

August 17, 2021

Millburn Township Committee Meeting Minutes

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

Mayor Prupis opened the meeting and read the following statement:

In accordance with Section 5 of the Open Meetings Act, Chapter 231, Public Laws, 1975, are advised that notice of this meeting was made by posting on the Bulletin Board, Town Hall, and serving the officially designated newspapers, a notice stating that this meeting would take place at the Town Hall and remotely at 7:00 PM on August 17, 2021.

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

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

Also present were Business Administrator Alexander McDonald (remotely via Zoom), Township Clerk Christine Gatti, Township Attorney Christopher Falcon, and Assistant Business Administrator Jesse Moehlman.

Approval of Agenda

Mayor Prupis advised that Ordinance 2581-21, 2582-21, 2583-21 was removed from the agenda for consideration and were adjourned to the September 1, 2021 Township Committee Meeting. Mayor Prupis asked for a motion to approve the agenda as amended. The motion was offered by Ms. Miggins and seconded by Mr. Wasserman.

Vote: All Ayes

Minutes

Mayor Prupis asked for a motion to approve the April 20, 2021 Regular Meeting Minutes. The motion was made by Mr. Wasserman and seconded by Ms. Thall Eglow. Vote: All Ayes.

Mayor Prupis asked for a motion to approve the May 4, 2021 Regular Meeting. The motion was made by Ms. Miggins and seconded by Mr. Wasserman. Vote: All Ayes.

Mayor Prupis asked for a motion to approve the May 18, 2021 Regular Meeting. The motion was made by Ms. Miggins and seconded by Mr. Wasserman. Vote: All Ayes.

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Personnel

Resolution 21-220

Mayor Prupis presented Fire Chief Echavarria to introduce the Confirm Promotion of Firefighter Jeff Wanamaker, Member of the Millburn Fire Department to Captain. Chief Echavarria provided a brief speech applauding the hard work and efforts through his career and congratulated him on his promotion.

Mayor Prupis asked for a motion to approve resolution 21-220 promoting Mr. Wanamaker. Motion was made by Ms. Miggins and seconded by Mr. Wasserman.

Oath of Office was given by Township Clerk, Christine Gatti.

**RESOLUTION 21-220
CONFIRM FIRE DEPARTMENT PROMOTION**

WHEREAS, the Township of Millburn is in need of a Fire Captain; and

WHEREAS, Jeffrey Wanamaker has met the criteria set-down for Fire Captain and has gone through the appropriate selection process;

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millburn, that confirmation is given to the promotion of Jeffrey Wanamaker to the rank of Fire Captain effective August 17, 2021.

Reports

Ms. Thall Eglow reported on Mountain Valley Emergency Communication Center. She reported that that the Mountain Valley Emergency Communication Center was fully staffed and would also provide additional training to their staff. She pointed out that a representative from Mountain Valley would be joining the Township Committee Meeting in the near future to further provide additional information about their company and services. She added that they were also looking to add Computer Aided Dispatch (CAD).

Mr. Wasserman congratulated Explore Millburn Short Hills for their one year anniversary and announced that they received the 501c3 designation. He welcomed two new businesses to the township.

Mr. McDonald reported on the removal of flex parking project occurring on Millburn Avenue.

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Presentations

Rocktoberfest 2021

Joanna Parker-Lentz and Micole Cohen Richte, Chair and Co-Chair of the Rocktoberfest Committee informed residents and the Township Committee of the Rocktoberfest at Taylor Park on September 18, 2021 from noon to 10PM. Rain date is September 25, 2021. They reviewed the event details.

Presentation & Public Comment: Millburn Township Affordable Housing Overview

Mayor Prupis introduced Elizabeth McManus, Municipal Planner and Co-Principal of Kyle + McManus Associates, so she may present on affordable housing and provide an overview. Ms. McManus stated that the State of New Jersey gave Millburn a three-week deadline to settle the lawsuit and fulfill its affordable housing obligations. She advised that the court required that Millburn settle with the Fair Share Housing Center and also with the two interested parties looking to build housing. The first one was Woodmont, and the second one was 249 Millburn Avenue. Ms. McManus reviewed the state requirements and provided an explanation of the options between litigation and mediation and the risk factors such as, increase of affordable housing obligation. She noted that no municipality has won this type of lawsuit, resulting in delayed action and loss; loss of planning and zoning control.

Ms. McManus further provided a breakdown of the benefits to a settlement such as reduced affordable housing with credits, flexibility in vacant land adjustment, control over development sites, control over planning and zoning. She added that this addresses 50 years of affordable housing obligations.

