associated installation and parking requirements; and

WHEREAS, the Township of Millburn encourages greater ownership and use of electric vehicles, thus the Township of Millburn is amending the Development Regulations and Zoning Ordinance to establish standards and regulations for the safe and efficient installation of EVSE and Make-Ready parking spaces at appropriate locations.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MILLBURN, IN THE COUNTY OF ESSEX AND STATE OF NEW JERSEY, AS FOLLOWS (additions are underlined and deletions appear as strikethroughs):

**SECTION 1. CHAPTER DRZ, ARTICLE 6, SECTION 607.6 ENTITLED "ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT"**

**A. Purpose**

The purpose of this ordinance is to promote and encourage the use of electric vehicles by requiring the safe and efficient installation of EVSE and Make-Ready parking spaces through municipal parking regulations and other standards. EVSE and Make-Ready parking spaces will support the State's transition to an electric transportation sector, reducing automobile air pollution, greenhouse gas emissions, and storm water runoff contaminants. The goals are to:

1. Provide adequate and convenient EVSE and Make-Ready parking spaces to serve the needs of the traveling public.
2. Provide opportunities for residents to have safe and efficient personal EVSE located at or near their place of residence.
3. Provide the opportunity for non-residential uses to supply EVSE to their customers and employees.

4. Create standard criteria to encourage and promote safe, efficient, and cost-effective electric vehicle charging opportunities in all zones and settings for convenience of service to those that use electric vehicles.

#### **B. Definitions**

Certificate of occupancy: The certificate provided for in N.J.A.C. 5:23-2, indicating that the construction authorized by the construction permit has been completed in accordance with the construction permit, the act and the regulations. See "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and regulations adopted pursuant thereto.

Charging Level: The amount of voltage provided to charge an electric vehicle varies depending on the type of EVSE as follows:

1. Level 1 operates on a fifteen (15) to twenty (20) amp breaker on a one hundred twenty (120) volt AC circuit.
2. Level 2 operates on a forty (40) to one hundred (100) amp breaker on a two hundred eight (208) or two hundred forty (240) volt AC circuit.
3. Direct-current fast charger (DCFC) operates on a sixty (60) amp or higher breaker on a four hundred eighty (480) volt or higher three phase circuit with special grounding equipment. DCFC stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

Electric vehicle: Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; and operates either partially or exclusively using an electric motor powered by an externally charged on-board battery.

Electric Vehicle Supply/Service Equipment or (EVSE): The equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. "EVSE" may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. "EVSE" is synonymous with "electric vehicle charging station."

Make-Ready Parking Space: means the pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make Ready includes expenses related to service panels, junction boxes, conduit, wiring, and other components necessary to make a particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a "plug and play" basis. "Make-Ready" is synonymous with the term "charger ready," as used in P.L.2019, c.362 (C.48:25-1 et al.).

Private EVSE: EVSE that has restricted access to specific users (e.g., single and two-family homes, executive parking fleet parking with no access to the general public).

Publicly-accessible EVSE: EVSE that is publicly available (e.g., park & ride, public parking lots and garages, on-street parking, shopping center parking, non-reserved parking in multi-family parking lots, etc.).

#### **C. Approvals and Permits**

1. An application for development submitted solely for the installation of EVSE or Make-Ready parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning or use districts and shall not require a variance pursuant to C.40:55D-70.
2. EVSE and Make-Ready Parking Spaces installed pursuant to Section D. below in development applications that are subject to site plan approval are considered a permitted accessory use as described in 1. above.
3. All EVSE and Make-Ready parking spaces shall be subject to applicable local and/or Department of Community Affairs permit and inspection requirements.

