

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 21, 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 , Tara B. Prupis, and Dianne Thall Eglow, Richard J. Wasserman.

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

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 motion was offered by Mr. Wasserman and seconded by Ms. Thall Eglow

Vote: All Ayes

Ms. Prupis asked made a motion to allow for a 2nd public comment option at the end of the meeting; Ms. Thall Eglow seconded the motion.

Roll Call Vote: Ayes: Prupis, Thall Eglow

Nays: Miggins, Wasserman, Vinayak

Motion Failed.

Ms. Prupis questioned who would be presenting the Proclamation for Community Service Award Committee and Mayor Miggins advised she would present it herself. Ms. Prupis noted that Ms. Thall Eglow should present it seeing she was the liaison to the Community Service Award Committee.

Ms. Prupis made a motion to have Ms. Thall Eglow present the Community Service Award Proclamation this evening seeing she was the liaison on the board; Ms. Thall Eglow seconded the motion.

Roll Call Vote: Ayes: Prupis, Thall Eglow

Nays: Miggins, Wasserman, Vinayak

Motion Failed.

Minutes

Mayor Miggins asked for a motion to approve the April 5, 2022 Regular Township Committee meeting minutes. The motion was made by Mr. Vinayak and seconded by Mr. Wasserman.

Vote: All Ayes, except Prupis who abstained

Mayor Miggins asked for a motion to approve the April 5, 2022 Special Township Committee meeting minutes. The motion was made by Mr. Wasserman and seconded by Mr. Vinayak .

Vote: All Ayes, except Prupis who abstained

Proclamation

Community Service Award Committee

Mayor Miggins introduced former Mayor Elaine Becker, Chair of the Community Service Award Committee. Mayor Becker provided a background on Friends of the Library. Mayor Miggins presented

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the Proclamation to Friends of Millburn Public Library. Thanks were given by a Friends of Millburn Library Representatives for the thoughtful recognition.

Ms. Thall Eglow expressed praise to the amazing things the Friends of Millburn Library had accomplished and how they deserved the recognition.

Mr. Michael Banick, Library Director, thanked the Committee for the support of the Library and Friends.

Mr. Vinayak presented a proclamation in support of Parks and Recreation. Board of Recreation Chair, Nicholas Romano, thanked the community and Mr. Vinayak for the support.

Reports

Ms. Prupis reported on the senior newsletter and announced upcoming activities and events. She advised the public of the upcoming summer concerts and Rocktober Fest. She asked questions on the upcoming concerning affordable housing hearing. Ms. Prupis and Mr. McDonald reviewed the matter.

Mayor Miggins called for a brief recess. The meeting resumed at 7:36PM

Ms. Thall Eglow awarded the Pedestrian Safety Advisory Board (PSAB) drawing contest winners.

Ms. Prupis continued with her inquires pertaining to affordable housing and the compliance hearing date change. Mr. McDonald reviewed the matter further. Ms. Prupis advised of the Planning Board Special Meeting that would take place June 22nd. She voiced her frustration with how the information was disseminated to Committee members and the public.

Ms. Prupis reviewed the environmental draft document that was on the website pertaining to the proposed 100% affordable housing site on Main Street. She voiced comments and questions pertaining to affordable housing, the proposed 100% affordable housing site on Main Street, negotiations with the developer, RPM and gun safety. Mr. McDonald and Ms. Prupis.

Questions arose regarding the Open Public Meetings Act and Mr. Carney advised he would provide guidance on the Open Public Meeting Act (OPMA) to the Township Committee.

Mr. McDonald advised town hall staff would not be the administrative agent for affordable housing.

Mr. Wasserman and Mr. Vinayak reviewed affordable housing in relation to schools with Ms. Prupis.

Ms. Prupis reviewed updates with the Joint Meeting of Union and Essex Counties and provided details on a Joint Meeting funding ordinance that was introduced at their last meeting.

Ms. Thall Eglow requested the cushions be returned to the seats in the meeting room and noted that town hall needs renovations. She reviewed the discussions with the Pedestrian Safety Advisory Baoard and noted areas of concern in regards to pedestrian safety improvements.

Mayor Miggins asked for Mr. McDonald to look into whether a stop sign at Lackawanna is necessary.

Ms. Thall Eglow reviewed suggested various areas for stop signs. She announced the fourth annual pride flag raising ceremony and thanked Splurge Bakery for their donation. She reviewed the overlay zoning ordinances proposed and voiced her objection to them.

Ms. Thall Eglow made a motion to withdraw Ordinances 2604-22; 2605-22; 2606-22; 2607-22; 2608-22 from consideration as there wasn't enough time; Ms. Prupis seconded the motion.

Mr. Vinayak provided background information on the affordable housing matter. He reviewed the fair share housing court history. A discussion ensued among the Committee regarding affordable housing hearings with Fair Share Housing.

Roll Call Vote on Ms. Thall Eglow's motion to withdrawn Ordinances 2604-22; 2605-22; 2606-22; 2607-22; 2608-22 from consideration this evening:

Ayes: Prupis, Thall Eglow

Nays: Miggins, Wasserman, Vinayak

Motion failed.

Messrs. Vinayak and Wasserman reported on the Flood Mitigation Advisory Committee meetings and advised of information that continues to be updated on the website.

Mr. Wasserman reported on the music programs in town and the closing of Main Street. He announced that a donation of a piano was made.

Mr. McDonald reported on the Cora Hartshorn Arboretum Board and advised that Township Committee members that serve on the board did not need to provide a non-disclosure agreement if they did not feel comfortable doing so. He reviewed the President's Cup Race event by the Chamber of Commerce.

Mayor Miggins suggested that when the proposed 100% affordable housing site on Main Street environmental results were final and submitted that a public information session be scheduled to review the results with the public.

The Committee reviewed affordable housing public information sessions and information to be discussed.

Mayor Miggins urged residents to reach out to their senator and governor to get the energy receipts back to the township from the state.

Mayoral Appointments

Mayor Miggins appointed Atul Dalmia to the Board of Recreation, who currently serves in the Alternate #2 position, to the vacant Alternate #1 position with a term expiration of December 31, 2026.

Mayor Miggins appointed Shikha Agrawal to the Board of Recreation, to the Alternate #2 position with a term expiration of December 31, 2023.

Mayor Miggins called for a brief recess. The meeting resumed at 8:51PM.

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. 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.

Glenn Paparian, resident, thanked the Committee for their service and asked questions in regard to affordable housing.

Rene Paparian, resident, reviewed her concerns with the Annie Sez site for proposed affordable housing and voiced objection.

Frank Saccomandi, resident, voiced objection to the proposed overlay ordinances and fair share settlement agreement.

Jerry Kung, resident, voiced his objection on the fair share settlement agreement and proposed overlay zoning ordinances. He questioned the processes and transparency.

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Nick Volpicelli, resident, reviewed the census numbers and affordable housing numbers. He voiced his objection to the affordable housing numbers and suggested regulation.

Dennis Fabian, resident, reviewed the recent Planning Board meeting and voiced objection to the affordable housing plan. He questioned the process and environmental remediation concerns.

Christine Best, resident, reviewed findings of radiation from 4G and 5G cell antennas. She asked the Committee for assistance concerning cell towers and reviewed her health concerns with cell towers.

Jay Morreale, resident, voiced his concerns with the rules of order. He spoke concerning the Casey & Keller contract. He voiced concerns with the overlay ordinances. He asked Mayor Miggins to recuse from voting on the ordinances.

Mr. Brender, resident, voiced objection to the Committee's actions on affordable housing. He provided suggestions for affordable housing projects.

Oyin Owolabi, resident, suggested the Committee members be sworn in at the beginning of each meeting. She recalled her experience as a Board of Education Member. She voiced her objections with affordable housing and disapproval of Committee actions.

Gholam Paknejad, resident, voiced his objection to proposed affordable housing project.

Bill Brazell, resident, recalled his experience when he lived in low income housing. He voiced his objections to high rise affordable housing in the township.

Donald Hayes, resident, voiced his objections to the affordable housing plans.

James Kokkalis, resident, voiced his objection to the 100% affordable housing site on Main Street. He asked the Committee to fight the court, judge and state.

Adam Brender, resident, voiced his objection to the affordable housing plan and asked the committee to reconsider with the best interest of the residents in mind.

Perri Urso, resident/business owner, commented on the proposed pedestrian mall for the SID with regard to Ordinance 2616-22. She questioned the traffic pattern concerns with the closure for the pedestrian mall. She commented on the affordable housing DPW site environmental concerns and the cost to remediate. She voiced her objection to the proposed project.

Jean Pasternak, resident, expressed appreciation to Ms. Prupis' and Ms. Thall Eglow's transparency. She voiced her opposition to Ms. McManus work for the township as a township professional. She suggested the Committee go back to the judge to renegotiate the affordable housing numbers and settlement agreement.

Jeffrey Feld, resident, asked the Committee to focus on the rules of procedure. He questioned agenda items and certification of funds. He voiced comments on the process for public comment on agenda items. He suggested new professionals.

Dominque Urso, resident, spoke on the zoom remote technical difficulties during the meeting. She voiced her displeasure with the quality. She commended the residents who spoke up during the meeting. She shared her displeasure with the Committee.

Al Carlin, resident, asked Mayor Miggins to recuse herself from voting on the proposed zoning overlay ordinances due to a conflict of interest. He reviewed his background.

Dave Cosgrove, resident, voiced his objection with the proposed overlay zoning ordinances. He questioned the process.

David Shwartz, resident, shared his concerns with the image of the town. He asked if affordable housing would be throughout the town. He asked who would vet the residents coming into the affordable housing units.

Brandon Einhorn, resident, voiced his objection to the Annie Sez affordable housing site. He asked the Committee for their support and voiced objection to the affordable housing settlement agreement.

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Nancy Stone, resident/business owner, voiced objection to the proposed affordable housing site and asked what the Committee was afraid of if they renegotiated with Fair Share. She suggested the residents would support the Committee if they renegotiated.

Regina Truitt, resident, thanked the Committee for their service. She advised residents that the affordable housing mandates were a state statute. She added that the Committee had been relaying this information for years. She directed the residents to the Township's affordable housing page. She shared her concerns with the lack of cellphone service in the township.

Sharon Brender, resident, stated that the 100% affordable housing site would not serve the community. She asked the Committee not to vote on the overlay zoning ordinances and asked that they support the residents.

Mayor Miggins closed the public comment period.

Mayor Miggins requested a brief recess. The meeting resumed.

Mayor Miggins reviewed the Annie Sez property affordable housing plan. She reviewed the history with affordable housing.

Beth McManus, Special Planner, expressed that it was her understanding the township would not be paying for the remediation although that it was still not decided.

The Committee alongside Ms. McManus and Planner Graham Petto answered various questions that arose during public comment pertaining to affordable housing and the settlement agreement with Fair Share Housing.

Mayor Miggins agreed with the statement in regards to a roundabout if Essex Street was two-way.

Ms. Prupis asked a question in regard to the proposed numbers for affordable housing. Ms. McManus reviewed the proposed affordable housing numbers and Realistic Development Potential (RDP).

Ms. Prupis reviewed various questions in regard to work done by the previous Township Planner on the affordable housing matter and questioned the process of how the RDP figures were set. She suggested another public comment period. She recommended that the Committee pause in the process and not move forward and renegotiate the settlement agreement.

Mr. McDonald reviewed the process of solicited developer proposals for the proposed 100% affordable housing site on Main Street.

Ms. Prupis questioned the proposed pedestrian mall ordinance and if the business community was consulted for their views or made aware of the change prior to it coming before the Committee.

Mr. Wasserman advised Ms. Prupis that the SID Director had discussed this with business owners.

Ms. Prupis and Ms. Thall Eglow spoke to the traffic concerns due to the proposed pedestrian mall on Main Street. Ms. Thall Eglow spoke to the Annie Sez site and the Wells Fargo site.

Mayor Miggins requested a brief recess. The Committee reconvened.