Ms. McManus stated that Millburn was able to reduce affordable housing requirements from 176 to 114 by taking credits from previously approved sites. She noted that group homes were factored into affordable housing. She advised that by 2025, the total required affordable housing required by Millburn would be 1,376 to comply with the State of New Jersey. She provided details on the following affordable housing locations; Upton on Canoe Brook — 30 units; Silverman Property on Woodland Avenue and Chatham Road — 12 units; Wells Fargo on Millburn Avenue and Essex Street — 8 units; Former Annie Sez site at 249 Millburn Avenue — 30 units; Department of Public Works site — 75 units; Woodmont, located across from The Upton — 39 units.

Mayor Prupis thanked her for her overview and opened the public comment period.

Jeffery Feld, of 11 Alexander Lane, questioned the obligations set forth by the court to Millburn Township in 2018.

Ms. McManus stated that the information was not provided; however, the usual amount of required units was 260 units set by COAH.

Dave Cosgrove, of 99 Oakview Terrace, questioned when Ms. McManus was asked to prepare the presentation and asked what other municipalities were currently unsettled.

Ms. McManus stated that Alphine, Randolph, Wayne and Englewood City were currently pending. She commented that she was asked to present around August 1, 2021.

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Jean Pasternak, of 342 Hobart Avenue, questioned the different affordable housing obligations.

Ms. McManus reviewed the obligations and stated that the dates listed are between 2016 through 2018.

Tom Hidner, resident, questioned what would happen after 2025 and asked if the public could see the court order and the settlement requirements.

Ms. McManus stated that in July 2025, it is expected that municipalities would be required to again go through a court mandated process for affordable housing.

Mayor Prupis closed public comment.

Edward Buzak, Special Counsel, advised that the confidentiality began by the courts and is in place until such time that it was approved by both parties. He reviewed the conflict of interest of three Committee Member due residency locations. He advised that the Doctrine of Necessity was invoked due to the need for action and without it there would not be a quorum for action. He added that the Doctrine of Necessity allowed all board members to vote.

Mayor Prupis asked for a motion to approve Resolution 21-236. The motion was made by Mr. Wasserman and seconded by Ms. Miggins.

Ms. Thall Eglow thanked Ms. McManus for the presentation and noted that the process had been a very long with a decision that has been worked on by Mr. Wasserman and Ms. Miggins.

Mr. Vinayak agreed with the sentiments voiced by Ms. Thall Eglow.

Mr. Wasserman stated that for the past 38 years, Millburn, for one reason or another, failed to address and meet its state-mandated obligations on affordable housing. He pointed out that given the choices, this Township Committee has worked hard to secure the best possible outcome for Millburn. He stated that our priority as a Township Committee has been focused on keeping density as low as possible in Millburn with an eye toward minimizing the impact on our infrastructure, public safety services, and schools.

Roll Call Vote for Resolution 21-236: All Ayes

Ms. McManus provided a brief summary of the settlement agreement including the obligations of the municipality. She advised that additional information would be provided in the near future.

RESOLUTION NO. 21-236
RESOLUTION TO RATIFY, CONFIRM AND AUTHORIZE THE EXECUTION OF A
SETTLEMENT AGREEMENT IN CONNECTION WITH THE LITIGATION ENTITLED, IN THE
MATTER OF THE APPLICATION OF THE TOWNSHIP OF MILLBURN, DOCKET NUMBER
ESX-L-2778-18

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WHEREAS the Township of Millburn (“Township”) commenced litigation on April 19, 2018, captioned In the Matter of the Township of Millburn, County of Essex, Docket Number: ESX-L-2778-18, In order to obtain a declaration of its compliance with its constitutional obligation to provide a realistic opportunity for the development of affordable housing; and

WHEREAS the Township has participated in numerous confidential Mediation proceedings as directed by the Honorable Robert H. Gardner, J.S.C. and presided over by Francis J. Banisch III, P.P., the Special Master appointed by the Court with other interested parties and participants, specifically, Fair Share Housing Center; Woodmont Properties, LLC; and 249 Millburn Avenue, LLC (collectively, the “Participants”); and

WHEREAS the Township and Participants have engaged in good faith negotiations and discussions in order to reach a settlement to present to the Court and have agreed to ratify, authorize and execute the final form of the Settlement Agreement.