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4. The *zoning officer and/or municipal engineer* shall enforce all signage and installation requirements described in this ordinance. Failure to meet the requirements in this ordinance shall be subject to the same enforcement and penalty provisions as other violations of the Township of Millburn's land use regulations.
5. An application for development for the installation of EVSE or Make-Ready spaces at an existing gasoline service station, an existing retail establishment, or any other existing building shall not be subject to site plan or other land use board review, shall not require variance relief pursuant to C.40:55D-1 et seq. or any other law, rule, or regulation, and shall be approved through the issuance of a zoning permit by the administrative officer, provided the application meets the following requirements:
  - a. the proposed installation does not violate bulk requirements applicable to the property or the conditions of the original final approval of the site plan or subsequent approvals for the existing gasoline service station, retail establishment, or other existing building;
  - b. all other conditions of prior approvals for the gasoline service station, the existing retail establishment, or any other existing building continue to be met; and
  - c. the proposed installation complies with the construction codes adopted in or promulgated pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charging stations.
6. An application pursuant to Section 5. above shall be deemed complete if:
  - a. the application, including the permit fee and all necessary documentation, is determined to be complete,
  - b. a notice of incompleteness is not provided within 20 days after the filing of the application, or
  - c. a one-time written correction notice is not issued by the Zoning Officer within 20 days after filing of the application detailing all deficiencies in the application and identifying any additional information explicitly necessary to complete a review of the permit application.
7. EVSE and Make-Ready parking spaces installed at a gasoline service station, an existing retail establishment, or any other existing building shall be subject to applicable local and/or Department of Community Affairs inspection requirements.
8. A permitting application solely for the installation of electric vehicle supply equipment permitted as an accessory use shall not be subject to review based on parking requirements.

**D. Requirements for New Installation of EVSE and Make-Ready Parking Spaces**

1. As a condition of preliminary site plan approval, for each application involving a multiple dwelling with five or more units of dwelling space, which shall include a multiple dwelling that is held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed-use development, the developer or owner, as applicable, shall:
  - a. prepare as Make-Ready parking spaces at least 15 percent of the required off-street parking spaces, and install EVSE in at least one-third of the 15 percent of Make-Ready parking spaces;
  - b. within three years following the date of the issuance of the certificate of occupancy, install EVSE in an additional one-third of the original 15 percent of Make-Ready parking spaces; and
  - c. within six years following the date of the issuance of the certificate of occupancy, install EVSE in the final one-third of the original 15 percent of Make-Ready parking spaces.
  - d. Throughout the installation of EVSE in the Make-Ready parking spaces, at least five percent of the electric vehicle supply equipment shall be accessible for people with disabilities.
  - e. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
2. As a condition of preliminary site plan approval, each application involving a parking lot or garage not covered in 1. above shall:

- a. Install at least one Make-Ready parking space if there will be 50 or fewer off-street parking spaces.
- b. Install at least two Make-Ready parking spaces if there will be 51 to 75 off-street parking spaces.
- c. Install at least three Make-Ready parking spaces if there will be 76 to 100 off-street parking spaces.
- d. Install at least four Make-Ready parking spaces, at least one of which shall be accessible for people with disabilities, if there will be 101 to 150 off-street parking spaces.
- e. Install at least four percent of the total parking spaces as Make-Ready parking spaces, at least five percent of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces.
- f. In lieu of installing Make-Ready parking spaces, a parking lot or garage may install EVSE to satisfy the requirements of this subsection.
- g. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
- h. Notwithstanding the provisions of this Section, a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home shall not be required to provide or install any electric vehicle supply equipment or Make-Ready parking spaces.

#### **E. Minimum Parking Requirements**

1. All parking spaces with EVSE and Make-Ready equipment shall be included in the calculation of minimum required parking spaces, pursuant Section 607.2.
2. A parking space prepared with EVSE or Make-Ready equipment shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10 percent of the total required parking.
3. All parking space calculations for EVSE and Make-Ready equipment shall be rounded up to the next full parking space.
4. Additional installation of EVSE and Make-Ready parking spaces above what is required in Section D. above may be encouraged, but shall not be required in development projects.

