

September 1, 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 September 1, 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.

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

Approval of Agenda

Mayor Prupis advised that Ordinance 2585-21 and Ordinance 2587-21 were removed from the agenda this evening for consideration. She further advised that Resolution 21-243 was removed from the consent agenda and the Committee would be considering the resolution separately. 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 June 1, 2021 Regular Meeting Minutes. The motion was made by Ms. Miggins and seconded by Mr. Wasserman.

Vote: All Ayes

Reports

Mr. Wasserman reported on upcoming Explorer Millburn Short Hills (SID) events. On August 25th, a meeting between Township Administrator Mr. McDonald and Ms. McManus was held to further discuss in full detail the Fair Share Settlement. On August 30th, the Public Works Affordable Housing Ad Hoc met to discuss the work ahead pertaining to the proposed Affordable Housing project.

Mayor Prupis pointed out that the process would be a public process and the public would be informed as the proposed project proceeded.

Mr. Vinayak reported that the lighting at the Library field is almost complete and it was expected to be fully completed by the end of the year. He advised that The Cricket Association had been in communication with the Recreation Committee to install a Cricket pitch in the township. He noted that additional information would be provided once available. He informed residents that the Recreation Committee is discussing a walk area for dogs in Taylor Park; however, additional discussions were still pending.

Mr. McDonald reported that on September 12th, *Tour de Millburn* would be held with 300 riders participating and asked residents to support the events in the Town. He reviewed the event details. He stated that on August 17th, a resident reported safety concerns in the South Mountain area and additional discussions have occurred to address the safety issues. He provided an update on flex parking removal project.

September 1, 2021

Millburn Township Committee Meeting Minutes

Mr. Vinayak asked if the cost had remained at the estimated cost bid for the project and Mr. McDonald advised that the project cost had not changed.

Mr. McDonald stated that the township was monitoring Tropical Storm Ida and asked residents to please stay safe and in their homes during the storm. He asked to please stay cautious, if they see anything that requires immediate attention, he asked for residents to contact the Police Department.

Mayor Prupis thanked Christine Bugel and Martha Callahan, Township Engineers, for their oversight on the Flex Parking removal project. She reviewed the Tour of Millburn event details. She announced that RocktoberFest would be held on September 18th.

Mayor Prupis reported on the Affordable Housing Fair Share agreements which were presented at the August 17th Township Committee Meeting. She reviewed the negotiation process. She stated that the settlements were confidential and information could not be discussed and presented until a settlement had been agreed upon and executed by both parties. She asked for residents to please be patient during the process. She acknowledged that the Township Committee Members goal is to ensure the process was fair and public for the residents.

Consent Agenda

Mayor Prupis asked if there were any comments or questions from the Committee regarding items on the Consent Agenda Resolutions. Receiving none, Mayor Prupis asked for a motion to approve Resolutions 21-241 through 21-246 with the expectation of Resolution 21-243 which would be considered separately for additional discussion. A motion to approve consent agenda was made by Mr. Wasserman and seconded by Ms. Miggins.

Roll Call Vote: All Ayes

**RESOLUTION 21-241
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 September 1, 2021, in the following accounts:

General Fund	\$ 740,395.86
Capital Fund	169,618.35
Parking Utility - Operating Fund	3,990.58
Dog Fund Trust	1,581.08
Police Off Duty Trust Fund	147,834.00
Waste Recycling Trust Fund	2,039.80

**RESOLUTION 21-242
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;

Make check payable to:

Corelogic Refund Dept
Mail Code: DFW 1-3
3001 Hackberry Rd
Irving, TX 75063

Block	Lot	Amount	Type	Year	Name
205	19	\$5,044.39	Duplicate	2021	Dang
901	9	\$3,714.06	Duplicate	2021	Tai
906	10	\$3,721.54	Duplicate	2021	Krupkin
1101	29	\$2,150.69	Duplicate	2021	Berney
1209	23	\$3,172.15	Duplicate	2021	Harden