WHEREAS the Township Committee of the Township of Millburn (“Township”) adopted Resolution No. 21-218 at a public meeting held on July 30, 2021 to authorize the execution of a Settlement Agreement by and between the Township and the Participants; and

WHEREAS by Order of August 2, 2021, the Honorable Robert H. Gardner, J.S.C. Ordered the Township and the Participants s involved in the Settlement Agreement to ratify, authorize and execute the Settlement Agreement, without condition, on or before August 17, 2021, and extended temporary immunity to the Township through August 17, 2021, and

NOW THEREFORE BE IT RESOLVED on this 17th day of August, 2021 as follows:

1. The Township Committee hereby ratifies and authorizes the final form Settlement Agreement and directs the Deputy Mayor to execute the same. The Deputy Mayor is further authorized and directed to execute the Escrow Agreement appointing the firm of Maraziti Falcon, LLP as the escrow agent for the collection, distribution to counsel and court filing of the Settlement Agreement.
2. On August 18, 2021, the Township Clerk through Counsel shall provide a certified copy of this Resolution to the Honorable Robert H. Gardner J.S.C. and an executed copy of the Settlement Agreement in the manner provided in the Order of August 2, 2021.
3. This Resolution shall take effect immediately.

Mayor Prupis asked for a five minute recess.

Mayor Prupis opened Public Comments pertaining to the affordable housing presentation.

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Jeff Feld, of 11 Alexander Lane, asked for the presentation to be available on the municipality’s website for the public. He requested that information be provided to residents prior to making decisions.

Dave Cosgove, of 99 Oakview Terrace, reviewed his concerns and disapproval with the affordable housing settlement and questioned transparency.

Jean Pasternak, of 342 Hobart Avenue, voiced her disapproval with the affordable housing settlement and transparency.

Carey Heller, of 56 Byron Road, voiced concerns and disapproval with the settlement on affordable housing and questioned the needs for the DPW site.

A resident questioned the requirements and the control the township would have on the development of affordable housing buildings.

Mayor Prupis closed the public comment session.

Ms. McManus stated that litigation pertaining to affordable housing was confidential until a settlement was reached by both parties. She stated that prior action from the township might not change the settlement outcome. Ms. McManus also advised that the lack of action may have impacted the settlement. She stated that the density required by the township was less than the average required. She pointed out that Short Hills Mall was not an area in need of development.

Mr. Vinayak exited the meeting.

Resolution 21-237

Mayor Prupis brought forth Resolution 21-237 and advised that the Township Auditor was available to answer any questions pertaining to the Annual Audit report. Valerie Dolan, CPA from Nisivoccia, provided a brief summary of the Audit’s outcomes. The Committee thanked Ms. Dolan and Jason Gabloff, CFO, for their work with the township.

Mayor Prupis asked for a motion to approve Resolution 21-237. The motion was made by Ms. Thall Eglow and seconded by Mr. Wasserman.

Roll Call Vote: All Ayes, except Vinayak who was absent

**RESOLUTION 21-237
GOVERNING BODY CERTIFICATION OF THE 2020 ANNUAL AUDIT**

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2018 has been filed by a Registered Municipal Accountant with the *Municipal Clerk* pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the Governing Body; and

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WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations; and

WHEREAS, the members of the Governing Body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Township Committee of the Township of Millburn, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Consent Agenda

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

No other comments or questions were presented.

Mayor Prupis asked for a motion to approve Resolutions 21- 221 through 21-235. A motion to approve consent agenda resolutions was made by Ms. Miggins and seconded by Mr. Wasserman.

Roll Call Vote: All Ayes, except Vinayak who was absent

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**RESOLUTION 21-221
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 August 17, 2021, in the following accounts:

General Fund	\$	690,339.34
Capital Fund		117,469.00
Parking Utility - Operating Fund		17,180.92
Dog Fund Trust		5,100.00
Donation Trust Fund		3,219.53
Escrow Trust Fund		11,805.73
Police Off Duty Trust Fund		84,825.00
Waste Recycling Trust Fund		1,173.73
PATFA II		1,109.00

**RESOLUTION 21-222
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	Tax Appeal	\$12,680.38
Attorney Trust Account & Moses David & Ilana Datson	2019 taxes (\$5,382.77)	
331 Main Street Chatham, NJ 07928 Block 3103 Lot 15 253 Hartshorn Dr.	2020 taxes (\$7,297.61)	
Scott & Elisa Schwartz 22 East Hartshorn Dr. Short Hills, NJ 07078 Block 2501 Lot 10 22 East Hartshorn Dr.	Tax Refund 2021 taxes Overpymt Overcollection	\$1,658.44
Daniel Rodrigues & Liliana Acevedo 265 Brookhaven Way Short Hills, NJ 07078 Block 1901 Lot 6 265 Brookhaven Way	Tax Refund 2021 taxes Duplicate pymt Overcollection	\$8,014.44
Rui Yan & Xiaoxi Zhang 94 Mountainview Rd.	Tax Refund 2021 taxes	\$4,022.94

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Millburn, NJ 07041
Block 807 Lot 2
94 Mountainview Rd.