#### **F. Reasonable Standards for All New EVSE and Make-Ready Parking Spaces**

1. Location and layout of EVSE and Make-Ready parking spaces is expected to vary based on the design and use of the primary parking area. It is expected flexibility will be required to provide the most convenient and functional service to users. When an applicant proposes to provide EVSE in a manner not in compliance with the below standards, design waiver relief shall be required by the Planning Board or Zoning Board of Adjustment.
2. Installation:
  - a. Installation of EVSE and Make-Ready parking spaces shall meet the electrical subcode of the Uniform Construction Code, N.J.A.C. 5:23-3.16.
  - b. Each EVSE or Make-Ready parking space that is not accessible for people with disabilities shall comply with dimensional standards contained in Section 516.5. EVSE mounted to the ground, either directly or on a pedestal, pole, or other apparatus, shall not be located within these minimum dimensions and shall provide an area 3 feet wide by 3 feet long for installation and operation of the EVSE. Exceptions may be made for existing parking spaces or parking spaces that were part of an application that received prior site plan approval.
  - c. To the extent practical, the location of accessible parking spaces for people with disabilities with EVSE and Make Ready equipment shall comply with the general accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
  - d. Each EVSE or Make-Ready parking space that is accessible for people with disabilities shall comply with the sizing of accessible parking space requirements in the Uniform

Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.

### 3. Equipment

- a. Publicly-accessible EVSE providing AC Level 2 charging shall provide the SAE J1772 plug type, and publicly-accessible EVSE providing DC fast charging shall provide CCS and ChaDeMO plugs. To the satisfaction of the Board, other charger(s) may be employed provided that such charger or combination thereof are compatible with all electric vehicles commonly available for consumer purchase.
- b. All EVSE shall not have permanent advertising. Any advertising shall be limited to advertisements located on an electronic operational or payment screen that is only activated when triggered by customer interaction with the operational or payment system.

### 4. Location

- c. No EVSE shall be permitted within 20 feet of the property line.
- d. EVSE located within 10 feet of an adjacent property shall be screened by fencing or evergreen landscaping at least 5' in height.
- e. Publicly-accessible EVSE shall be located within 100 feet of a building entrance.

### 5. Operations

- a. Publicly-accessible EVSE shall be reserved for parking and charging electric vehicles only. Electric vehicles shall be connected to the EVSE when parked in the EVSE space.
- b. Electric vehicles may be parked in any parking space designated for parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
- c. Public Parking. Pursuant to NJSA 40:48-2, publicly-accessible EVSE parking spaces shall be monitored by the municipality's police department and enforced in the same manner as any other parking. It shall be a violation of this Section to park or stand a non-electric vehicle in such a space, or to park an electric vehicle in such a space when it is not connected to the EVSE. Any non-electric vehicle parked or standing in a EVSE parking space or any electric vehicle parked and not connected to the EVSE shall be subject to fine and/or impoundment of the offending vehicle as described in the general penalty provisions of Section 7-35. Signage indicating the penalties for violations shall comply with Section 5. below. Any vehicle parked in such a space shall make the appropriate payment for the space and observe the time limit for the underlying parking area, if applicable.
- d. Private Parking. The use of EVSE shall be monitored by the property owner or designee.

### 6. Safety

- a. Each publicly-accessible EVSE shall be located at a parking space that is designated for electric vehicles only and identified by green painted pavement and/or curb markings, a green painted charging pictograph symbol, and appropriate signage pursuant to Section 5. below.
- b. Where EVSE is installed, adequate site lighting shall be provided in accordance with Section 512.
- c. Adequate EVSE protection such as concrete-filled steel bollards shall be used for publicly-accessible EVSE. Non-mountable curbing may be used in lieu of bollards if the EVSE is setback a minimum of 24 inches from the face of the curb. Any stand-alone EVSE bollards should be 3 to 4-feet high with concrete footings placed to protect the EVSE from accidental impact and to prevent damage from equipment used for snow removal.
- d. EVSE outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface where mounted and shall contain a cord management system as described in e. below. In the case of ceiling-mounted EVSE, outlets and connector devices may retract to a height above 48 inches, but the height of the outlets and connector devices when deployed and such deploying mechanism shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface.
- e. All EVSE shall be mounted at a height above the base flood elevation, and EVSE shall be designed to be rainproof, floodproof, and fail-safe when not in use.