Consent Agenda

Mayor Miggins asked if any of the Committee members had any questions or concerns regarding consent agenda items. Mr. McDonald reviewed Resolution 22-155 and the survey work to be done. Mr. McDonald also reviewed Resolution 22-159. Mayor Miggins asked for a motion to approve the items on the consent agenda including Resolutions 22-151 – 22-159. Ms. Prupis made a motion to approve the consent agenda which was seconded by Mr. Wasserman

Roll Call Vote: All Ayes

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**RESOLUTION 22-151
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 21, 2022, in the following accounts:

General Fund	\$	238,782.09
Capital Fund		79,188.87
Parking Utility – Operating Fund		155.00
Dog Fund Trust		3,675.20
Donation Trust Fund		7,759.00

**RESOLUTION 22-152
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>
Wolf Vespasiano Attorney Trust Account & Craig and Kathy Stine 331 Main St Chatham, NJ 07928 Block 1502 Lot 9 28 Inverness Court	Tax Appeal 2021 Taxes	\$12,693.90

BE IT FURTHER RESOLVED that the following tax appeals be processed as a credits only;

Joan Kimmelman & Edward Fine 112 Fairfield Dr. Short Hills, NJ 07078 Block 2604 Lot 7 112 Fairfield Dr.	Tax Appeal 2020 Taxes (\$9,292.95) 2021 Taxes (\$10,050.47)
Scott & Karen Merves 23 West Beechcroft Rd. Short Hills, NJ 07078 Block 2801 Lot 14 23 West Beechcroft Rd. 2021 Taxes (\$4,244.22)	Tax Appeal 2019 Taxes (\$4,226.70) 2020 Taxes (\$4,217.94)
Rajesh Batreja & Sonali Asnani 25 Dryden Terrace Short Hills, NJ 07078 Block 3603 Lot 6 25 Dryden Terrace	Tax Appeal 2018 Taxes (\$783.62) 2019 Taxes (\$312.66)
Robert & Liane Steele 80 Kean Rd. Short Hills, NJ 07078 Block 4304 Lot 2 80 Kean Rd.	Tax Appeal 2020 Taxes (\$708.77) 2021 Taxes (\$713.18)
Raymond Holloway &	Tax Appeal

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Denise Hooten	2019 Taxes
3 Rippling Brook Dr.	\$1,239.06
Short Hills, NJ 07078	
Block 4602 Lot 1	

Matthew & Susan Horn	Tax Appeal
26 Arden Pl.	2019 Taxes
Short Hills, NJ 07078	(\$2,016.85)
Block 5004 Lot 4	2020 Taxes
26 Arden Pl.	(\$2,494.17)
2021 Taxes	
(\$2,509.71)	

RESOLUTION 22-153

AUTHORIZING AND AWARDED A PROFESSIONAL SERVICES CONTRACT WITH GREENMAN-PEDERSEN, INC. (GPI) FOR PERFORMANCE OF ENGINEERING SERVICES

WHEREAS, the Township of Millburn requires the performance of engineering services for engineering design, construction management and inspection services related to 2022 Millburn Township road improvement projects; and

WHEREAS, Greenman-Pedersen, Inc. (GPI) is qualified in training and experience to perform such services; and

WHEREAS, Greenman-Pedersen, Inc. (GPI) has provided the Business Entity Disclosure Certification in accordance with the N.J.S.A. 19:44A-20.8 and completed Political Contribution Disclosure Form; and

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

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

1. The Mayor and the Municipal Clerk are hereby authorized and directed to execute a contract, in a form subject to the approval of the Township Attorney, with Greenman-Pedersen, Inc. (GPI), 301 Gibraltar Drive, Suite 2A, Morris Plains, New Jersey 07950 for on professional Engineering Consultant Services related to engineering design, construction management and inspection services related to 2022 Millburn Township road improvement projects; as detailed in their submitted proposal dated May 13, 2022 for 2022, in an amount not to exceed \$50,900.00.
2. That this contract is made without competitive bidding as “professional services” under the provisions of the Local Public Contracts Law of the qualitative nature of the services to be performed.
3. That a notice of this resolution shall be published in The Item of Millburn and Short Hills as required by law.

RESOLUTION 22-154

AUTHORIZING AND AWARDED A PROFESSIONAL SERVICES CONTRACT WITH VAN CLEEF ENGINEERING ASSOCIATES, INC. FOR PERFORMANCE OF ENGINEERING SERVICES

WHEREAS, the Township of Millburn requires the performance of engineering services related to dredging of Taylor Park; and

WHEREAS, Van Cleef Engineering Associates, Inc. is qualified in training and experience to perform such services; and

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WHEREAS, Van Cleef Engineering Associates, Inc. has provided the Business Entity Disclosure Certification in accordance with the N.J.S.A. 19:44A-20.8 and completed Political Contribution Disclosure Form; and

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

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

1. The Mayor and the Municipal Clerk are hereby authorized and directed to execute a contract, in a form subject to the approval of the Township Attorney, with Van Cleef Engineering Associates, Inc., 3 Paragon Way, Suite 600, Freehold, New Jersey 07728 for on professional Engineering Consultant Services related to dredging of Taylor Park; as detailed in their submitted proposal dated April 19, 2022, in an amount not to exceed \$97,278.00.
2. That this contract is made without competitive bidding as “professional services” under the provisions of the Local Public Contracts Law of the qualitative nature of the services to be performed.
3. That a notice of this resolution shall be published in The Item of Millburn and Short Hills as required by law.

RESOLUTION 22-155

AUTHORIZING AND AWARDING A PROFESSIONAL SERVICES CONTRACT WITH CASEY & KELLER, INC. FOR LAND SURVEYING SERVICES

WHEREAS, the Township of Millburn has a need for professional land surveying services; and

WHEREAS, Casey & Keller, Inc. is qualified in training and experience to perform such services; and

WHEREAS, Casey & Keller, Inc. is hereby appointed as Millburn Township Land Surveyor; and

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

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

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

1. The Mayor and the Municipal Clerk are hereby authorized and directed to execute a contract, in a form subject to the approval of the Township Attorney, with Casey & Keller, Inc., 258 Main Street, Milburn, New Jersey 07041 for land surveying services; as detailed in their submitted proposal dated June 9, 2022, in an amount not to exceed \$40,000.00.
2. That this contract is made without competitive bidding as “professional services” under the provisions of the Local Public Contracts Law of the qualitative nature of the services to be performed.
3. That a notice of this resolution shall be published in The Item of Millburn and Short Hills as required by law.

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RESOLUTION 22-156

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE SLOPE DRIVE ROAD IMPROVEMENTS FROM TAYLOR ROAD TO HARTSHORN DRIVE

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Millburn formally approves the grant application for the above stated project;

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2023-Millburn Township - Slope Drive Road Improvements to the New Jersey Department of Transportation on behalf of the Township of Millburn;

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Millburn and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION 22-157

AUTHORIZE EXECUTION OF STORM SEWER INDEMNIFICATION AGREEMENT

NOW, THEREFORE BE IS RESOLVED that the Millburn Township Mayor and Township Clerk are hereby authorized to execute the Indemnification Agreement for Storm Sewer Connection for 12 Deerfield Road, Block: 4404, Lot: 8, as per the recommendation of the Superintendent of Public Works.

RESOLUTION 22-158

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 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:

The Millburn Supper Club LLC	0712-33-007-014
MB Wine Rack LLC	0712-44-006-008
LFZECCA LLC	0712-33-004-011
Canoe Brook Country Club	0712-33-004-002

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 22-159

APPOINTMENT OF TOWNSHIP REPRESENTATIVES TO JOINT INSURANCE FUND COMMISSION

BE IT RESOLVED by the Township Committee of the Township of Millburn, that Matt Laracy be appointed as Fund Commissioner and Jesse Moehlman as Alternate Fund Commissioner to the Joint Insurance Fund Commission.

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Resolution

Resolution 22-160

Resolution 22-160 was brought forth. Mayor Miggins asked for a motion to approve Resolution 22-160 and Mr. Vinayak made a motion to approve the resolution, which was seconded by Ms. Prupis.

Roll Call Vote: All Ayes

RESOLUTION 22-160

DESIGNATING A \$1,569,000 PARKING UTILITY BOND ANTICIPATION NOTE, DATED JUNE 10, 2022 AND PAYABLE MARCH 1, 2023, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

WHEREAS, the Township of Millburn, in the County of Essex, New Jersey (the "Township") intends to issue a \$1,569,000 Parking Utility Bond Anticipation Note, dated June 10, 2022 and payable March 1, 2023 (the "Note"); and

WHEREAS, the Township desires to designate the Note as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code");

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

SECTION 1. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Code.

SECTION 2. It is hereby determined and stated that (1) said Note is not a "private activity bond" as defined in the Code and (2) the Township and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2022.

SECTION 3. It is further determined and stated that the Township has, as of the date hereof, issued the following tax-exempt obligations (other than the Note) during the calendar year 2022:

<u>Amount</u>	<u>Dated – Due</u>
\$4,835,522 BAN	1/28/22 - 1/27/23

SECTION 4. The Township will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, said Township does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 5. The issuing officers of the Township are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2022 dated as of the date of delivery of the Note.

SECTION 6. This resolution shall take effect immediately upon its adoption.

Resolution 22-161

Resolution 22-161 was brought forth. Ms. Prupis suggested the agreement should be included. Ms. Thall Eglow advised she met with the Mr. McDonald and felt more comfortable about the resolution and matter. Mayor Miggins asked for a motion to approve Resolutions 22-161; Ms. Thall Eglow made a motion to approve the resolution, which was seconded by Ms. Prupis.

Roll Call Vote: All Ayes

RESOLUTION 22-161

AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT BETWEEN THE TOWNSHIP OF MILLBURN AND BEAHIVE PROPERTIES, LLC AND THE CARL B. KAUPP, III TRUST, LLC FOR PROPERTY KNOWN AS 160 SPRING STREET REFERENCED ON THE OFFICIAL TAX MAP AS BLOCK 1211, LOTS 1 AND 7, MILLBURN TOWNSHIP, NEW JERSEY

WHEREAS, Beahive Properties, is the owner of Block 1211, Lots 1 and The Carl B. Kaupp, III Trust, signatories and successors, (Collectively, "Developer") is the owner of Block 1211, Lot 7 on the Official Tax Map of the Township of Millburn, which is commonly known as 397 Millburn Avenue and

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160 Spring Street ("Property");

WHEREAS, the developer’s received Preliminary and Final Site Plan Approval for a mixed use development mixed-use development consisting of a mixed-use building consisting of a ground floor level 97-space parking garage, a 4,000 sq. ft. ground-floor retail space fronting on Millburn Avenue, and 53 rental apartment units located on the second and third floors above the parking garage and retail space (the Development,) on the Property as fully described in the Resolution of the Township of Millburn Planning Board dated April 6, 2022; and

WHEREAS, the Developer is required to enter into a Developer's Agreement with the Township of Millburn setting forth the rights, duties and obligations of the parties in connection with the Development; and

WHEREAS, there has been prepared a Developer's Agreement by and between the Developer and the Township of Millburn ("Township"); and

WHEREAS, the Township desires to authorize the execution of the Developer's Agreement subsequent to its execution by the Developer.

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

1. All the terms and conditions of a certain Developer's Agreement by and between the Township and the Developer are hereby approved, ratified and confirmed by the Township of Millburn.
2. The Mayor and Clerk are hereby authorized to execute said Developer's Agreement subsequent to the execution by the Developer and, together with other appropriate officers and employees of the Township, are hereby authorized to take all steps necessary to effectuate the purposes of this Resolution.
3. The Township hereby authorizes and approves any non-substantive modifications to the Developer’s Agreement as may be recommended and approved by the Township Professionals prior to execution.
4. This Resolution shall take effect immediately.

Resolution 22-162

Resolution 22-162 was brought forth and Ms. Thall Eglow reviewed the resolution. Mr. Carney and the Committee reviewed the language of a proposed draft of the rules and procedure and in regard to *pass* as an option when voting. Changes to omit Article 3 Section 2c were made. Mayor Miggins made a motion to approve Resolution 22-162 as amended, which was seconded by Mr. Vinayak.

Roll Call Vote: All Ayes

RESOLUTION 22-162

RESOLUTION AS TO THE RULES OF PROCEDURE AND ORDER OF BUSINESS

BE IT RESOLVED, by the Township Committee of the Township of Millburn, County of Essex, State of New Jersey, that the following Rules of Procedure and Order of Business are hereby adopted:

RULES OF PROCEDURE AND ORDER OF BUSINESS

ARTICLE I

The Public Meeting deliberations of the Township Committee shall be governed by these Rules of Procedure and Order of Business of the Township Committee (“Rules”). Matters of procedure not covered by the Township Code or New Jersey Statute shall be governed by these Rules, as modified from time to time. The Township Committee may consult Roberts Rules of Order for guidance and use by unanimous consent or a majority vote of the full authorized membership, in its discretion, but shall not be governed thereby.

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This version of Rules of Procedure and Order of Business supersedes any prior such Rules.

ARTICLE II – MEETINGS

Section 1.

A) Pursuant to the Revised General Ordinances of the Township the Mayor shall preside at all meetings of the Township Committee. The Mayor shall decide all questions of order subject to appeal to the Township Committee. The Mayor shall address agenda items as a meeting progresses and announce the determinations made by the Township Committee on all matters coming before it.

B) A majority vote of the members of the Township Committee shall generally govern the enactment of measures except as specifically provided otherwise by law. A majority of the full authorized membership of the Township Committee shall be required to vote in the affirmative in order to pass any ordinance. Each member of the Township Committee shall cast a vote upon the name of that person being called. No Member shall be entitled to vote “pass” in order to be called upon later during a roll call. An abstention, for all purposes, shall not be counted either as a vote in favor or against the particular matter in which the abstention is given. The Township Committee Member abstaining from the vote shall be deemed to have taken a strictly neutral position on the matter. Upon the occasion of a voice vote of the ayes and nays, where in the opinion of any Member it is unclear as to the outcome of the voice vote, that member shall have the right to require a roll call vote by the Clerk. Each member of the Township Committee (including the Mayor) shall have the right to make and second motions and nominations and to vote thereon. In any circumstance where a Member has a conflict of interest preventing her/him from participating in the consideration and voting on an agenda item, the Member shall be recused from participation. When the matter comes up on the agenda the Member shall explain the nature of the conflict and shall leave the meeting room during the consideration of that matter. The Members are encouraged to consult the Township Attorney on potential conflicts in advance of the meeting.