Duplicate pymt
Overcollection

CLS Brookside LLC
7 Brookside Dr.
Millburn, NJ 07041
Block 1303 Lot 4
7 Brookside Dr.

Tax Refund \$1,941.11
2021 taxes
Duplicate pymt
Overcollection

Wells Fargo Real Estate Tax Services
Attn: Refunds/Financial Support
P.O. Box 14506
Des Moines, IA 50328
Block 507 Lot 32
46 Greenwood Dr.

Tax Refund \$3,757.97
2021 taxes
Duplicate pymt
Overcollection

**RESOLUTION 21-223
AUTHORIZE CANCELLATION OF CAPITAL ACCOUNT FUND BALANCES**

BE IT RESOLVED that the following unrequired balances of Capital Improvement Authorizations be and same are hereby cancelled, and Chief Financial Officer is directed to make such entries in the Township’s books of account to properly reflect these cancellations;

ORD. #	DESCRIPTION	AMOUNT	CAPITAL IMP. FUND (CIF)	DEFERRED CHARGES UNFUNDED
2407-13	GILBERT PLACE PUMP STATION	\$0.02	\$0.02	\$0.00
2425-14	POLICE EQUIPM AND IMP.	\$0.21	\$0.21	\$0.00
2445-15	GENERAL BUILDING IMPROVEMENTS	\$0.24	\$0.24	\$0.00
2461-16	POLICE EQUIPMENT AND IMPROVEMENTS	\$0.01	\$0.01	\$0.00
2481-17	POLICE HVAC	\$40,868.70	\$0.00	\$40,868.70
2482-17	POLICE EQUIPMENT AND IMPROVEMENTS	\$1,310.09	\$1,310.09	\$0.00
2504-18	PUBLIC WORKS EQUIPMENT	\$28,213.83	\$28,213.83	\$0.00
2504-18	POLICE EQUIPMENT AND IMPROVEMENTS	\$2,567.70	\$2,567.70	\$0.00
2533-19	RECREATION IMPROVEMENTS	\$333.15	\$333.15	\$0.00
2533-19	ENIGNEERING - SEAL COATING	\$1,938.00	\$1,938.00	\$0.00
2534-19	RECONSTRUCTION OF MT. VIEW ROAD	\$78,274.63	\$0.00	\$78,274.63
2558-20	SHORT HILLS TRAIN STATION	\$69,392.60	\$32,197.60	\$37,195.00
2559-20	PUBLIC WORKS EQUIPMENT	\$1,075.59	\$1,075.59	\$0.00
		\$223,974.77	\$67,636.44	\$156,338.33

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**RESOLUTION 21-224
AWARD CONTRACT FOR REPLACEMENT
OF WINDOWS AT MILLBURN LAW ENFORCEMENT BUILDING**

WHEREAS, the Township of Millburn (“the Township”), publicly advertised for the receipt of bids, in accordance with N.J.S.A. 40A:11-1 et seq., for a Contract entitled “Contract for the Replacement of Windows to the Millburn Law Enforcement Building”; and

WHEREAS, sealed bids were received and publicly opened in accordance with the duly published Notice to Bidders on June 24, 2021; and

WHEREAS, at the time of bid opening, the following bids and the amounts thereof were announced:

1. Premier Group, Inc. - \$80,000.00;
2. A-1 Construction Services, Inc. - \$305,000.00.

WHEREAS, Premier Group, Inc. is the lowest responsible bidder in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Treasurer has certified that funds are available for the performance of this Contract.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee in the Township of Millburn, County of Essex and the State of New Jersey on this 17th day of August, 2021 as follows:

1. The Township hereby awards the Contract for Replacement of Windows at Millburn Law Enforcement Building to Premier Group, Inc., having a business address of 306A Capital Street, Saddle Brook, New Jersey 07663, as the lowest responsible bidder, in the amount not-to-exceed \$80,000.00 and the Mayor is authorized to execute said Contract.
2. The Business Administrator and staff are authorized and directed to execute any other necessary documentation and to take all other actions necessary or desirable to effectuate the terms and conditions of this Resolution.
3. Within three (3) days, Sundays and holidays excepted, after the awarding and full execution of the Contract and the approval of the required bonds for A.J.M. Contractors, Inc., the bid security A-1 Construction Services, Inc. shall be returned to it.
4. A copy of this Resolution shall be kept on file at the offices of the Township.
5. This Resolution shall take effect immediately.