- f. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located as to not impede pedestrian travel, create trip hazards on sidewalks, or impede snow removal.
  - g. Each EVSE shall incorporate a cord management system or method to minimize the potential for cable entanglement, user injury, or connector damage. Cords shall be retractable. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.
  - h. Where EVSE is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the EVSE shall be located so as not to interfere with accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
  - i. Publicly-accessible EVSEs shall be maintained in all respects, including the functioning of the equipment. A 24-hour on-call contact shall be provided on the equipment for reporting problems with the equipment or access to it. To allow for maintenance and notification, the Township of Millburn shall require the owners/designee of publicly-accessible EVSE to provide information on the EVSE's geographic location, date of installation, equipment type and model, and owner contact information.
7. Signs
- a. Publicly-accessible EVSE shall have posted regulatory signs, as identified in this section, allowing only charging electric vehicles to park in such spaces. For purposes of this section, "charging" means that an electric vehicle is parked at an EVSE and is connected to the EVSE. If time limits or vehicle removal provisions are to be enforced, regulatory signs including parking restrictions shall be installed immediately adjacent to, and visible from the EVSE. For private EVSE, installation of signs and sign text is at the discretion of the owner.
  - b. All regulatory signs shall comply with visibility, legibility, size, shape, color, and reflectivity requirements contained within the Federal Manual on Uniform Traffic Control Devices as published by the Federal Highway Administration.
  - c. Wayfinding or directional signs, if necessary, shall be permitted at appropriate decision points to effectively guide motorists to the EVSE parking space(s). Wayfinding or directional signage shall be placed in a manner that shall not interfere with any parking space, drive lane, vehicle exit, or pedestrian walkway and shall comply with b. above.
  - d. In addition to the signage described above, the following information shall be available on the EVSE or posted at or adjacent to all publicly-accessible EVSE parking spaces:
    1. Hour of operations and/or time limits if time limits or tow-away provisions are to be enforced by the municipality or owner/designee;
    2. Usage fees and parking fees, if applicable; and
    3. Contact information (telephone number) for reporting when the equipment is not operating or other problems.
8. Usage Fees
- a. Private EVSE: Nothing in this ordinance shall be deemed to preclude a private owner/designee of an EVSE from collecting a fee for the use of the EVSE, in accordance with applicable State and Federal regulations. Fees shall be available on the EVSE or posted at or adjacent to the EVSE parking space.

## Section 2: SEVERABILITY

If any section, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

## Section 3: REPEAL OF PRIOR ORDINANCES

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

**Section 4: EFFECTIVE DATE**

This ordinance shall take effect after final passage and publication as provided by law.

**Ordinance 2616-22**

Mayor Miggins brought forth Ordinance 2616-22 for introduction. A brief explanatory statement about the ordinance was made by Mr. McDonald. Mr. McDonald and Ms. Prupis reviewed the matter. Mayor Miggins moved the ordinance to be taken up and passed on first reading noting that the public hearing would take place on July 19, 2022, Ms. Prupis seconded the motion. Mayor Miggins requested a roll call vote.

Roll Call Vote: All Ayes

Absent: Wasserman

**ORDINANCE 2616-22**

**ESTABLISHING A PEDESTRIAN MALL PURSUANT TO N.J.S.A. 40:56-65, ET SEQ., IN THE TOWNSHIP OF MILLBURN, COUNTY OF ESSEX, NEW JERSEY (Establish Pedestrian Mall on MAIN Street, between MILLBURN AVE. and ESSEX ST.)**

*STATEMENT OF PURPOSE:* The purpose of this ordinance is to establish a Pedestrian Mall pursuant to N.J.S.A. 40:56-65 et seq. on Main Street between Millburn Avenue and Essex Street for outdoor dining and other permitted uses through November 30, 2022.