Section 2. The Mayor shall on all occasions preserve order and dignified proceedings. On the occasions when public comment is provided for during the course of a meeting, the Mayor will attempt to provide an opportunity for all persons desiring to speak to do so in order to allow for a fair hearing of contrasting views within the time available. The Mayor shall generally recognize those physically present at the meeting in the order that recognition is sought. In circumstances where a meeting is also being attended by electronic means, the Mayor shall first recognize those physically present at the meeting and then proceed to those seeking recognition by electronic means both visual and then telephonic. Persons addressing the Township Committee, whether during a public comment portion of the meeting, a public hearing on an ordinance or other measures requiring a hearing, or otherwise, shall limit their remarks to three minutes. An audible signal shall notify all that the speaker has 30 seconds left to conclude their remarks. When the signal sounds the second time the Mayor shall advise the speaker that time has expired and proceed to recognize the next person. A speaker who completes their remarks prior to the expiration of their allotted time cannot yield the remainder of their time to another individual. If a person engages in disorderly or disruptive behavior during the course of a public meeting, the Mayor shall request any such person to refrain from such behavior and to conclude their comments or remarks in a civil and dignified manner. If the person continues in a disruptive fashion which is preventing the meeting from

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proceeding, the Mayor shall advise the person to cease speaking and to quietly resume their seat. If the person then persists in the disruptive behavior which is physically obstructing the continuance of the meeting in violation of N.J.S.A. 2C:33-8, the Mayor shall have the right to cause the person to be escorted from the meeting. After the close of a Public Comment Period or a Hearing, the Mayor shall inquire as to whether any Member of the Township Committee, the Business Administrator, the Township Attorney or any Township employee or consultant present at the meeting, desires to address any matter raised by a member of the public. The Mayor shall recognize any such person desiring to speak in the order that recognition is sought, subject to the requirement that Township Committee Members shall have priority. This mode of comment and response can be altered by the Mayor or on motion of any Member of the Township Committee both with the approval of a majority of the Members of the Township Committee present, where it is determined that by reason of the length of the public comment or hearing proceedings or other good cause it makes better sense to respond periodically during the course of those proceedings.

Section 3. In order for a meeting of the Township Committee to be convened, a quorum of the Members, consisting of at least three Members, must be present either physically, electronically or telephonically. In the event that a quorum of the Township Committee is not in attendance at the time appointed for the commencement of the public meeting, and provided that prior notice not to exceed 20 minutes of late arrival by a missing Member has not been provided to a Member of the Township of Committee, the Business Administrator or the Clerk that is present either physically, electronically or telephonically for said meeting, after the passage of 15 minutes the Clerk shall announce, in the absence of a quorum, that the meeting will be held on a later date, with new notice of the date and time to be adequately noticed as required by law.

Section 4. At a meeting where neither the Mayor nor the Deputy Mayor is present, the Clerk shall determine whether a quorum is present and call for the election of a Temporary Presiding Officer. In the event that either the Mayor or Deputy Mayor arrives during the course of the meeting, the Temporary Presiding Officer shall relinquish the chair upon the conclusion of the matter of business then before the Township Committee.

Section 5. The Township Committee may vote to designate a different place from Town Hall to hold a particular or special meeting. In such event, the Clerk shall give notice of the time and place of the meeting in accordance with law .

Section 6. Regular meetings shall be held as scheduled at the annual organization meeting each year or as rescheduled by resolution adopted at a regular meeting.

Section 7. Special meetings shall be held as provided in the Township Code. Upon the receipt of a proper call for a special meeting, the Township Clerk shall give at least two business days' notice by delivery of a notice thereof to their places of residence or by email to each member.

Section 8. All meetings of the Township Committee shall be held in accordance with the Open Public Meetings Act.

Section 9. When Township Committee meetings are broadcast over platforms such as YouTube and /or Zoom it is for the convenience of the public. In the event that any broadcast is interrupted, for any reason, the in-person Township Committee meeting will continue as noticed and as the official Public Meeting.

ARTICLE III - ORDER OF BUSINESS

Section 1. The business of the Township Committee shall be taken up for consideration and disposition in the order set forth below. At any meeting, the order of business can be rearranged for scheduling or other reasons in the discretion of the Township Committee by unanimous consent or majority vote of the Township Committee. Thereafter, for future meetings, the Order of Business shall revert to the following being the normal order of business of regular meetings of the Township Committee:

1. Meeting called to Order;
2. Open Public Meetings Act announcement;
3. Salute to the flag;
4. Roll Call;
5. Approval of agenda;
6. Action on minutes of previous meetings;
7. Reports;
8. Public comment period;
9. Adoption of resolutions;
10. Introduction of ordinances;
11. Ordinances on final reading;
12. Miscellaneous old and new business items;
13. Adjournment.

Section 2.

A) A tentative agenda for regular meetings shall include any item listed by the Mayor, the Business Administrator, or by request of any Member of the Township Committee at any time prior to 3:00 p.m. on the Monday of the week prior to the subject meeting. The tentative agenda shall be posted as required by law. Absent urgent circumstances as hereinafter defined, all agenda items which are requested to be placed on the agenda which have not been submitted within the prescribed deadline shall be placed on the following regular agenda. A final agenda shall be approved at the beginning of the subject public meeting by a majority vote of the Members present.

B) Any member of the Township Committee who desires to amend the agenda after the deadline and prior to its approval at the meeting, may move to amend the same and shall explain the substance of the amendment including why it should be included on the current agenda rather than on the agenda of the next meeting and outlining the urgency underlying the need to consider the amendment for approval at that meeting. A matter of urgency is one where a failure to consider it as an agenda item would likely result in a substantial and significant adverse consequence to the Township, an employee of the Township

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or the public health, safety and welfare of the community. A vote of a majority of the Members present shall be required to add a new agenda item.

C) The final agenda shall be adopted at the beginning of the scheduled meeting by a majority vote of the Members present.

D) If during the course of a meeting, and only because the potential need to act on a matter has arisen and become known during the meeting, a Member desires to have a new matter discussed under New Business, not then listed, the Member can seek to be heard as to the new item, provided that the Member describes the urgency underlying the need to take up the new item for discussion which must be approved by unanimous consent or, if needed, a vote of the majority of the full authorized membership of the Township Committee. If the matter is disapproved for consideration under New Business, it shall be carried and automatically listed for discussion under New Business at the next regular public meeting.

E) The requirements of this Section 2 may be waived by unanimous consent or a vote of the full authorized membership of the Township Committee, including the ability to vote on a measure relating to a new and previously unanticipated item when action is recommended by the Business Administrator as requiring timely resolution and/or relates to a matter of substantial urgency constituting a situation including but not limited to one threatening the public health, safety or welfare of the community requiring immediate consideration of an action.

F) The agenda shall include a Consent Agenda item for the adoption of two or more resolutions by one motion where there is unanimity among the Members in favor of the adoption of the resolutions listed thereon. When the Consent Agenda item is reached, but before any motion to approve it, Members may ask for an explanation concerning any Resolution from the Business Administrator or Staff in attendance. This can be followed by relevant discussion on any such Resolution among the Members. After the Consent Agenda has been moved and seconded there shall be no separate discussion by the Members on the Resolutions on the Consent Agenda either before or during the roll call. If discussion and/or a separate vote is desired on a resolution by any Member, that resolution shall be removed from the Consent Agenda and considered separately.

G) All ordinances and resolutions which require hearings or the taking of public comment, as a matter of law, shall be considered in the ordinary course as separate agenda items for consideration and potential enactment. In the absolute discretion of the Township Committee, it may invite public comment on resolutions not legally requiring the same, upon the motion of any Township Committee Member and approval by a vote of a majority of the Members present.

H) The Township Attorney shall, in a timely manner, provide necessary legal guidance and assistance to a Township Committee Member seeking to introduce an ordinance or resolution for an upcoming meeting when requested by the Business Administrator to provide the same.

I) Through the Business Administrator, a Member of the Township Committee may request a report on any aspect concerning the activities of the departments of the Township, the status of municipal projects or other items of interest which will better inform the Township Committee in connection with its policymaking and legislative powers.

ARTICLE IV –COMMON MOTIONS AND PROCEDURES

1. When a matter is proposed and seconded, it is under consideration. Failure to receive a second means that the motion has failed for want of a second. When under consideration, no motion shall be received thereafter until the matter is decided except a motion to withdraw, a motion

to lay on the table to a date certain, a motion to lay on the table indefinitely, a motion to amend or a motion to appeal.

2. Common Motions:

- a. Motion to withdraw - When an item on the agenda comes up for consideration and potential adoption, it may be withdrawn. If after a motion is made and seconded but before a vote is taken, a consensus develops among a majority of the Members of the Township Committee that the item in question should not be acted upon, a motion to withdraw can be made. If seconded, the Mayor treats this at first as a unanimous consent request by stating: "Unless there is an objection the matter is withdrawn". If there is an objection, the Mayor or any other member can move that withdrawal of the motion be granted. If made by a member other than the one originally seeking withdrawal, it does not require a second since the maker of the motion to grant withdrawal and the original maker surely both favor it. After the motion to withdraw is adopted by a majority vote of the Members present, the matter is laid aside in its present form for the balance of the year.
- b. Motion to table to a date certain - When an item on the agenda comes up for consideration and potential adoption, a Member can move, prior to the taking of a vote, that the item be tabled for consideration at a later date not to exceed 60 days or if the time period of 60 days would not allow for adoption by the end of the year, to a date which, depending upon the nature of the method of adoption, will allow for its consideration before the end of the calendar year. This motion requires a vote of a majority of the Members present and is out of order if used in an attempt to kill the item under consideration. This motion is appropriate only where a majority of the Members present are of the view that the matter requires further analysis as to the advisability or possible implications of adoption.
- c. Motion to table indefinitely- When an item on the agenda comes up for consideration and potential adoption, a Member can move, prior to the taking of a vote, that the item be tabled indefinitely. This motion requires a vote of the majority of the Members present. Thereafter, at a future meeting the item may be taken from the table by a majority vote of the Township Committee during the year that it was tabled indefinitely. All items tabled indefinitely and remaining on the table at the end of the calendar year shall be considered moot and shall not be considered by the Township Committee unless brought forward as a new item in a succeeding year.
- d. Motion to amend- When an item on the agenda comes up for consideration and potential adoption, a Member can move, prior to the taking of a vote, that the item be amended. A Member may offer a motion to amend the item to insert words, strike words, or both insert and strike words. The proposed amendment must be germane to the main measure. The proposed amendment is voted upon with the vote pertaining to the insertion or removal of words, not on the main measure as proposed to be revised. An amendment cannot merely make the adoption of the amended measure equivalent to its rejection. A Member moves that certain terms be added or removed from the measure. If seconded, the vote is limited to the text proposed. If the vote is in the affirmative, the Mayor announces: "The amendment is adopted" and restates the amended portion of the measure. A new vote is then taken on the revised measure in its entirety. If an amendment fails, the main measure

remains as originally stated. Other potential germane amendments are dealt with in the same fashion and then the main measure as it is then stated is voted upon. This process is subject to the requirement that if the agenda item is an ordinance, a re-advertisement may be required as a matter of law depending upon the nature of the amendment and whether it introduces a significant change.

- e. Motion to Appeal- If a Member believes that there has been a breach of these Rules and that the presiding official has not followed the same, she/he may raise a point of order. The presiding officer then either implements a correction, if required, or rules that the Rules have been followed. Thereafter the Member can move to appeal the ruling and if seconded, the Township Committee shall vote on whether the ruling is to be upheld or reversed. If reversed the Township Committee shall take such remedial action as may be implemented, under the circumstances, to revisit the matter complained of for reconsideration in accordance with the Rules. A point of order must be raised immediately at the time of the alleged breach.
 - f. Motion to Limit, Extend or Close Debate-When a measure has proceeded to the point of discussion of the merits of adoption of a measure by the Township Committee, but before a vote, a motion to limit, extend, or close debate can be made. Because the extent to which an issue is discussed rests primarily with the Mayor, it is the Mayor who carries the burden of ensuring that adequate exposure is given to differing points of view. A motion to limit, extend, or close debate is therefore, an overruling of the Mayor's determination. Because this motion affects the most fundamental right of any Member to speak one's views, it shall be adopted only upon the affirmative vote of two-thirds of the Members present and participating.
3. Motions not related to an enactment:
- a. Motion to adjourn – this motion shall be in order following the conclusion of the consideration of all agenda items, unless however, due to the lateness of the hour, (11 P.M. or later) the Township Committee shall determine by a majority vote of the Members present to adjourn the meeting. However, if the Mayor and or the Business Administrator concludes that the Township Committee has failed to act on other matters which in his/her opinion require timely action, those matters shall be addressed and upon the conclusion of them the meeting can be adjourned.
 - b. Motion to take a brief recess – A motion to recess request the brief interruption of a meeting to provide a needed break, for the comfort of a Member, or for any other appropriate reason. The Mayor or any Member can move for the announcement of a recess, not to exceed 15 minutes. Upon receipt of a request and voice vote of a majority of the Members present, a recess shall occur. Any Member may request a roll call vote following a voice vote. After the expiration of the time for a recess has occurred, the business of the Township Committee shall resume.
 - c. Motion for clarification – Upon the occurrence of a voice vote of the ayes and nays, where in the opinion of any Member it is unclear as to the outcome of the voice vote, the Member shall have the right to require a roll call vote by the Clerk.

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ARTICLE V- ETHICAL CONDUCT

All Members of the Township Committee shall observe the requirements of the Local Government Ethics Law in connection with their participation in and the conduct of public business.

ARTICLE VI - FAIR AND ORDERLY PROCEEDINGS

Section 1. Guidelines:

The citizens and businesses of Millburn Township are entitled to Meetings of the Township Committee held in an orderly and dignified fashion, guided by, but not limited to, the following principles: 1.) Compliance with the laws and policies affecting the operations of government and the conduct of public meetings; 2.) Conduct of meetings of the Township Committee where the members are independent, impartial and fair in their judgment and actions, and 3.) Conduct of public deliberations and processes openly, unless required or permitted by law to be confidential, in an atmosphere of respect and civility observed by both members of the Township Committee and by the members of the public attending such meetings.