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**RESOLUTION 21-225
AUTHORIZING THE ADVERTISING OF BIDS –
TAYLOR BROOK CHANNEL RESTORATION**

BE IT RESOLVED by the Township Committee of the Township of Millburn in the County of Essex, that the Township Clerk be and is hereby authorized and directed to advertise, as required by law, in the ITEM, a newspaper published in said Township, an Invitation to Bidders for sealed proposals to be received by the Township Clerk of the Township of Millburn in the County of Essex, New Jersey, for:

Taylor Brook Channel Restoration

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

**RESOLUTION 21-226
AUTHORIZING THE ADVERTISING OF BIDS –
SUNSET DRIVE DRAINAGE IMPROVEMENTS**

BE IT RESOLVED by the Township Committee of the Township of Millburn in the County of Essex, that the Township Clerk be and is hereby authorized and directed to advertise, as required by law, in the ITEM, a newspaper published in said Township, an Invitation to Bidders for sealed proposals to be received by the Township Clerk of the Township of Millburn in the County of Essex, New Jersey, for:

Sunset Drive Drainage Improvements

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

**RESOLUTION 21-227
APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87**

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

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NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Millburn in the County of Essex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$3840.00 which is now available from the State of New Jersey, Division of Highway Traffic Safety, You Text, You Drive, You Lose;

BE IT FURTHER RESOLVED, that the like sum of \$3,840.00 is hereby appropriated under the caption State of New Jersey, Division of Highway Traffic Safety, You Text, You Drive, You Lose ; and

BE IT FURTHER RESOLVED that the above is the result of funds from the State of New Jersey, Division of Highway Traffic Safety, You Text, You Drive, You Lose in the amount of \$3,840.00.

RESOLUTION 21-228

AUTHORIZE APPLICATION SUBMITTAL FOR FEDERAL EMERGENCY MANAGEMENT AGENCY ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM FOR TRAINING

BE IT RESOLVED by the Township Committee of the Township of Millburn in the County of Essex, hereby authorizes the following in regards to Grant #EMW-2019-FG-10470:

- 1.) Pursuant to a request and recommendation from the Millburn Township Fire Chief Robert Echavarria that the appropriate township staff be and are hereby authorized to submit the "Assistance to Firefighters Grant Program" grant application from the Federal Emergency Management Agency to assist in funding training for the Millburn Fire Department.
- 2.) The total grant request in the amount of \$13,954.55 is hereby accepted with the understanding that the Township of Millburn is responsible for a 10% cash match in the amount of \$1,395.45.

RESOLUTION 21-229

APPROVE ACCEPTANCE AND PARTICIPATION IN THE GRANT PROGRAM ADMINISTERED BY THE STATE OF NEW JERSEY, DEPARTMENT OF LAW & PUBLIC SAFETY, FOR SFY21 BODY-WORN CAMERA GRANT PROGRAM

WHEREAS the Millburn Township Committee in the County of Essex desires to further the public interest by participating in the Grant Program administered by the State of New Jersey, Department of Law & Public Safety for the following grant program titled "SFY21 Body-Worn Camera Grant Program"; and

WHEREAS the Grant Program project titled "SFY21 Body-Worn Camera Grant Program" is in the amount of \$120,242.00 and requires no match by the Township of Millburn;

NOW, THEREFORE, BE IT RESOLVED, the Millburn Township Committee hereby authorizes the Millburn Township Police Department to participate in the grant program and is authorized to accept the funds for the project titled "SFY21 Body-Worn Camera Grant Program" in the amount of \$120,242.00 for

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the purpose of purchase and implementation of body-worn cameras and ancillary accessories, as detailed in the grant application, in reference Award No: 21-BWC-272, Award Period of 1/1/2021-12/31/2025.