**WHEREAS**, the Township Committee desires to establish a Pedestrian Mall on Main Street between Millburn Avenue and Essex Street for outdoor dining and other permitted uses; and

**WHEREAS**, Millburn Short Hills Business Organization, Inc. ("SID") has indicated its support of the closure Main Street in this location for pedestrian use; and

**WHEREAS**, N.J.S.A. 40:56-65 authorizes the governing body of a municipality to limit the use of streets by private vehicles when such limitation is found to be in the public interest of the municipality and State, to be of benefit to adjoining properties and to be essential to the effective use of such streets for street purposes; and

**WHEREAS**, N.J.S.A. 40:56-65 further provides that the governing body of a municipality may adopt an ordinance in order to protect the public welfare and health and the interests of the public in the safe and effective movement of persons and to preserve and enhance the function and appearance of the business districts of such municipality; and

**WHEREAS**, pursuant to N.J.S.A. 40:56-66, a "pedestrian mall" or "pedestrian mall improvement" means any local improvement designed to be used primarily for the movement, safety, convenience and enjoyment of pedestrians, and a pedestrian mall improvement shall include but not be limited to pedestrian thoroughfares, perimeter parking, public seating, park areas, outdoor cafes, shelters, trees, flower plantings, sculpture, traffic signs, kiosks, fire hydrants, street lighting, ornamental signs, ornamental lights, trash receptacles, display cases, marquees, awnings, canopies, overhead radiant heating fixtures, underground radiant heating pipes and devices, walls, bollards and chains and all such other fixtures, equipment, facilities and appurtenances which in the judgment of the governing body of the municipality will enhance the movement, safety, convenience and enjoyment of pedestrians and benefit the municipality and adjoining properties; and

**WHEREAS**, in accordance with N.J.S.A. 40:56-68(a), the Township Committee finds that: (1) Main Street or any part thereof is not a part of any State highway, is located primarily in a business district, and is improved to its maximum feasible width with regard to adjoining buildings and improvements; (2) reasonably convenient alternate routes to other parts of the municipality and State exist for private vehicles; (3) continued unlimited use of Main Street or part thereof by private vehicles may constitute a hazard to the health and safety of pedestrians; (4) abutting properties can reasonably and adequately be provided with emergency vehicular services and receive and deliver merchandise and materials from other streets and alleys or by provisions for limited use of the streets by emergency vehicles and carriers of such merchandise and materials; and (5) it is in the best interests of the municipality and the public and of benefit to adjacent properties to use such street primarily for pedestrian purposes, and that pedestrian use is determined to be the highest and best use of such street or part thereof.

## Millburn Township Committee Meeting Minutes

**WHEREAS**, the Township Committee of the Township of Millburn finds it in the best interests of the Township to establish a Pedestrian Mall as herein described.