Section 2. Elected and Appointed Officials Conduct with Each Other in Public Meetings: Elected and appointed officials or individuals have a wide variety of backgrounds, personalities, values, opinions and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and/or improve the present and future of the Township. In all cases, this common goal should be acknowledged even though individuals may not agree on every issue. Elected or Appointed Officials shall:

- A.) Respect the role of the Mayor in maintaining order. It is the responsibility of the Mayor to preside at the meetings and to keep the comments of members on track during public discussion. Township Committee Members should honor the efforts of the Mayor to focus discussion on current agenda items and to fairly manage comment and discussion thereon.
- B.) Practice civility and decorum in discussions and debate over public matters. Difficult questions, principled challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate by a free democracy in action. Free debate does not require nor justify, however, elected officials to make belligerent, personal, impertinent, abusive or disparaging comments.
- C.) Avoid personal comments that could offend other members due to their extreme nature. If a member is personally offended by extreme remarks by another member, the offended member shall have the right to call for a "point of personal privilege" that challenges the other member to explain or apologize for the language used. The Mayor will maintain control of this discussion. If a resolution of the matter is unable to be conducted, the Mayor shall move to the next item of public business and the minutes shall reflect that an accommodation was not able to be achieved.
- D.) Demonstrate effective problem-solving approaches. The members of the Township Committee have a public stage and have the responsibility to show how individuals with disparate points of view can find common ground and seek a solution, sometimes involving compromise, that benefits the Township as a whole.
- E.) During the course of a public meeting no members of the Township Committee shall communicate with each other, persons in the audience or persons outside of the municipal building on any matter of public business by electronic means, including but not limited to, emails, text messages or otherwise.

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Section 3. Elected and Appointed Officials conduct with the Public in Public Meetings: Making the public feel welcome is an important part of the democratic process. No signs of prejudice or disrespect should be evident on the part of the individual members of the Township Committee toward any individual participating in a public forum. Every effort should be made to be fair and impartial when listening to public comment.

Elected Or Appointed Officials shall:

A.) Be welcoming to speakers coming forward to make public comments. While questions of clarification may be asked, the primary role of the official during public comment is to listen. While officials are under no legal obligation to respond to questions posed by members of the public, in exercising their discretion as to whether or not to do so they will need to balance the interest of transparency in relation to governmental matters with the requirements of confidentiality or other considerations and circumstances which cause them not to respond.

B.) Be fair and equitable in allocating public hearing time to individual speakers. The Mayor will determine and announce limits for each speaker at the start of a hearing or public comment period, currently set at three minutes. The Mayor will attempt to provide an opportunity for all persons desiring to speak so as to allow for a fair hearing of contrasting views within the time available.

C.) Ask for clarification, if needed, but avoid debate and argument with the public. Only the Mayor and not individual members, can interrupt a speaker during a presentation. However, a member can ask the Mayor for a point of order if a speaker is off topic or exhibiting behavior or inappropriate or coarse language that the member finds is having a negative impact on the decorum of the meeting.

D.) Certain direct and implied suggestions as to proper procedure and the maintenance of decorum set forth in Roberts Rules of Order, as follows, shall be observed:

1. Addressing all remarks through the Mayor. Members of the Township Committee should refrain from addressing one another directly, absent an obviously open discussion amongst the members sharing their views on a single topic. Ordinarily however, a member desiring to ask a question or make a statement shall seek recognition of the Mayor before proceeding with the same. The Mayor shall in all events make certain that all members seeking to ask a question or make a statement on the topic under consideration shall be recognized generally in the order in which recognition is sought.
2. Once recognized by the Mayor, the Members of the Township Committee should refrain from intemperate remarks concerning a member's motives. When a question is pending, a member can criticize the nature or likely consequences of the proposed measure in strong terms, but the member must avoid personalities, and under no circumstances should attack or question the motives of another member.
3. Members of the Township Committee should confine remarks to the merits of a pending questions in discussion or debating a proposal or a pending question. Each member's remarks must be germane to the question before the Township Committee meaning the statements must have a bearing on whether the proposal of the pending question should be pursued or adopted.
4. As much as possible, the surnames of members should be used as a sign of decorum and respect.
5. Reading from reports, quotations, correspondence and other documents only without objection or with permission. If any member objects, a member has no right to read from, or to have the Clerk read from, any paper or book as part of his or her remarks, without permission of the Township Committee. Members are usually permitted to read short, pertinent printed matter, however, so long as they do not abuse the privilege. Any member anticipating that she or he intends to read written materials authored by others, during the course of an upcoming meeting, shall submit the same to the Clerk a week before the upcoming meeting for inclusion into the meeting packet. If the length and the materials outlined by others could not be read aloud at the meeting within three (3) minutes, they should be summarized for presentation.

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ARTICLE VII – AMENDMENT

Section 1. These Rules shall be subject to and governed by the laws of the State of New Jersey and the ordinances of the Township. These Rules shall not be amended except at a regular meeting of the Township Committee. All proposed amendments shall be submitted in writing at a regular meeting for consideration and potential action at a subsequent regular meeting.

Resolution 22-163

Resolution 22-163 was brought forth. Mr. McDonald and Ms. Prupis reviewed the resolution. Mayor Miggins asked for a motion to approve Resolution 22-163; Mr. Wasserman made a motion to approve the resolution, which was seconded by Mr. Vinayak.

Roll Call Vote: Ayes: Miggins, Vinayak, Wasserman

Nays: Prupis, Thall Eglow

RESOLUTION 22-163
AUTHORIZING AMENDMENT TO THE
PROFESSIONAL AGREEMENT FOR PLANNING CONSULTANT SERVICES
[KYLE + MCMANUS ASSOCIATES]

WHEREAS, the Township of Millburn entered into a professional service contract by Resolution 21-022 approved by the Millburn Township Committee on January 4, 2022 with Elizabeth McManus, PP, AICP, LEED AP, of Kyle + McManus Associates, P.O. Box 236, 2 East Broad Street, 2nd Floor, Hopewell, NJ 08525, for Professional Planning Consultant Services related to affordable housing planning for the Township of Millburn; and

WHEREAS, the Township Committee wishes to add to the original scope of services which was in the total not to exceed amount of \$50,000.00 to include additional services in the additional amount of not too exceed \$30,000.00; and

WHEREAS, the Township continues to reserve 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 Millburn Township Committee hereby authorizes the amendment to the contract of January 4, 2022 to include additional Professional Planning Consultant Services related to affordable housing planning for the Township of Millburn in the additional amount of \$30,000.00 for a total amount not to exceed \$80,000.00 for 2022 with Kyle + McManus Associates;

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

- 1. The Mayor and the Municipal Clerk are hereby authorized and directed to execute the amendment to this agreement, in a form subject to the approval of the Township Attorney, with Elizabeth McManus, PP, AICP, LEED AP, of Kyle + McManus Associates, P.O. Box 236, 2 East Broad Street, 2nd Floor, Hopewell, NJ 08525 for this professional service.
2. This contract is made without competitive bidding as a "professional service" under the provisions of the Local Public Contracts Law because of the qualitative nature of the service provided.
3. Fees for all services are authorized and funds certified in an amount not to exceed \$80,000.00 for 2022.
4. A copy of this resolution shall be published in The Item of Millburn Short Hills as required by law, within ten (10) days of its passage.

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Resolution 22-164

Resolution 22-164 was brought forth. Mr. McDonald reviewed the resolution and work done by the Township Planner. Mayor Miggins asked for a motion to approve Resolution 22-164; Mr. Vinayak made a motion to approve the resolution, which was seconded by Ms. Thall Eglow.

Roll Call Vote: Ayes: Miggins, Vinayak, Wasserman

Nays: Prupis

Abstain: Thall Eglow

**RESOLUTION 22-164
AUTHORIZING AMENDMENT TO THE
PROFESSIONAL AGREEMENT FOR PROFESSIONAL PLANNING SERVICES
[TOPOLOGY NJ, LLC]**

WHEREAS, the Township of Millburn entered into a professional service contract by Resolution 21-028 approved by the Millburn Township Committee on January 4, 2022 with Topology NJ, LLC, 60 Union Street, Suite 1N, Newark, New Jersey 07105, for Professional Planning Services for the Township of Millburn; and

WHEREAS, the Township Committee wishes to add to the original scope of services which was in the total not to exceed amount of \$50,000.00 to include additional services in the additional amount of not too exceed \$50,000.00; and

WHEREAS, the Township continues to reserve 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 Millburn Township Committee hereby authorizes the amendment to the contract of January 4, 2022 to include additional Professional Planning Services for the Township of Millburn in the additional amount of \$50,000.00 for a total amount not to exceed \$100,000.00 for 2022 with Topology NJ, LLC;

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

1. The Mayor and the Municipal Clerk are hereby authorized and directed to execute the amendment to this agreement, in a form subject to the approval of the Township Attorney, with Topology NJ, LLC, 60 Union Street, Suite 1N, Newark, New Jersey 07105 for this professional service.
2. This contract is made without competitive bidding as a “professional service” under the provisions of the Local Public Contracts Law because of the qualitative nature of the service provided.
3. Fees for all services are authorized and funds certified in an amount not to exceed \$100,000.00 for 2022.
4. A copy of this resolution shall be published in The Item of Millburn Short Hills as required by law, within ten (10) days of its passage.

Resolution 22-166

Resolution 22-166 was brought forth. Mayor Miggins recused herself from voting on the resolution and left the Committee room. Deputy Mayor Thall Eglow took over as chairperson and reviewed the resolution. Deputy Mayor Thall Eglow asked for a motion to approve Resolution 22-166; Mr. Wasserman made a motion to approve the resolution, which was seconded by Ms. Prupis.

Roll Call Vote: Ayes: Prupis, Thall Eglow, Vinayak, Wasserman

Recuse: Miggins

**RESOLUTION 22-166
CONFIRM PERMITTING THE DISPLAY OF FIREWORKS AT
CANOE BROOK COUNTY CLUB**

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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 granted as per the recommendation from the Fire Marshal to Canoe Brook Country Club to conduct a display of fireworks, as part of a July 4th Celebration, to be held at Canoe Brook Country Club, Short Hills, New Jersey, commencing at 9:00 p.m. on Saturday, June 25, 2022, with a rain date of Sunday, June 26, 2022.
2. The applicant shall comply 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 to be authorized by the permit aforesaid shall be conducted only by Garden State Fireworks, 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 approximately 2:00 pm – set up will take approximately 4 to 6 hours at Canoe Brook Country Club, and all displays will comply with all the requirements as set forth in NJAC 5:70-3,5608 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.

Mayor Miggins returned to the committee meeting

Resolution 22-167

Resolution 22-167 was brought forth. Mayor Miggins asked for a motion to approve Resolution 22-167; Mr. Wasserman made a motion to approve the resolution, which was seconded by Ms. Prupis.

Roll Call Vote: All Ayes

**RESOLUTION 22-167
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 Marshal 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 Monday, July 4, 2022 (rain date: July 5, 2022).
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 5:70-3,5608 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.

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- 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 22-165

Resolution 22-165 was brought forth. Mr. McDonald and Ms. Prupis reviewed the resolution. Mayor Miggins asked for a motion to approve Resolution 22-165; Ms. Thall Eglow made a motion to approve the resolution, which was seconded by Ms. Prupis.

Roll Call Vote: All Ayes

**RESOLUTION 22-165
 AUTHORIZING LIQUOR LICENSE TRANSFER
 (PLACE TO PLACE TRANSFER – EXPANSION OF PREMISES –
 ACME Markets, Inc. TA Kings Food Market and Kings)**

WHEREAS, an application has been filed for a place-to-place transfer (*expansion of premises*) of Plenary Retail Distribution License [current License No. 0712-44-012-010], issued to ACME Markets, Inc. TA Kings Food Market and Kings located at 778 Morris Turnpike, Short Hills NJ 07078; and

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Millburn, in the County of Essex, State of New Jersey does hereby approve, effective June 22, 2022 the place-to-place transfer (*expansion of premises*) located at 778 Morris Turnpike, Short Hills NJ 07078, and does hereby direct the Municipal Clerk/A.B.C. Board Secretary to endorse the license certificate to, License Number 0712-44-012-011, as follows: "This license, subject to all its terms and conditions, is hereby transferred: place to place expansion of premises for License Number 0712-44-012-011 effective June 22, 2022".

Ordinance / Second Reading and Consideration of Adoption

Ordinance 2602-22

Mr. Wasserman brought forth Ordinance 2602-22 for public hearing. A brief explanatory statement about the ordinance was made. Mayor Miggins opened the public hearing, receiving no comments Mayor Miggins closed the public hearing. Mr. Vinayak moved the ordinance to be taken up and passed on second reading, Mr. Wasserman seconded the motion. Mayor Miggins requested a roll call vote.