**RESOLUTION 21-230
AUTHORIZING PUBLIC SALE OF SURPLUS PROPERTY**

WHEREAS, the Township of Millburn has items of personal property which are no longer used or needed; and

WHEREAS, N.J.S.A. 40A:11-36 states that these items may be disposed of in order to provide space for existing utilized personal property; and

WHEREAS, the Township Committee is desirous of selling said surplus property in an “as is” condition without express or implied warranties;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millburn, in the County of Essex, State of New Jersey that the following personal property items are hereby declared surplus and authorized, as follows:

1. The sale of the surplus property shall be conducted through GovDeals at www.govdeals.com pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available in the Office of the Chief Financial Officer.
2. The sale is being conducted pursuant to Local Finance Notice 2008-9.
3. The surplus property as identified shall be sold in an “as is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
4. The Township Committee reserves the right to accept or reject any bid submitted.
5. List of the surplus property to be sold is as follows:

License Plate	VIN / Serial / Model #	Vehicle, Machine or Item Description
<i>POLICE</i>		
10313MG	1FMJU1G58EEF30528	2014 Ford Expedition
T61AZP	1FM5K8AR5DGC11070	2013 Ford Explorer
MG98068	1FM5K8AR7DGC11071	2013 Ford Explorer
10327MG	1FM5K8AR8EGB90927	2014 Ford Explorer
		7 Duncan single meter housings, gray - The meter housings are in varying condition.

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		39 Duncan single meter housings, gray - The meter housings are in varying condition.
		60 Meter , green, metal - Varying condition.
		29 MacKay 1 hour meter assemblies - These meter assemblies require repair/resetting.
		39 MacKay 2 hour meter assemblies - These meter assemblies require repair/resetting.
		5 Duncan 1 hour meter assemblies - These meter assemblies require repair/resetting
		19 Duncan 2 hour meter assemblies - These meter assemblies require repair/resetting.
		12 Duncan 3 hour meter assemblies - These meter assemblies require repair/resetting.
		7 Pedestrian crossing box speakers - Unknown if operational.
		1 Tippman TIP 2 propane post driver
		1 Shaw-Walker combination safe - The safe measures 25x27x42. It has caster wheels and the locking mechanism works.
	Model 69506970	1 De La Rue coin counter
	DR6-RTFB-20A	4 GE LED Signal, Red 12 inch
	DR6-GCFB-20A	5 GE LED Signal, Green 12 inch
	DR6-YTFB-20A	4 GE LED Signal, Yellow 12 inch
	DR4-RTFB-20A	5 GE LED Signal, Red 8 inch
	DR4-GCFB-20A	5 GE LED Signal, Green 8 inch
	DR4-YTFB-20A	4 GE LED Signal, Yellow 8 inch
		1 Black Mongoose Mountain Bike
		1 Gray Mongoose BMX Bike
		1 Red Avico Youth Bike
		1 Gray/Orange Mongoose BMX Bike
		1 Black/Green Mongoose Mountain Bike
		1 Pink Ross Bike Women's
		1 Silver Canyon Road Bike
	<i>PUBLIC WORKS</i>	
	1GCGK24R4XR715222	ST-9 1999 CHEVROLET 2500 PICKUP
	1GBJK34U14E336153	ST-19 2004 CHEVROLET 3500 MASON DUMP
	3D7KS26D05G832505	ST-22 2005 DODGE 2500 PICKUP W/PLOW
	1FM5K8AR3DGA13393	AC-1 2013 FORD INTECEPTOR SUV
	2B7GB11X6MK456048	PW-2 1991 DODGE RAM 1500 VAN

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	JW96917TN	TR-10 1970 BOMBARDIER SIDEWALK PLOW
3304PC	04B25946	CATERPILLAR ENGINE
AR50	2147	ARPS YORK RAKE ATTACHMENT FOR TRACTOR
4000PTO	90403019	GIANT VAC BLOWER ATTACHMENT FOR TRACTOR
6321	SY50300354	LESCO SPRAYER TRAILER
AE60	2836	AERA VATOR ATTACHMENT FOR TRACTOR
90	2127	ARPS BACK HOE ATTACHMENT FOR TRACTOR
30855	210000105	TORO PTO BLOWER
<i>FIRE</i>		
MG73779	1D8HB48237F537402	2007 Dodge Durango SLT 4x4 (FD7)
		Rear seats out of 2020 Chevy Tahoe

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized to advertise in the Item of Millburn and Short Hills and on the Township web-site, that a public sale of surplus personal property will be held at the date and time specified in the legal notice.

BE IT FURTHER RESOLVED that a copy of this resolution shall be forwarded to the Division of Local Government Services.