Millburn Township Committee Meeting Minutes

1502	34	\$8,607.75	Duplicate	2021	Singhvi
2406	17	\$7,972.03	Duplicate	2021	Kapadia
2602	6	\$7,932.54	Duplicate	2021	Sinha
3403	13	\$4,772.44	Duplicate	2021	Lam
3903	19	\$7,105.76	Duplicate	2021	Alden
4903	27	\$9,294.38	Duplicate	2021	Macedo
5102	10	\$9,761.94	Duplicate	2021	Kim

Total Check: \$73,249.67 (All out of overcollection)

<u>Make check payable to:</u>	<u>Type</u>	<u>Amount</u>
Wolf Vespasiano Attorney Trust Account & Michael & Caryn Parlavecchio 331 Main Street Chatham, NJ 07928 Block 2603 Lot 14 139 Fairfield Dr.	Tax Appeal 2019 taxes (\$1,804.55) 2020 taxes (\$837.81)	\$2,642.36
Jennifer R. Jacobus Trustee & John & Suzanne Willian 201 Littleton Rd Ste. 100 Morris Plains, NJ 07950 Block 2301 Lot 9 24 Adams Ave	Tax Appeal 2020 taxes	\$4,616.62
SL 58 Chatham Road LLC 195 Morristown Rd Basking Ridge, NJ 07920 Block 1904 Lot 75 58 Chatham Rd.	Tax Refund 2021 taxes Demo-Overbill Overcollection	\$3,537.79

BE IT FURTHER RESOLVED that the following tax appeals be processed between the 45th and 60th day from the date of judgment;

Wolf Vespasiano Attorney Trust Account & Brad & Nicole Mazur 331 Main Street Chatham, NJ 07928 Block 4503 Lot 2 80 Athens Rd.	Tax Appeal 2020 taxes	\$6,581.14
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RESOLUTION 21-244

AWARD CONTRACT FOR ROAD IMPROVEMENTS FOR SLAYTON DRIVE FROM WHITE OAK RIDGE ROAD TO HARTSHORN DRIVE

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 “Road Improvements for Slayton Drive from White Oak Ridge Road to Hartshorn Drive”; and

WHEREAS, a sealed bid was received and publicly opened in accordance with the duly published Notice to Bidders on August 19, 2021; and

WHEREAS, at the time of bid opening, the following bid and the amount thereof was announced:

1. D.L.S. Contracting, Inc.- \$236,200.00;

September 1, 2021

Millburn Township Committee Meeting Minutes

WHEREAS, D.L.S. Contracting, 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 certification of 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 1st day of September, 2021 as follows:

1. The Township hereby awards the Contract for Road Improvements for Slayton Drive from White Oak Ridge Road to Hartshorn Drive to D.L.S. Contracting, Inc, having a business address of 36 Montesano Road, Fairfield, New Jersey 07004, as the lowest responsible bidder, in the amount not-to-exceed \$236,200.00 and the Mayor and Municipal Clerk are 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 D.L.S. Contracting, 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.

RESOLUTION 21-245

AUTHORIZING PERFORMANCE BOND RELEASE FOR 233 CANOE BROOK ASSOCIATES

WHEREAS, 233 Canoe Brook Associates, LLC (“the Developer”) has completed development of the apartment complex within the Township of Millburn commonly known as “The Upton” at 1 Fineran Way; and

WHEREAS, in accordance with approvals previously granted for this application, the applicant had originally posted a performance bond in the amount of \$4,046,158.09 guaranteeing satisfactory construction of various site improvements; and

WHEREAS, during the course of construction as site improvements were completed, inspected, and accepted, reductions in the amount of the performance bond were authorized; and

WHEREAS, the current value of the performance bond is \$716,699.33; and

WHEREAS, the Developer shall post a maintenance bond in the amount of 15% of the value of the site improvements for a period of two (2) years; and