Roll Call Vote: All Ayes

**ORDINANCE NO. 2602-22
 AN ORDINANCE AUTHORIZING THE ACQUISITION BY PURCHASE OF EASEMENTS OVER A PORTION OF
 THE REAL PROPERTIES LOCATED AT 60 LOCUST AVENUE KNOWN AS BLOCK 606, LOT 8, 801
 RIDGEWOOD ROAD KNOWN AS BLOCK 606 LOT 15 AND 799 RIDGEWOOD ROAD KNOWN AS BLOCK
 606, LOT 16 AND APPROPRIATING THE SUM OF \$1.00 PER EASEMENT ACQUISITION TO PAY THE COST
 THEREOF**

STATEMENT OF PURPOSE: *This ordinance is being proposed to authorize the acquisitions by easements of a portion of real properties located between Ridgewood Road and Locust Avenue in order to undertake drainage improvements that will improve the overall drainage in this area. These improvements will have a positive impact on post storm recovery and quality of life for numerous residents in the area of Ridgewood Road and Locust Avenue.*

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WHEREAS, in accordance with N.J.S.A. 40A:12-5(a)(1) "any municipality, by ordinance, may provide for the acquisition of any real property, capital improvement, or personal property: (1) by purchase, gift, devise, lease, exchange, or condemnation;" and

WHEREAS, there is a need to improve the drainage in the area of Ridgewood Road and Locust Avenue and install the necessary infrastructure to achieve new or improved drainage in this area; and

WHEREAS, through consultation with the Township's engineering consultants, Mott MacDonald, the Township has determined that the installation of drainage pipes and appurtenances will have a positive impact on area drainage between Ridgewood Road and Locust Avenue; and

WHEREAS, Mott MacDonald designed proposed infrastructure improvements which will require the Township to acquire easements interest in portions of the properties located at 60 Locust Avenue also known as Block 606, Lot 8, 801 Ridgewood Road also known as Block 606, Lot 15 and 799 Ridgewood Road, also known as Block 606, Lot 16 depicted on the map attached to this Ordinance as Exhibit A and the survey metes and bounds attached to this ordinance as Exhibit B for each of the described properties; and

WHEREAS, based upon the goal of improving drainage and in consultation with the Township's consulting engineers, the Township has identified the properties located at 60 Locust Avenue, 801 Ridgewood Road and 799 Ridgewood Road as necessary locations on which to construct certain improvements related to the proposed drainage and infrastructure project and permit the appropriate easement for the installation and maintenance of such improvement; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MILLBURN IN THE COUNTY OF ESSEX AND STATE OF NEW JERSEY, in accordance with N.J.S.A. 40A:12-5(a), as follows:

1. The Township is hereby authorized to acquire through easement the subject property in accordance with law for public purposes, including the installation of drainage infrastructure, underground pipe and other necessary appurtenances improve drainage in the described area.
2. The Mayor and Township Clerk are hereby authorized and directed to execute on behalf of the Township an Agreement, generally in a form prepared and approved by the Township Attorney and Business Administrator, and such other documents as are necessary and advisable to accomplish the acquisition by the Township of the subject property with such revisions in said documents as the Township Attorney may advise and the Mayor may approve, such approval to be evidenced by their execution hereof.
3. The sum of \$1.00 per easement acquisition is hereby appropriated to provide for the cost of acquisition of the subject properties.
4. This ordinance shall take effect after final passage and publication as provided by law.

Ordinance 2603-22

Mr. Vinayak brought forth Ordinance 2603-22 for public hearing. A brief explanatory statement about the ordinance was made. Mayor Miggins opened the public hearing, receiving no comments Mayor Miggins closed the public hearing. Mr. Wasserman moved the ordinance to be taken up and passed on second reading; Ms. Prupis seconded the motion. Mayor Miggins requested a roll call vote.

Roll Call Vote: All Ayes

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ORDINANCE NO. 2603-22

AN ORDINANCE AUTHORIZING THE ACQUISITION BY PURCHASE OF EASEMENTS OVER A PORTION OF REAL PROPERTIES LOCATED AT 817 RIDGEWOOD ROAD KNOWN AS BLOCK 611, LOT 6, 819 RIDGEWOOD ROAD KNOWN AS BLOCK 611 LOT 5 AND 823 RIDGEWOOD ROAD KNOWN AS BLOCK 611, LOT 4 AND APPROPRIATING THE SUM OF \$1.00 PER EASEMENT ACQUISITION TO PAY THE COST THEREOF

STATEMENT OF PURPOSE: *This ordinance is being proposed to authorize the acquisitions by easements of a portion of real properties located between Ridgewood Road and Locust Avenue in order to undertake drainage improvements that will improve the overall drainage in this area. These improvements will have a positive impact on post storm recovery and quality of life for numerous residents in the area of Ridgewood Road and Locust Avenue.*

WHEREAS, in accordance with N.J.S.A. 40A:12-5(a)(1) "any municipality, by ordinance, may provide for the acquisition of any real property, capital improvement, or personal property: (1) by purchase, gift, devise, lease, exchange, or condemnation;" and

WHEREAS, there is a need to improve the drainage in the area of Ridgewood Road and Locust Avenue and install the necessary infrastructure to achieve new or improved drainage in this area; and

WHEREAS, through consultation with the Township's engineering consultants, Mott MacDonald, the Township has determined that the installation of drainage pipes and appurtenances will have a positive impact on area drainage between Ridgewood Road and Locust Avenue; and

WHEREAS, Mott MacDonald designed proposed infrastructure improvements which will require the Township to acquire easements interest in portions of the properties located at 817 Ridgewood Road also known as Block 611, Lot 6, 819 Ridgewood Road also known as Block 611, Lot 5 and 823 Ridgewood Road, also known as Block 606, Lot 4 depicted on the map attached to this Ordinance as Exhibit A and the survey metes and bounds attached to this ordinance as Exhibit B for each of the described properties; and

WHEREAS, based upon the goal of improving drainage and in consultation with the Township's consulting engineers, the Township has identified the properties located at 817 Ridgewood Road, 819 Ridgewood Road and 823 Ridgewood Road as necessary locations on which to construct certain improvements related to the proposed drainage and infrastructure project and permit the appropriate easement for the installation and maintenance of such improvement; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MILLBURN IN THE COUNTY OF ESSEX AND STATE OF NEW JERSEY, in accordance with N.J.S.A. 40A:12-5(a), as follows:

1. The Township is hereby authorized to acquire through easement the subject property in accordance with law for public purposes, including the installation of drainage infrastructure, underground pipe and other necessary appurtenances improve drainage in the described area.
2. The Mayor and Township Clerk are hereby authorized and directed to execute on behalf of the Township an Agreement, generally in a form prepared and approved by the Township Attorney and Business Administrator, and such other documents as are necessary and advisable to accomplish the acquisition by the Township of the subject property with such revisions in said documents as the Township Attorney may advise and the Mayor may approve, such approval to be evidenced by their execution hereof.
3. The sum of \$1.00 per easement acquisition is hereby appropriated to provide for the cost of acquisition of the subject properties.
4. This ordinance shall take effect after final passage and publication as provided by law.

Ordinance 2616-22

Mr. Wasserman brought forth Ordinance 2616-22 for public hearing. A brief explanatory statement about the ordinance was made.

Mayor Miggins opened the public hearing.

Jeffrey Feld, resident, reviewed the history of closures and reviewed the specific findings under the statute. He questioned the cost of having Main Street closed.

James Kokkalis, resident, voiced his objections to the ordinance and concerns with traffic.

Frank Saccomandi, resident, questioned the process and voiced opposition to the ordinance. He asked if there was any revenue being collected with the closure.

Jean Pasternak, resident, voiced her opposition to the ordinance. She noted that the Committee should of thought of the residents in the area.

Al Carlin, resident, voiced his opposition and concerns with traffic in the area due to the closure.

Perri Urso, resident/business owner, questioned the budget for the police due to the closure. She asked if there was a survey to acquire a sense of interest. She voiced her objection to the ordinance because Main Street was a main artery in the township.

Nancy Stone, resident/business owner, thought the closure was a good idea and that it benefitted the businesses in the area. She voiced her concern with the traffic in the area and suggested it be restricted to just the weekends.

Mr. Wasserman closed the public hearing. Ms. Thall Eglow recommended that the closure should be just for weekends and not the entire summer. She spoke concerning the traffic and safety.

Mr. McDonald advised that he would look into if the SID would pay for the closure.

Mr. Wasserman voiced his support for the closure. He suggested those who used the closure to their benefit should pay their fair share and thought it was a benefit to the township. Ms. Thall Eglow thought it should be paid for by the restaurants.

Mr. McDonald advised the traffic was lighter due to the summer months. The Committee reviewed the ordinance.

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

Roll Call Vote: Ayes: Miggins, Wasserman, Vinayak

Nays: Prupis, Thall Eglow.

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

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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.

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.

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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.

Ordinance / Introduction

Mayor Miggins made the following statement: “I would like to note that there were revisions to the draft Overlay Zoning Ordinances 2604-22, 2605-22, 2606-22, 2607-22 and 2608-22 which were previously made available and are scheduled for introduction this evening. The revisions provide language to exclude “rooftop decks and other rooftop amenities” from the accessory use section for all of the proposed overlay zoning ordinances.”

Ordinance 2604-22

Mayor Miggins brought forth Ordinance 2604-22 for introduction. A brief explanatory statement about the ordinance was made by Mr. Petto, Township Planner. A discussion ensued among the Committee, Mr. McDonald and Mr. Petto regarding the ordinance. Mayor Miggins moved that the ordinance to be taken up and passed on first reading noting that the public hearing would take place on July 19, 2022, Mr. Vinayak seconded the motion. Mayor Miggins requested a roll call vote.

Roll Call Vote: Ayes: Miggins, Wasserman, Vinayak

Nays: Prupis, Thall Eglow.

ORDINANCE NO. 2604-22

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

WHEREAS, the Township of Millburn (“the Township”) executed a Settlement Agreement with Fair Share Housing Center on August 17, 2021 that determines the municipality’s affordable housing obligation and the preliminary compliance plan for how the obligation will be addressed; and

WHEREAS, the Settlement Agreement called for the Township to satisfy a portion of Millburn’s unmet need obligation by permitting residential development in locations and at densities identified in the Settlement Agreement; and

WHEREAS, the Township Committee and the Township desire to adopt a Zoning Ordinance implementing these terms and conditions of the Settlement Agreement.

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NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council 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):

606.8. Office research OR-1, OR-2, OR-3.

- a. Purpose. To provide administrative, research or engineering facilities related to scientific research, product development or related activities; office uses; hotel; service facilities; multifamily housing developments, and where permitted herein, Mixed-Use Development.
- b. Permitted Principal uses.
 1. Offices, including medical offices in the OR-2 Zone, and financial institutions.

[Amended 3-19-2019 by Ord. No. 2528-19]

2. Retail services, such as beauty salons and barber shops.
3. In addition in the OR-1 Zone, office-hotel complex, multifamily housing development in the area bounded by Block 5302, Lot 1 at the date of adoption of this Ordinance.
4. In addition in the OR-3 Zone, Mixed-Use Development subject to the standards contained herein.
- c. Accessory Uses. ~~Parking and loading areas.~~
 5. Parking and loading areas, which shall not include below-grade structured parking facilities.
 6. Indoor and outdoor residential amenity space, except for rooftop decks and other rooftop amenities.
 7. Sustainable building and site design features, such as but not limited to roof-mounted solar energy generating facilities, green roof, and electric vehicle supply equipment.
 8. Any other use which is subordinate and customarily incidental to multifamily housing developments, and the use of which is limited building occupants and management.
 9. Any other use which is subordinate and customarily incidental to a nonresidential use.
- d. Area and Setback Requirements
- e. Other Provisions.
 1. In the OR-2 District, off-street parking shall be located in the side and rear yard areas whenever possible.
 2. In the OR-1 District, maximum development yield for multifamily housing developments shall not exceed a density of 20 dwelling units per acre.
 3. All residential developments shall include an on-site affordable housing set-aside of 20% of the total number of units. The affordable housing units shall comply with the Township's affordable housing regulations and the Uniform Housing Affordability Control Rules (N.J.A.C. 5:80-26.1), which shall control in the case of any conflicts with this ordinance, as well as the NJ Fair Housing Act (N.J.S.A. 52:27D-301 et seq). Compliance shall include but is not limited to the following: required bedroom and income distribution, with the sole exception that thirteen percent (13%) of the affordable units within each bedroom distribution shall be required to be for very low income households earning thirty percent (30%) or less of median income pursuant to the Fair Housing Act, affordability controls of at least thirty (30) years, phasing in compliance with N.J.A.C. 5:93-5.6(d), and affirmative marketing including posting of all affordable units on the New Jersey Housing Resource Center website in accordance with P.L. 2020, c. 51. Additionally, the affordable units shall be integrated with the market-rate units. In buildings with multiple dwelling units, the affordable units shall be generally distributed within each building with market units and the affordable units shall not be concentrated in separate building(s) or in separate area(s) or floor(s) from the market-rate units. The residents of the affordable units shall have full and equal access to all of the entryways, amenities, common areas, and recreation areas and facilities as the residents of the market-rate units.

Ordinance 2605-22

Mr. Vinayak brought forth Ordinance 2605-22 for introduction. A brief explanatory statement about the ordinance was made by Mr. Petto, Township 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, Mr. Wasserman seconded the motion. Mayor Miggins requested a roll call vote.

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Roll Call Vote: Ayes: Miggins, Wasserman, Vinayak

Nays: Prupis, Thall Eglow

ORDINANCE NO. 2605-22

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

WHEREAS, the Township of Millburn (“the Township”) executed a Settlement Agreement with Fair Share Housing Center on August 17, 2021 that determines the municipality’s affordable housing obligation and the preliminary compliance plan for how the obligation will be addressed; and

WHEREAS, the Settlement Agreement called for the Township to satisfy a portion of Millburn’s unmet need obligation by permitting residential development in locations and at densities identified in the Settlement Agreement; and

WHEREAS, the Township Committee and the Township desire to adopt a Zoning Ordinance implementing these terms and conditions of the Settlement Agreement.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council 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):

606.9 Commercial / Medical Office CMO

- a. Purpose. To provide an area for office buildings, medical offices, sports and physical fitness, and multifamily housing developments.
- b. Permitted Principal Uses.
 - 1. Offices.
 - 2. Wholesale business, light assembly and manufacturing, scientific and other research facilities, warehouses, and offices operated in connection with the foregoing uses.
 - 3. Medical offices.
 - 4. Ambulatory surgical facilities.
 - 5. Health and fitness facilities.
 - 6. Showrooms.
 - 7. Pet care and grooming.
 - 8. Indoor commercial recreation.
 - 9. Educational play centers.
 - 10. Instructional schools and studios.
 - 11. Multifamily housing development,
 - 12. Any combination of the permitted principal uses, except that multifamily housing developments shall not be combined with following permitted uses:
 - i. Wholesale business, light assembly and manufacturing, scientific and other research facilities, warehouses, and offices operated in connection with the foregoing uses.
 - ii. Ambulatory surgical facilities.
- c. Accessory Uses. ~~Parking and loading areas.~~
 - 1. Parking and loading areas, including off-street structured facilities within the building (i.e. at or below grade).
 - 2. Indoor and outdoor residential amenity space, except for rooftop decks and other rooftop amenities.
 - 3. Sustainable building and site design features, such as but not limited to roof-mounted solar energy generating facilities, green roof, and electric vehicle supply equipment.
 - 4. Any other use which is subordinate and customarily incidental to multifamily housing developments, and the use of which is limited building occupants and management.
 - 5. Any other use which is subordinate and customarily incidental to a nonresidential use.
- d. Conditional Uses.
- e. Area and Setback Requirements.