**RESOLUTION 21-231
APPOINTMENT OF TOWNSHIP REPRESENTATIVES TO
JOINT INSURANCE FUND COMMISSION**

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

**RESOLUTION 21-232
AUTHORIZING BEER AND WINE AND PARKING OF VEHICLES IN TAYLOR PARK FOR ROCKTOBERFEST
EVENT**

WHEREAS, the Education Foundation of Millburn Short Hills annually holds a Rocktoberfest event and their goal is to bring the community together and raise funding for Millburn Township district schools by committing to provide innovative and progressive tools and programs for district students and faculty, which are outside of school budgets; and

WHEREAS, the organizers of Rocktoberfest have made a request of the township to allow the sale of beer and wine and the parking of vehicles in Taylor Park located at 100 Main Street, Millburn, at the Rocktoberfest event; and

WHEREAS, the Millburn Recreation Commission has recommended that the Township Committee take action to approve the sale of beer and wine and the parking of vehicles in

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Taylor Park for the Roctoberfest event: and

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

1. Permission is hereby granted to the Education Foundation of Millburn Short Hills, a 501 (C) (3), to allow the sale of beer and wine and the parking of vehicles for the Rocktoberfest event in Taylor Park located at 100 Main Street, Millburn, scheduled for September 18, 2021 (rain date: September 25, 2021); and
2. The sale of beer and wine at the Rocktoberfest event shall only be on September 18, 2021 (rain date: September 25, 2021) between the hours of 12:30PM and 10:00PM; and
3. The sale of beer and wine and the parking of vehicles in Taylor Park for the Rocktoberfest event is contingent upon the organizers of the event complying with all requirements of the State of New Jersey Division of Alcoholic Beverage Control, Millburn Police, Fire, Health Administration, Recreation Departments and the Recreation Commission.

RESOLUTION 21-233

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 Agreements for Storm Sewer Connections for 55 Slope Drive, Block: 3103, Lot: 19, as per the recommendation of the Superintendent of Public Works.

RESOLUTION 21-234

AUTHORIZING A REQUEST FOR PROPOSALS

BE IT RESOLVED by the Township Committee of Millburn in the County of Essex, that the Township Clerk be and is hereby authorized and directed to advertise, as required by law, in the ITEM, a newspaper published in said Township, a request for proposals to be received by the Township Administrator's Office of the Township of Millburn in the County of Essex, New Jersey, for the following professional services for 2022: Traffic Engineer, Township Planner, Public Relations, Historic Preservation Commission Attorney and Grant Writer;

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

RESOLUTION 21-235

APPROVE RAFFLE LICENSES

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WHEREAS, the following have submitted application to the Township Clerk to conduct a raffle, providing all required identification and the appropriate fees; and

WHEREAS, the Police Department is in receipt of a copy of the application per the regulation of the Legalized Games of Chance Control Commission.

NOW, THEREFORE, BE IT RESOLVED that the following be approved:

Old House Foundation
Clara Maass Medical Center Foundation – As Amended

ORDINANCE / INTRODUCTION

Ordinance 2584-21

Mayor Prupis brought forth Ordinance 2584-21 and provided a brief summary. Mayor Prupis moved the ordinance to be taken up and passed on first reading noting that the public hearing would take place on September 21, 2021, Ms. Miggins seconded the motion. Mayor Prupis requested a roll call vote.

Roll Call Vote: All Ayes, except Vinayak who was absent

ORDINANCE NO. 2584-21

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VII “TRAFFIC”, SECTION 7-20 “STOP INTERSECTIONS” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MILLBURN

STATEMENT OF PURPOSE: *The proposed amendment to the Traffic Ordinance is to authorize the installation of “all way” stop signs at the intersections of Cypress Street and Glen Avenue and Cypress Street and Myrtle Avenue. These “all way” stops have been recommended by the Township of Millburn Traffic Bureau, Engineering Department and Pedestrian Safety Advisory Board due to their close proximity to the Wyoming School and to further control traffic in the area.*

WHEREAS, the Township of Millburn Traffic Bureau, Engineering Department and, the Pedestrian Safety Advisory Board have recommended that 7-20 “Stop Intersections” be amended to establish an “all way” stop at the intersections of Cypress St and Myrtle Ave and Cypress St and Glen Ave; and

WHEREAS, this recommendation comes from concerns regarding the safety of these intersections after reviewing crash data, pedestrian traffic, traffic counts and other relevant data.

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

Section 1. Article VII entitled “Traffic” of the Revised General Ordinances of the Township of Millburn is hereby amended as follows:

Section 7-20 – “Stop Intersections” is amended and supplemented to include the following intersection

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Intersection

STOP Sign on:

Cypress Street and Myrtle Avenue

All way stop

Cypress Street and Glen Avenue

All way stop

*STOP SIGN, Type R1-1 (30"), shall be installed on Cypress Street facing eastbound and westbound traffic, approaching the intersections of Myrtle Avenue and Glen Avenue

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

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

ORDINANCE / SECOND READING AND CONSIDERATION OF ADOPTION

Ordinance 2580-21

Mr. Wasserman advised that the next item on the agenda is Ordinance 2580-21 concerning retail food establishment noise, which was passed on first reading at the public meeting of June 1st. He noted that at our meeting of July 13th, the Township Committee agreed that additional time was required for further review and research on this topic. I would like the Township Committee to consider a motion to table the ordinance this evening.