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

1. Pursuant to the findings set forth above, Main Street between Millburn Avenue and Essex Street be and is hereby designated as a Pedestrian Mall pursuant to N.J.S.A. 40:56-65 et seq. Such designation shall expire on November 30, 2022 except that nothing shall prevent the Township from abandoning the Pedestrian Mall at any time prior to November 30, 2022.
2. The use of the surface of the above described portions of Main Street shall be limited at all times to pedestrians and also emergency, public works, and other maintenance and service vehicles as required.
3. Under the direction of the Township Committee, the Pedestrian Mall may be used for any purpose or activity which will enhance the movement, safety, convenience, or enjoyment of pedestrians.
4. The Business Administrator or his designee shall provide for the control and regulation of (1) the issuance of permits to conduct any special activities or operations consistent with the broad purpose of the Mall, (2) the designation of parking spaces and/or other specifically reserved uses of the Mall or portions thereof, (3) the regulation of a limited amount of local vehicular traffic in order to allow for deliveries, pickups, and or drop-offs of business patrons or employees, and/or other loading and unloading of personnel, materials or other goods to be used directly or indirectly by a business and/or residence along the Pedestrian Mall.
5. As more specifically set forth in N.J.S.A. 40:56-75, the Township shall retain its police and other rights and powers relating to the street constituting the pedestrian mall. No such action shall be interpreted or construed to be a vacation, in whole or in part, of any municipal street or part thereof, it being intended that the establishment of a pedestrian mall is a matter of a regulation only. This ordinance shall not prevent the Township from abandoning the operation of the pedestrian mall, changing the extent of the pedestrian mall, supplementing or amending the description to be specially assessed or taxed for annual costs of the pedestrian mall, or changing or repealing any limitations on the use of the pedestrian mall streets by private vehicles or any plan, rules or regulations adopted for the operation of a pedestrian mall.
6. The Municipal Clerk shall publish this Ordinance in the manner required by N.J.S.A. 40:49-2, except that after same has been introduced and passed on first reading, as required by N.J.S.A. 40:56-71, the Municipal Clerk shall, at least ten (10) days prior to the time fixed for final passage, mail a copy of this Ordinance, together with a notice of the introduction thereof and the date, time and place when this Ordinance shall be considered for final passage to the owners of the lots or parcels of land abutting or directly affected by the proposed pedestrian mall.
7. **SEVERABILITY.** If any paragraph, section, subsection, sentence, sentence clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of such holding shall not affect the validity of the remaining paragraphs or sections hereof.
8. **INCONSISTENCY.** All ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.
9. **EFFECTIVE DATE.** This Ordinance shall take effect upon final passage and publication according to law.

### Old Business

Mayor Miggins asked if any members of the committee had any old business they would like to discuss.

### Two-Way Traffic

Mr. Vinayak advised a report was provided by Mott MacDonald on the proposed traffic change. He asked Mr. McDonald for an update on the matter. Mr. McDonald reviewed the reports that were provided to the Committee with the findings and noted that there were various options to the traffic change. Ms. Prupis asked if the approval would be an ordinance or a resolution. Mr. McDonald advised the approval of the project would be in the form of a resolution. Ms. Prupis suggested putting the matter on for Old Business for the next meeting.

Two Lanes on Douglas Street

Ms. Thall Eglow noted the traffic that would be caused by the construction on the Wells Fargo property to Spring and Douglas Street and reviewed her recommendation. Mr. Vinayak agreed with Ms. Thall Eglow and thought it would reduce traffic onto Millburn Avenue. Ms. Prupis mentioned the thought to have Spring Street be a two way street and perhaps the engineers could take a look at that option.

Pride Flag Raising

Ms. Thall Eglow announced that the Pride Flag would be raised at town hall on June 17<sup>th</sup> at 4:30pm.

Train Station Update

Ms. Thall Eglow asked for an update on the Brightview project at the Train Station. Mr. McDonald provided an update and advised the process was moving along and he would report back.

Marion Road Bridge

Ms. Thall Eglow asked when the project would begin at the Marion Road Bridge and Mr. McDonald noted it was expected to begin in July. She suggested that residents be notified in that area of the construction.

Social Media Safety

Ms. Thall Eglow advised residents not to announce on social media when they would be out of town as it was an open invitation for burglaries.

Conceal a Dumpster Ordinance

Ms. Thall Eglow stated that Montclair had an ordinance regulating dumpsters and require that they not be unsightly and must be concealed. She advised that while she walked around town she saw that some restaurants dumpsters looked unsightly. She asked if the town could come up with something similar to what Montclair has and suggested our Planner could look into this.

**New Business**

Mayor Miggins advised how residents could submit their interest in serving on a board and committee in the township. Mr. Vinayak asked if proper process could be followed in promoting alternates to voting members before appointing new members to boards. Ms. Thall Eglow suggested to review interests that were already submitted earlier in the year as well.

**Adjournment**

Mayor Miggins asked for a motion to adjourn the meeting. Mr. Vinayak made a motion to adjourn, the motion was seconded by Ms. Prupis to adjourn the meeting at 9:00PM. Vote: All Ayes.

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Christine A. Gatti, RMC  
Municipal Clerk

Approved: September 20, 2022