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- 5. Minimum side and rear setback: 12 feet, except when abutting a residential district, in which case the setback shall be a minimum of ~~twice~~ the building height.
- 8. Maximum building height:
 - a. Non-residential: 30 feet, 2 stories
 - b. Structures containing at least one full story of multifamily housing developments: 40 feet, 3 stories.
- f. Other Provisions.
- g. Development Yield:
 - 1. Maximum development yield for multifamily housing developments shall not exceed a density of 18 dwelling units per acre.
 - 2. All residential developments shall include an on-site affordable housing set-aside of 20% of the total number of units. The affordable housing units shall comply with the Township’s affordable housing regulations and the Uniform Housing Affordability Control Rules (N.J.A.C. 5:80-26.1), which shall control in the case of any conflicts with this ordinance, as well as the NJ Fair Housing Act (N.J.S.A. 52:27D-301 et seq). Compliance shall include but is not limited to the following: required bedroom and income distribution, with the sole exception that thirteen percent (13%) of the affordable units within each bedroom distribution shall be required to be for very low income households earning thirty percent (30%) or less of median income pursuant to the Fair Housing Act, affordability controls of at least thirty (30) years, phasing in compliance with N.J.A.C. 5:93-5.6(d), and affirmative marketing including posting of all affordable units on the New Jersey Housing Resource Center website in accordance with P.L. 2020, c. 51. Additionally, the affordable units shall be integrated with the market-rate units. In buildings with multiple dwelling units, the affordable units shall be generally distributed within each building with market units and the affordable units shall not be concentrated in separate building(s) or in separate area(s) or floor(s) from the market-rate units. The residents of the affordable units shall have full and equal access to all of the entryways, amenities, common areas, and recreation areas and facilities as the residents of the market-rate units.

Ordinance 2606-22

Mr. Wasserman brought forth Ordinance 2606-22 for introduction. A brief explanatory statement about the ordinance was made by Mr. Petto, Township Planner. Mr. Wasserman moved the ordinance to be taken up and passed on first reading noting that the public hearing would take place on July 19, 2022, Mr. Vinayak seconded the motion. Mayor Miggins requested a roll call vote.

Roll Call Vote: Ayes: Miggins, Wasserman, Vinayak

Nays: Prupis, Thall Eglow.

ORDINANCE NO. 2606-22

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

WHEREAS, the Township of Millburn (“the Township”) executed a Settlement Agreement with Fair Share Housing Center on August 17, 2021 that determines the municipality’s affordable housing obligation and the preliminary compliance plan for how the obligation will be addressed; and

WHEREAS, the Settlement Agreement called for the Township to satisfy a portion of Millburn’s unmet need obligation by permitting residential development in locations and at densities identified in the Settlement Agreement; and

WHEREAS, the Township Committee and the Township desire to adopt a Zoning Ordinance implementing these terms and conditions of the Settlement Agreement; and

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WHEREAS, the Township Committee and the Township desire to adopt separate portions of the existing B-2 Zone into distinct zoning districts in order to better integrate these terms and conditions into the Development Regulations and Zoning Ordinance; and

WHEREAS, the Township Committee and Township desire to amend the definition of Gross Floor Area – Nonresidential, the definition of which presently describes a floor area ratio calculation and inaccurately states the necessary variance relief from deviation from floor area ratio requirements.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council 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 301 Words and phrases defined.

~~301.24. 301.22.1. GROSS FLOOR AREA – NONRESIDENTIAL FLOOR AREA RATIO – NONRESIDENTIAL~~ - The sum of the area of all floors of a building or structure compared to the total lot area. The area of all floors shall be computed by using the outside dimension of the exterior walls of the building or structure. Deviation from this standard shall require variance relief under MLUL, N.J.S.A. 40:55D-70(e)(d)(4).

Section 2: Establishment of the B-2A Zone, B-2B Zone, and B-2C Zone and Elimination of the B-2 Zone.

The B-2 Zone is hereby eliminated as a zoning district from the Development Regulations and Zoning Ordinance and the Official Zoning Map of the Township of Millburn, dated August, 2020 and supplemented December, 2020.

The B-2A Zone is hereby established as a zoning district in the Development Regulations and Zoning Ordinance and the Official Zoning Map of the Township of Millburn, governing development and land use of the following tax parcels: Block 2002; Lot 22 (portion presently within B-2 Zone), Lots 23-25, and Lot 26 (portion presently within B-2 Zone); Block 1904, Lots 1, 104, and 105 (portion presently within B-2 Zone).

The B-2B Zone is hereby established as a zoning district in the Development Regulations and Zoning Ordinance and the Official Zoning Map of the Township of Millburn, governing development and land use of the following tax parcels: Block 1801, Lots 1-3 and Block 1904, Lots 17-20.

The B-2C Zone is hereby established as a zoning district in the Development Regulations and Zoning Ordinance and the Official Zoning Map of the Township of Millburn, governing development and land use of the following tax parcels: Block 705, Lots 2-4 and 6 (portion presently within B-2 Zone) and Block 305, Lots 1-3, Lot 4 (portion presently within B-2 Zone), and Lot 6.

Section 3: DRZ 606 Zone Requirements.

~~606.6.1 Highway Business B-2~~ 606.6.1 Highway Business B-2A

- a. Purpose. To provide for the continuation of established business as well as promoting investment in new commercial and residential activity to serve community needs.
- b. Permitted Principal Uses.
 1. Retail sales and retail services.
 2. Offices, including co-working or shared work space, and financial institutions.
 3. Medical offices.
 4. Health and fitness facilities.
 5. Showrooms.
 6. Pet care and grooming.
 7. Indoor commercial recreation.
 8. Educational play centers.
 9. Instructional schools and studios.
 10. Art studios and galleries.
 11. Restaurants, fast food restaurants, retail food establishments, brewpubs and eating and drinking places provided the closest part of any structure so used, exclusive of parking and loading areas, is not less than 125 feet from the nearest lot line of a single-family dwelling in a residential district, except that no such requirement shall apply where said lot line is separated by a street or railroad right-of-way. Drive-up windows shall not be permitted.

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- 12. Multifamily housing developments
- 13. Any combination of the permitted principal uses.
- c. Accessory Uses.
 - 1. Parking and loading areas, including off-street structured facilities within the building (i.e. at or below grade).
 - 2. Indoor and outdoor residential amenity space, except for rooftop decks and other rooftop amenities.
 - 3. Sustainable building and site design features, such as but not limited to roof-mounted solar energy generating facilities, green roof, and electric vehicle supply equipment.
 - 4. Any other use which is subordinate and customarily incidental to multifamily housing developments, and the use of which is limited building occupants and management.
 - 5. Any other use which is subordinate and customarily incidental to a nonresidential use.
- d. Conditional Uses. Restaurants, fast food restaurants, retail food establishments, brewpubs and eating and drinking places where the closest part of the structure is less than 125 feet from the nearest lot line of a single-family dwelling in a residential district, except that no such requirement shall apply where said lot line is separated by a street or railroad right-of-way. Drive-up windows shall not be permitted. This Section 606.6d shall apply only to lots abutting on primary and secondary roadways as shown in the Traffic Circulation Plan Element of the Master Plan. The following conditional use standards shall apply:
 - 1. All refuse shall be stored either within the building or within an enclosed area that is screened from view of adjacent residential dwellings by landscaping, fencing or both and is located outside of a required buffer area. Any refuse stored outside of the building shall be enclosed in durable containers with a latching or locking mechanism.
 - 2. Development shall comply with the buffer requirements established under Section 609.3 herein.
 - 3. Commercial grade air filtration/odor reduction devices shall be employed to minimize odors from on-premises cooking/frying. Hoods shall be designed in accordance with the International Mechanical Code (IME), Chapter 507 and shall be designed to capture and confine cooking vapors and residues through a filtering device.
 - 4. Site lighting shall not be located within a required buffer and shall be designed to avoid up-lighting or a halo effect with fixtures incorporating shields/cut-offs to prevent spillage on to adjacent residential properties.
 - 5. The customer entrance shall be from the front of the building (i.e., facing the street).
 - 6. No outdoor seating shall be permitted in the rear of the building.
- e. Area and Setback Requirements
 - 1. Minimums.
 - a. Lot area-acres: 1.
 - b. Lot width-feet: 150.
 - c. Front setback-feet: 25.
 - d. Side setback-feet: eight. One foot for every two feet in building height, but not less than eight feet on a side.
 - e. Rear setback-feet: 75.
 - 2. Maximums.
 - a. Building coverage: 30%.
 - b. Floor area ratio: 0.8.
 - c. Lot coverage: 80%
 - d. Building height: 40 feet, 3 stories.
- f. Maximum Development Yield: Multifamily housing developments shall not exceed a density of 18 dwelling units per acre.
- g. Other Provisions.
 - 1. Parking shall not be permitted in any front yard, and parking sited within a podium shall be screened from the public right-of-way by a building liner. Such building liner shall be a minimum of 30 feet in depth.
 - 2. All residential developments shall include an on-site affordable housing set-aside of 20% of the total number of units. The affordable housing units shall comply with the

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Township's affordable housing regulations and the Uniform Housing Affordability Control Rules (N.J.A.C. 5:80-26.1), which shall control in the case of any conflicts with this ordinance, as well as the NJ Fair Housing Act (N.J.S.A. 52:27D-301 et seq). Compliance shall include but is not limited to the following: required bedroom and income distribution, with the sole exception that thirteen percent (13%) of the affordable units within each bedroom distribution shall be required to be for very low income households earning thirty percent (30%) or less of median income pursuant to the Fair Housing Act, affordability controls of at least thirty (30) years, phasing in compliance with N.J.A.C. 5:93-5.6(d), and affirmative marketing including posting of all affordable units on the New Jersey Housing Resource Center website in accordance with P.L. 2020, c. 51. Additionally, the affordable units shall be integrated with the market-rate units. In buildings with multiple dwelling units, the affordable units shall be generally distributed within each building with market units and the affordable units shall not be concentrated in separate building(s) or in separate area(s) or floor(s) from the market-rate units. The residents of the affordable units shall have full and equal access to all of the entryways, amenities, common areas, and recreation areas and facilities as the residents of the market-rate units.

606.6.2 Highway Business B-2B

- a. Purpose. To provide for the continuation of established business as well as promoting investment in new commercial and residential activity to serve community needs.
- b. Permitted Principal Uses.
 1. Retail sales and retail services.
 2. Offices, including co-working or shared work space, and financial institutions.
 3. Medical offices.
 4. Health and fitness facilities.
 5. Showrooms.
 6. Pet care and grooming.
 7. Indoor commercial recreation.
 8. Educational play centers.
 9. Instructional schools and studios.
 10. Art studios and galleries.
 11. Restaurants, fast food restaurants, retail food establishments, brewpubs and eating and drinking places provided the closest part of any structure so used, exclusive of parking and loading areas, is not less than 125 feet from the nearest lot line of a single-family dwelling in a residential district, except that no such requirement shall apply where said lot line is separated by a street or railroad right-of-way. Drive-up windows shall not be permitted.
 12. Multifamily housing developments
 13. Any combination of the permitted principal uses.
- c. Accessory Uses.
 1. Parking and loading areas, including off-street structured facilities within the building (i.e. at or below grade).
 2. Indoor and outdoor residential amenity space.
 3. Sustainable building and site design features, such as but not limited to roof-mounted solar energy generating facilities, green roof, and electric vehicle supply equipment.
 4. Any other use which is subordinate and customarily incidental to multifamily housing developments, and the use of which is limited building occupants and management.
 5. Any other use which is subordinate and customarily incidental to a nonresidential use.
- d. Conditional Uses. Restaurants, fast food restaurants, retail food establishments, brewpubs and eating and drinking places where the closest part of the structure is less than 125 feet from the nearest lot line of a single-family dwelling in a residential district, except that no such requirement shall apply where said lot line is separated by a street or railroad right-of-way. Drive-up windows shall not be permitted. This Section 606.6d shall apply only to lots abutting on

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primary and secondary roadways as shown in the Traffic Circulation Plan Element of the Master Plan. The following conditional use standards shall apply:

1. All refuse shall be stored either within the building or within an enclosed area that is screened from view of adjacent residential dwellings by landscaping, fencing or both and is located outside of a required buffer area. Any refuse stored outside of the building shall be enclosed in durable containers with a latching or locking mechanism.
 2. Development shall comply with the buffer requirements established under Section 609.3 herein.
 3. Commercial grade air filtration/odor reduction devices shall be employed to minimize odors from on-premises cooking/frying. Hoods shall be designed in accordance with the International Mechanical Code (IME), Chapter 507 and shall be designed to capture and confine cooking vapors and residues through a filtering device.
 4. Site lighting shall not be located within a required buffer and shall be designed to avoid up-lighting or a halo effect with fixtures incorporating shields/cut-offs to prevent spillage on to adjacent residential properties.
 5. The customer entrance shall be from the front of the building (i.e., facing the street).
 6. No outdoor seating shall be permitted in the rear of the building.
- e. Area Setback Requirements.
- a. Lot area-acres: 1.
 - b. Lot width-feet: 150.
 - c. Front setback-feet: 20.
 - d. Side setback-feet: 8.*

*The setback shall be based on one foot for every two feet in building height, but not less than eight feet on a side.