The adoption of a motion to table would postpone indefinitely the consideration of this ordinance until such time as they are taken up again either in their current form or in amended form, whereupon they would be reintroduced on first reading. Accordingly, I request that the Chair entertain a motion to table Ordinances 2580-21. Mayor Prupis asked for a motion to table Ordinance 2580-21 which was made by Ms. Miggins and seconded by Ms. Thall Eglow.

Roll Call Vote: All Ayes, except Vinayak who absent

Ordinance 2580-21 was tabled.

OLD BUSINESS

No old business was presented.

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NEW BUSINESS

No new business was presented.

PUBLIC COMMENT

Mayor Prupis made the following statement: “When invited to speak, please come to the lectern, clearly state your name and address, and speak loudly so that your comments may be understood by all and properly recorded. If you called in and would like to comment please press *6 now. If you are attending by computer or electronic device please click raise hand button. All members of the public wishing to speak will be put into the queue to address the Committee. Whenever an audience or Committee member reads from a prepared statement, please email a copy to the Township Clerk’s Office at townclerk@millburntp.org. To help facilitate an orderly meeting and to permit all to be heard, speakers are asked to limit their comments to one 3 minute session. You will be prompted when there is 30 seconds remaining. This is a business meeting and please do not address professionals or staff directly and please direct all comments to me. Each individual will be given one opportunity to make their public comment. Please be patient and we will address each member of the public that wishes to speak.”

Mayor Prupis opened the public comment period.

Sarah Sherman, of South Mount Civic Association and resident of 42 Greenwood Drive, expressed concern with Millburn flood zones and noted various storms that had impacted the town. She asked for the Township Committee to advocate for a solution and a consensus plan for the near future.

A resident of 15 Millburn Avenue, voiced his concern with the lack of solid waste pick-up near the apartments and the overgrowth of trees. He informed the Committee that he had previously submitted documents showing the trash all over the property and asked for the Township Committee to review the matter and provide a solution.

Jeffery Feld, of 11 Alexander Lane, applauded the unity of residents in opposition to a Zoning Board of Adjustment application. He stated his concerns on the affordable housing settlement and the audit results specifically with capital accounts. He recommended the Township Committee provide more transparency to residents.

Rachel Lerner Schacht, of 89 Locust Avenue, reviewed her concerns with vehicles stopping in intersections and speeding in residential areas. She asked the Township Committee to review the areas in need of additional traffic safety measures.

Mr. McDonald stated that he would bring the concern to the Pedestrian Safety Board.

Perri Urso, of 514 Millburn Avenue, read and submitted the following statement: “Here are 5 words which should have guided you tonight Accountability the fact or condition of being accountable;

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responsibility. Benefit - an advantage or profit gained from something. Oversight - an unintentional failure to notice or do something. Representation - the action of speaking or acting on behalf of someone or the state of being so represented. Transparency - the condition of being transparent. In a previous meeting I read a statement “we make mistakes and we do better” As a wife, mother and employer we all make mistakes, we talk about our mistakes, we admit our mistakes, we fix our mistakes, we learn from our mistakes and move on from our mistakes. We are smart, professional and grown adults. We are too old not to be able to work reasonably together...life is too short. In closing tonight, Enzo and I wish to invite you all to join us tomorrow evening during dinner service between 7-9 at Enzo’s on Upper Millburn Avenue for live entertainment. Thank you and good night.”

Jean Pasternak, of 342 Hobart Avenue, echoed Mr. Feld’s sentiments in regard to the Zoning Board denying an application. She reviewed her concerns with the affordable housing settlement and advocated for residents to unite and work together.

Mayor Prupis closed public comments.

Ms. Thall Eglow stated that the Committee was reviewing the traffic issues on Locust Avenue and advised the residents that speed bumps were currently in the process to be placed in the area. She further advised that additional traffic studies were being requested. She voiced her concerns on chain businesses not being allowed in Millburn Township.

Adjournment

Mayor Prupis asked if anyone had any remaining comments or questions. Receiving none, she asked for a motion to adjourn the meeting which was offered by Ms. Thall Eglow and seconded by Ms. Miggins
Vote: All Ayes, except Mr. Vinayak who was absent. The meeting was adjourned at 9:49PM.

Christine A. Gatti, RMC
Township Clerk

Approved: October 19, 2021