- e. Rear setback-feet: 50.
2. Maximums.
 - a. Building coverage: 30%.
 - b. Floor area ratio: 0.8.
 - c. Lot coverage: 85%
 - d. Building height: 40 feet, 3 stories.
- f. Maximum Development Yield: Multifamily housing developments shall not exceed a density of 18 dwelling units per acre.
- g. Other Provisions.
 1. Parking shall not be permitted in any front yard, and parking sited within a podium shall be screened from the public right-of-way by a building liner. Such building liner shall be a minimum of 30 feet in depth.
 2. All residential developments shall include an on-site affordable housing set-aside of 20% of the total number of units. The affordable housing units shall comply with the Township's affordable housing regulations and the Uniform Housing Affordability Control Rules (N.J.A.C. 5:80-26.1), which shall control in the case of any conflicts with this ordinance, as well as the NJ Fair Housing Act (N.J.S.A. 52:27D-301 et seq). Compliance shall include but is not limited to the following: required bedroom and income distribution, with the sole exception that thirteen percent (13%) of the affordable units within each bedroom distribution shall be required to be for very low income households earning thirty percent (30%) or less of median income pursuant to the Fair Housing Act, affordability controls of at least thirty (30) years, phasing in compliance with N.J.A.C. 5:93-5.6(d), and affirmative marketing including posting of all affordable units on the New Jersey Housing Resource Center website in accordance with P.L. 2020, c. 51. Additionally, the affordable units shall be integrated with the market-rate units. In buildings with multiple dwelling units, the affordable units shall be generally distributed within each building with market units and the affordable units shall not be concentrated in separate building(s) or in separate area(s) or floor(s) from the market-rate units. The residents of the affordable units shall have full and equal access to all of the entryways, amenities, common areas, and recreation areas and facilities as the residents of the market-rate units.

606.6.3 Highway Business B-2C

- a. Purpose. To provide for the continuation of established business as well as promoting investment in new commercial and residential activity to serve community needs.
- b. Permitted Principal Uses.
 1. Retail sales and retail services.
 2. Offices, including co-working or shared work space, and financial institutions.
 3. Medical offices.
 4. Health and fitness facilities.
 5. Showrooms.
 6. Pet care and grooming.
 7. Indoor commercial recreation.
 8. Educational play centers.
 9. Instructional schools and studios.
 10. Art studios and galleries.
 11. Restaurants, fast food restaurants, retail food establishments, brewpubs and eating and drinking places provided the closest part of any structure so used, exclusive of parking and loading areas, is not less than 125 feet from the nearest lot line of a single-family dwelling in a residential district, except that no such requirement shall apply where said lot line is separated by a street or railroad right-of-way. Drive-up windows shall not be permitted.
 12. Multifamily housing developments
 13. Any combination of the permitted principal uses.
- c. Accessory Uses.
 1. Parking and loading areas, including off-street structured facilities within the building (i.e. at or below grade).
 2. Indoor and outdoor residential amenity space.
 3. Sustainable building and site design features, such as but not limited to roof-mounted solar energy generating facilities, green roof, and electric vehicle supply equipment.
 4. Any other use which is subordinate and customarily incidental to multifamily housing developments, and the use of which is limited building occupants and management.
 5. Any other use which is subordinate and customarily incidental to a nonresidential use.
- d. Conditional Uses. Restaurants, fast food restaurants, retail food establishments, brewpubs and eating and drinking places where the closest part of the structure is less than 125 feet from the nearest lot line of a single-family dwelling in a residential district, except that no such requirement shall apply where said lot line is separated by a street or railroad right-of-way. Drive-up windows shall not be permitted. This Section 606.6d shall apply only to lots abutting on primary and secondary roadways as shown in the Traffic Circulation Plan Element of the Master Plan. The following conditional use standards shall apply:
 1. All refuse shall be stored either within the building or within an enclosed area that is screened from view of adjacent residential dwellings by landscaping, fencing or both and is located outside of a required buffer area. Any refuse stored outside of the building shall be enclosed in durable containers with a latching or locking mechanism.
 2. Development shall comply with the buffer requirements established under Section 609.3 herein.
 3. Commercial grade air filtration/odor reduction devices shall be employed to minimize odors from on-premises cooking/frying. Hoods shall be designed in accordance with the International Mechanical Code (IME), Chapter 507 and shall be designed to capture and confine cooking vapors and residues through a filtering device.
 4. Site lighting shall not be located within a required buffer and shall be designed to avoid up-lighting or a halo effect with fixtures incorporating shields/cut-offs to prevent spillage on to adjacent residential properties.
 5. The customer entrance shall be from the front of the building (i.e., facing the street).
 6. No outdoor seating shall be permitted in the rear of the building.
- e. Area Setback Requirements.

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- a. Lot width-feet: 150.
- b. Front setback-feet: 20.
- c. Side setback-feet: 8.*

*The setback shall be based on one foot for every two feet in building height, but not less than eight feet on a side.

- d. Rear setback-feet: 50.
- e. Lot area-acres: 1.

2. Maximums.

- a. Building coverage: 30%.
- b. Floor area ratio: 1.0
 - 1. Properties fronting on Millburn Avenue: 1.0
 - 2. Properties fronting on Morris Turnpike: 0.8

c. Lot coverage: 85%

d. Building height:

- 1. Nonresidential: 40 feet, 3 stories.
- 2. Structures containing at least one full story of multifamily housing developments: 48 feet, 4 stories.

f. Maximum Development Yield: Multifamily housing developments shall not exceed a density of 40 dwelling units per acre.

g. Other Provisions.

- 1. Parking shall not be permitted in any front yard, and parking sited within a podium shall be screened from the public right-of-way by a building liner. Such building liner shall be a minimum of 30 feet in depth.
- 2. All residential developments shall include an on-site affordable housing set-aside of 20% of the total number of units. The affordable housing units shall comply with the Township’s affordable housing regulations and the Uniform Housing Affordability Control Rules (N.J.A.C. 5:80-26.1), which shall control in the case of any conflicts with this ordinance, as well as the NJ Fair Housing Act (N.J.S.A. 52:27D-301 et seq). Compliance shall include but is not limited to the following: required bedroom and income distribution, with the sole exception that thirteen percent (13%) of the affordable units within each bedroom distribution shall be required to be for very low income households earning thirty percent (30%) or less of median income pursuant to the Fair Housing Act, affordability controls of at least thirty (30) years, phasing in compliance with N.J.A.C. 5:93-5.6(d), and affirmative marketing including posting of all affordable units on the New Jersey Housing Resource Center website in accordance with P.L. 2020, c. 51. Additionally, the affordable units shall be integrated with the market-rate units. In buildings with multiple dwelling units, the affordable units shall be generally distributed within each building with market units and the affordable units shall not be concentrated in separate building(s) or in separate area(s) or floor(s) from the market-rate units. The residents of the affordable units shall have full and equal access to all of the entryways, amenities, common areas, and recreation areas and facilities as the residents of the market-rate units.

~~606.6.1~~ 606.6.4 Neighborhood B-3

Ordinance 2607-22

Mayor Miggins brought forth Ordinance 2607-22 for introduction. A brief explanatory statement about the ordinance was made by Mr. Petto, Township Planner. 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, Mr. Wasserman seconded the motion. Mayor Miggins requested a roll call vote.

Roll Call Vote: Ayes: Miggins, Wasserman, Vinayak

Nays: Prupis, Thall Eglow

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ORDINANCE NO. 2607-22

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

WHEREAS, the Township of Millburn (“the Township”) executed a Settlement Agreement with Fair Share Housing Center on August 17, 2021 that determines the municipality’s affordable housing obligation and the preliminary compliance plan for how the obligation will be addressed; and

WHEREAS, the Settlement Agreement called for the Township to satisfy a portion of Millburn’s unmet need obligation by permitting residential development in locations and at densities identified in the Settlement Agreement; and

WHEREAS, the Township Committee and the Township desire to adopt a Zoning Ordinance implementing these terms and conditions of the Settlement Agreement; and

WHEREAS, the Master Plan Reexamination and Update for the Township of Millburn, dated December 19, 2018, recommended the Township consider raising the height limit above three stories in targeted locations to allow multi-family residential and mixed-use buildings within close proximity to the Millburn Train Station.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council 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):

606.7 Central Business B-4

- a. Purpose. ~~To provide an area for pedestrian shopping.~~ To serve as the downtown core of the Township, providing a combination of commercial, residential, office, and cultural uses in a walkable environment.
- b. Permitted Principal Uses.
 - 1. Retail sales and retail services.
 - 2. Financial institutions.
 - 3. ~~Residential, but not on the ground floor.~~ Multifamily housing developments in combination with any of the permitted principal uses
 - 4. Offices, including co-working or shared work space, but not on the street-floor level. For the purposes of this restriction, travel agencies, opticians, local newspaper offices substantially servicing Township residents, and real estate sales and insurance offices shall not be considered offices and are permitted to locate on the street-level floor.
 - 5. Showrooms.
 - 6. Educational play centers.
 - 7. Instructional schools and studios.
 - 8. Art studios and galleries.
 - 9. Restaurants, fast food restaurants, retail food establishments, brewpubs and eating and drinking places, provided the closest part of any structure so used, exclusive of parking and loading areas, is not less than 125 feet from the nearest lot line of a single-family dwelling in a Residential District, except that no such requirement shall apply where said lot line is separated by a street or railroad right-of-way. Drive-up windows shall not be permitted.
 - 10. Theaters.
 - 11. Museums.
 - 12. Any combination of the permitted principal uses.
- c. Accessory Uses. ~~Parking and loading areas.~~
 - 1. Parking and loading areas, including off-street structured facilities within the building (i.e. at or below grade).
 - 2. Indoor and outdoor residential amenity space, except for rooftop decks and other rooftop amenities.
 - 3. Sustainable building and site design features, such as but not limited to roof-mounted solar energy generating facilities, green roof, and electric vehicle supply equipment.

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4. Any other use which is subordinate and customarily incidental to multifamily housing developments, and the use of which is limited building occupants and management.
5. Any other use which is subordinate and customarily incidental to a nonresidential use.
- d. Conditional Uses. Restaurants, fast food restaurants, retail food establishments, brewpubs and eating and drinking places where the closest part of the structure is less than 125 feet from the nearest lot line of a single-family dwelling in a residential district, except that no such requirement shall apply where said lot line is separated by a street or railroad right-of-way. Drive-up windows shall not be permitted. The following conditional use standards shall apply:
- e. Area and Setback Requirements – Blocks 704 and 705; and Block 703, Lots 1, 9, 10, and 11.
 1. Minimum side setback: none, or 10 feet to district line. Minimum Yard Setbacks:
 - a. Front yard setback: 0 feet
 - b. Side yard setback:
 - i. 0 feet, or 10' when a side yard is provided.
 - ii. 10 feet to any zone district line.
 - c. Rear yard setback: 10 feet
 2. Minimum Lot Size: 3/4 acres.
 3. Maximum building coverage: ~~100~~90%.
 4. Maximum lot coverage: 100%.
 5. Maximum building height: 48 feet, four stories.
 6. Minimum building setback: 15 feet at 4th story
- f. Area and Setback Requirements – All Other B-4 Properties.
 1. Minimum Yard Setbacks:
 - a. Front yard setback: 0 feet
 - b. Side yard setback:
 - i. 0 feet, or 10 feet when a side yard is provided.
 - ii. 10 feet to any zone district line.
 - c. Rear yard setback: 10 feet
 2. Maximum building coverage: 90%.
 3. Maximum lot coverage: 100%.
 4. Maximum building height: 40 feet, three stories.
- g. f. Other Provisions.
 1. If an existing dwelling unit is replaced by a nonresidential use, on-site parking shall be provided in accordance with the standards for off-street parking set forth in this ordinance for the nonresidential use.
 2. Central Business: Training facilities shall not be permitted in the B-4 Zone. A training facility is a premises which is used (as a primary use or an accessory use) to train or educate employees of a business in the service which the business provides. Excluded from the definition of a training facility is a training facility which trains full-time employees assigned permanently to the premises.
 3. Residential units on the ground floor may not be any street-facing façade and must be set back a minimum of 30 feet from any street-facing façade.
 4. Outdoor Residential Amenity Space.
 - a. Private or shared outdoor residential amenity space shall not be visible from adjacent residential uses or zones and shall not be visible from public rights-of-way or public property.
 - b. The above provision shall not apply to private balconies and terraces along street-facing façades.
- h. Development Yield:
 1. Maximum development yield for multifamily housing developments shall not exceed a density of 25 dwelling units per acre.
 2. All residential developments shall include an on-site affordable housing set-aside of 20% of the total number of units. The affordable housing units shall comply with the Township's affordable housing regulations and the Uniform Housing Affordability Control Rules (N.J.A.C. 5:80-26.1), which shall control in the case of any conflicts with this ordinance, as well as the NJ Fair Housing Act (N.J.S.A. 52:27D-301 et seq).

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Compliance shall include but is not limited to the following: required bedroom and income distribution, with the sole exception that thirteen percent (13%) of the affordable units within each bedroom distribution shall be required to be for very low income households earning thirty percent (30%) or less of median income pursuant to the Fair Housing Act, affordability controls of at least thirty (30) years, phasing in compliance with N.J.A.C. 5:93-5.6(d), and affirmative marketing including posting of all affordable units on the New Jersey Housing Resource Center website in accordance with P.L. 2020, c. 51. Additionally, the affordable units shall be integrated with the market-rate units. In buildings with multiple dwelling units, the affordable units shall be generally distributed within each building with market units and the affordable units shall not be concentrated in separate building(s) or in separate area(s) or floor(s) from the market-rate units. The residents of the affordable units shall have full and equal access to all of the entryways, amenities, common areas, and recreation areas and facilities as the residents of the market-rate units.

Ordinance 2608-22

Mayor Miggins recused herself from voting on the resolution and left the Committee room.

Deputy Mayor Thall Eglow took over as chairperson. Deputy Mayor Thall Eglow brought forth Ordinance 2608-22 for introduction. A brief explanatory statement about the ordinance was made by Mr. Petto, Township 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, Mr. Wasserman seconded the motion. Deputy Mayor Thall Eglow requested a roll call vote.

Roll Call Vote: Ayes: Wasserman, Vinayak

Nays: Prupis, Thall Eglow.

Recuse: Miggins

The motion failed and therefore the ordinance was not passed on introduction/first reading.

Mayor Miggins returned to the meeting.

Ordinance 2614-22

Mayor Miggins brought forth Ordinance 2614-22 for introduction. A brief explanatory statement about the ordinance was made by Mayor Miggins. Mr. Wasserman advised prior concerns were resolved. Ms. Prupis believed the draft agreement should be provided to the public. Mr. McDonald reviewed the lease agreement changes and noted the revision lease went from a 10 year agreement to a 5 year agreement. Ms. Prupis moved the ordinance to be taken up and passed on first reading noting that the public hearing would take place on July 19, 2022. Mr. Wasserman seconded the motion. Mayor Miggins requested a roll call vote.

Roll Call Vote: All Ayes

ORDINANCE NO. 2614-22

ORDINANCE AUTHORIZING EXECUTION OF A LEASE AGREEMENT BETWEEN THE TOWNSHIP AND THE CORA HARTSHORN ARBORETUM AND BIRD SANCTUARY

Statement of Purpose: The purpose of this Ordinance is the execution of a lease between the Township and the Cora Hartshorn Arboretum and Bird Sanctuary who is responsible for running programs and services in accordance with the Will of Cora Hartshorn who bequeathed the land to the Township of Millburn.

WHEREAS, the Township of Millburn (“Township”) entered into a Lease Agreement (“Lease”) on June 25, 2002 with the Cora Hartshorn Arboretum and Bird Sanctuary, a non-profit corporation of the

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State of New Jersey, having its address at 324 Forest Drive South, Short Hills, New Jersey (“Association”); and

WHEREAS, the said Lease and all renewal options have been exhausted; and

WHEREAS, the Millburn Township Committee wishes to enter into a new lease with the Cora Hartshorn Arboretum and Bird Sanctuary to use as an environmental education center and in compliance with the terms of the Will of Cora Hartshorn who devised the leased premises to the Township; and

WHEREAS, the Township Committee of the Township of Millburn has determined that it is in the best interest and for the enjoyment of the greater Millburn Township community and public to continue to Lease the land to the Cora Hartshorn Arboretum and Bird Sanctuary.

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 lease between the Township of Millburn, as landlord, and the Cora Hartshorn Arboretum and Bird Sanctuary, a New Jersey nonprofit corporation, as tenant, of a certain parcel of real estate owned by the Township and comprised of approximately 16.5 acres of land and the building known as the Stone House and other structures, paths or appurtenances located thereon, is hereby approved, and the Mayor and Township Clerk are hereby authorized and directed to execute and deliver the lease on behalf of the Township.

Section 2. The Lease is otherwise confirmed in its present form and the balance of the terms remain unchanged.

Section 3. This Ordinance shall take effect after final passage and publication in accordance with law.

Ordinance 2617-22

Mr. Wasserman brought forth Ordinance 2617-22 for introduction. A brief explanatory statement about the ordinance was made by Mr. Petto, Township Planner. Mr. Wasserman moved the ordinance to be taken up and passed on first reading as amended noting that the public hearing would take place on July 19, 2022, Thall Eglow seconded the motion. Mayor Miggins requested a roll call vote.

Roll Call Vote: Ayes: Miggins, Wasserman, Vinayak

Nays: Prupis, Thall Eglow

ORDINANCE NO. 2617-22

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

WHEREAS, the Township of Millburn (“the Township”) executed a Settlement Agreement with Fair Share Housing Center on August 17, 2021, that determines the municipality’s affordable housing obligation and the preliminary compliance plan for how the obligation will be addressed; and

WHEREAS, the Settlement Agreement called for the Township to satisfy a portion of Millburn’s unmet need obligation by permitting residential development in locations and at densities identified in the Settlement Agreement; and

WHEREAS, the Township Committee and the Township desire to amend existing requirements for nonresidential uses to provide buffers from residential uses in order to incorporate anticipated multifamily developments, as well as to clarify when buffers are required and what is required for buffer design.

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NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Millburn, in the County of Essex and State of New Jersey as follows:

Section 3: DRZ 609 Supplementary Regulations.

609.3 Buffers. Within ~~any nonresidential zone (the CD, B-1, B-2A, B-2B, B-2C, B-3, B-4, OR-1, OR-2, OR-3, or and CMO) zones,~~ in which an application for development abuts a residential zone or use, a buffer shall be provided. No development is permitted in the buffer area.

- a. When the property of a nonresidential use, a multifamily housing development, or any combination thereof abuts the R-3, R-4, R-5, R-6, or R-7 zones or a residential use or zone on the side or rear, a strip of land shall be designated as a buffer and so indicated on the plat, measuring either 20% of the average width or depth of the property or 50 feet, whichever is less. ~~shall be designated as a buffer area and so indicated on the plat.~~ Buffer areas shall be contiguous with residential property lines and shall be of uniform width. ~~In no case shall the width of the buffer area be required to exceed 50 feet, and if the buffer area is less than 20 feet wide,~~ The applicant shall erect a six-foot-high stockade or other wood fence, ~~or equivalent~~ and a dense evergreen planting within the buffer area, a minimum of six feet in height with the buffer area and at a point parallel to the lot line of the abutting residential lot and at a distance appropriate for the landscaping treatment in the buffer area.
- b. Fencing installed within the buffer area shall be set back from the property line at least 5 feet, and landscape screening shall be provided between the fence and the property line abutting the residential use or zone. Trees and shrubs shall be planted between the fence and residential line and shall be planted in a zigzag pattern not more than six feet apart at center, except where otherwise authorized by the approving authority.
- c. In the remaining buffer area, a solid and continuous landscape screen shall be planted and properly maintained to conceal the parking area, eliminate the glare of automobile lights throughout the year, and screen the building from the abutting residential areas.
- d. All tree plantings within the buffer area screen shall consist of evergreen trees, such as hemlock, Douglas fir, Norway spruce, etc. ~~Trees shall be planted in an area five feet to 20 feet from the residential line in a zigzag pattern and not more than six feet apart, except where otherwise authorized by the approving authority.~~ Evergreen trees shall not be less than five feet high when planted and not less than twenty feet high at maturity, and the lowest branches shall not be more than one foot above the ground.
- e. The approving authority may consider the effectiveness of existing vegetation in providing the desired screening, and may consider other factors which may alter the design of the buffer.
- f. All loading areas and parking lots shall be buffered from adjoining streets, existing residential uses and residential zoning districts in accordance with this section.

Ordinance 2618-22

Ms. Prupis brought forth Ordinance 2618-22 for introduction. A brief explanatory statement about the ordinance was made by Mr. McDonald. Ms. Prupis 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. Thall Eglow seconded the motion. Mayor Miggins requested a roll call vote.

Roll Call Vote: All Ayes

ORDINANCE NO. 2618-22

BOND ORDINANCE PROVIDING FOR THE TOWNSHIP'S ALLOCABLE SHARE OF THE FLOOD MITIGATION FACILITIES PROJECT (PHASE III) OF THE JOINT MEETING OF ESSEX AND UNION COUNTIES, BY AND FOR THE TOWNSHIP OF MILLBURN, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY, APPROPRIATING \$2,445,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,445,000 BONDS OR NOTES TO FINANCE THE COST THEREOF

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BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MILLBURN, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Joint Meeting of Essex and Union Counties (the "Joint Meeting") on behalf of the Township of Millburn, in the County of Essex, State of New Jersey (the "Township") as general improvements. For the said improvements stated in Section 3, there is hereby appropriated the sum of \$2,445,000. Pursuant to the provisions of N.J.S.A. 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), no down payment is required as this bond ordinance authorizes obligations for environmental infrastructure projects which are funded by loans from the New Jersey Infrastructure Bank (the "I-Bank") and the State of New Jersey, acting by or through the Department of Environmental Protection.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the \$2,445,000 appropriation, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$2,445,000 pursuant to, and within all limitations prescribed by, the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$2,445,000 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, said Local Bond Law.

SECTION 3. The improvements hereby authorized and purposes for the financing of which said debt obligations are to be issued are for the Township's allocable share of capital improvement projects being undertaken by the Joint Meeting for Phase III of the Flood Mitigation Facilities Project consisting of, but not limited to, the construction of reinforced concrete flood protection walls around the Main Treatment Plant site, including, but not limited to, the installation of four (4) flood protection swing gates, the demolition of the existing guard house and the construction of a new guard house, the construction of five (5) storm sewer isolation chambers with sluice gates and electric actuators, the realignment and repaving of various treatment plant roadways, the construction of a new emergency access roadway, the relocation and protection of existing utilities, and associated grading and site restoration. Phase III of the Flood Mitigation Facilities Project shall also include costs for engineering services related to surveying, I-Bank Project Report & Permitting, New Jersey Department of Environmental Protection and Army Corps of Engineers permitting, and performance of test pits for determination of utility locations.

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a. All improvements shall include, as applicable, all work, materials, equipment, engineering services and design, architectural services and designs, surveying, environmental consulting work, environmental testing and remediation, preparation of plans and specifications, governmental permits, bid documents, conducting and preparation of reports, plans, analysis, and studies, equipment rental, labor and appurtenances necessary therefore or incidental thereto.

b. The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$2,445,000.

c. The aggregate estimated cost of said improvements or purposes is \$2,445,000.

SECTION 4. In the event the United States of America (including the Federal Emergency Management Agency ("FEMA")), the State of New Jersey, and/or the County of Essex make a loan, contribution or grant-in-aid to the Township for the improvements authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America (including FEMA), the State of New Jersey, and/or the County of Essex. In the event, however, that any amount so loaned, contributed or granted by the United States of America (including FEMA), the State of New Jersey, and/or the County of Essex shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply however, with respect to any contribution or grant-in-aid received by the Township as a result of using such funds from this bond ordinance as "matching local funds" to receive such contribution or grant-in-aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no bond anticipation note shall mature later than one (1) year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with the provisions of the New Jersey Infrastructure Trust Act, N.J.S.A. 58:11B-1 ("NJIT Act"). The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Township shall determine all matters in connection with the bond anticipation notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time in accordance with the provisions of Section 8.1 of the Local Bond Law

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and, as applicable, the provisions of the NJIT Act. The Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the bond anticipation notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

a. The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

b. The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 30 years.

c. Notwithstanding N.J.S.A. 40:63-134, the supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services within the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township, as defined in the Local Bond Law, is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$2,445,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

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d. An aggregate amount not exceeding \$385,133 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements hereinbefore described.

e. In accordance with N.J.S.A. 40:63-134, bonds authorized and issued by the Township to finance improvements or works for the Joint Meeting shall not be taken to be included within or governed by any limitation fixed by law to the amount of bonds authorized to be issued by the Township.

SECTION 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the debt obligations authorized by this bond ordinance. The debt obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property located within the Township for the payment of the principal of and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditure toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 150-2.

SECTION 10. The Township covenants to maintain the exclusion from gross income under section 103(a) of the Internal Revenue Code of 1986, as amended, of the interest on all bonds and notes issued under this ordinance on a tax-exempt basis.

SECTION 11. Upon adoption hereof, the Township Clerk of the Township shall forward certified copies of this bond ordinance to Everett M. Johnson, Esq., Wilentz, Goldman & Spitzer, P.A., bond counsel to the Joint Meeting of Essex and Union Counties, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided by the Local Bond Law.

Old Business

Proposed Two Way Traffic Circulation Design for Millburn Avenue and Essex Street

Mr. McDonald suggested pushing the topic and allowing Colliers to present at a later meeting with their findings. Mayor Miggins echoed Ms. Prupis' comments to let businesses along those areas know so they could be aware of the changes.

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Ms. Thall Eglow asked for the current status on a proposed ordinance to shield unsightly dumpsters. Mr. McDonald advised he was looking into it from a subcommittee standpoint. He noted that wanted to address the other dumpster issue separately.

Ms. Thall Eglow asked if there was any updates on the 911 Dispatch with Springfield.

Ms. Thall Eglow asked if the town still offered a rabies clinic and Mr. McDonald advised the township still had a program. Mr. McDonald would coordinate with Animal Control Solutions to determine when the clinic could be held.

Ms. Thall Eglow asked when the next meeting with MKW would be held Mr. McDonald noted there was no update at this time.

Mr. Vinayak asked if there was any update on Highland Avenue matter and Mr. McDonald advised there was no update at the present time.

Ms. Prupis suggested posting on the township’s social media and help encourage residents to sign up for the Millburn Alerts. Mr. McDonald advised he would see that this is posted.

Mr. Wasserman questioned the committee room audio equipment technical difficulties. Mr. McDonald advised the committee room had received updated equipment but advised with anything technological there was bound to be issues.

New Business

Mayor Miggins asked if there were any matters of new business the Committee would like to discuss.

Ms. Prupis recommended that draft agreements to be provided for the public to view. She suggested to have the topic on the next agenda to discuss further.

Adjournment

Mayor Miggins asked for a motion to adjourn the meeting. Mr. Wasserman made a motion to adjourn the meeting, the motion was seconded by Ms. Thall Eglow to adjourn the meeting at 1:11AM. Vote: All Ayes.

Christine A. Gatti, RMC
Municipal Clerk

Approved: October 3, 2022