WHEREAS, by letter dated August 24, 2021, the Township’s Engineer, Martha Callahan, has advised the Township Committee that based on her site visit and review of status of site improvements made, and based upon receipt of a letter from the independent inspection company, Boswell

September 1, 2021

Millburn Township Committee Meeting Minutes

Engineering, that all site improvements bonded under the performance bond have been satisfactorily completed by the Developer, Ms. Callahan recommends that the performance bond be released; and

WHEREAS, the Township Committee wishes to accept the recommendation of the Township Engineer;

NOW, THEREFORE, BE IT RESOLVED on this 1st day of September 2021, by the Township Committee of the Township of Millburn in the County of Essex, that:

1. The existing performance bond currently being held by the township is hereby released upon receipt of the appropriate maintenance bond.
2. This Resolution shall take effect immediately as provided by law.

RESOLUTION 21-246

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;

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 \$120,242.00 which is now available from the New Jersey Department of Law and Public Safety Office of the Attorney General SFY21 Body-Worn Camera Grant Program;

BE IT FURTHER RESOLVED, that the like sum of \$120,242.00 is hereby appropriated under the caption New Jersey Department of Law and Public Safety Office of the Attorney General SFY21 Body-Worn Camera Grant Program; and

BE IT FURTHER RESOLVED that the above is the result of funds from the New Jersey Department of Law and Public Safety Office of the Attorney General SFY21 Body-Worn Camera Grant Program in the amount of \$120,242.00.

RESOLUTION

Resolution 21-243

Mayor Prupis brought forth Resolution 21-243 and asked if there were any comments or questions on Resolution 21-243.

Ms. Thall Eglow asked what Ms. Mallios may bring to the Ad Hoc Committee. Mayor Prupis stated that Ms. Mallios, who lives in the area, was very knowledgeable and had previously volunteered in other Committees.

Mr. Vinayak asked how many members were part of the committee. Mr. Wasserman stated that they would have a total of 11 members as part of the Ad Hoc Committee.

Mayor Prupis asked for a motion to approve Resolution 21-243. A motion to approve the resolution was made by Mr. Wasserman and seconded by Ms. Miggins.

September 1, 2021

Millburn Township Committee Meeting Minutes

Roll Call Vote: All Aye

RESOLUTION 21-243

RESOLUTION TO PROVIDE FOR THE APPOINTMENT OF INDIVIDUALS TO PUBLIC WORKS AFFORDABLE HOUSING DEVELOPMENT AD HOC COMMITTEE, TO ESTABLISH THE DUTIES OF THE COMMITTEE AND OTHER MATTERS

WHEREAS, the Mayor would like to form an Ad Hoc Committee to meet and provide recommendations and guidance for the completion of a Township supported 100% affordable housing development on a portion of the Township's Public Works Facility as stipulated in the Township's settlement agreement with Fair Share Housing Center;

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

1. There is hereby constituted a Public Works Affordable Housing Development Ad Hoc Committee. The Committee shall serve until December 31, 2021 at which time the group can be approved for another year at the Township's reorganization meeting.
2. The following persons are hereby appointed to the Public Works Affordable Housing Development Ad Hoc Committee:

Richard Wasserman, Deputy Mayor
Maggee Miggins, Township Committee Member
Alex McDonald, Business Administrator or Designee
Jim Distano, Superintendent of Public Works or Designee
Martha Callahan, Township Engineer
Beth McManus, Special Planner for Affordable Housing
Mark McBride, Volunteer
Craig Ploetner, Resident and Zoning Board Member
Dan Baer, Resident and Planning Board Member
Jorge Mastropietro, Resident and Planning Board Member
Stephanie Mallios, Resident

3. The Township Attorney is assigned to advise the Public Works Affordable Housing Development Ad Hoc Committee, at the request of the Ad Hoc, to assist in the consideration of agenda items pertaining to legal matters.
4. The Public Works Affordable Housing Development Ad Hoc Committee will meet once a week through the end of the year, but may meet more or less frequently in its discretion as needed.
5. The Public Works Affordable Housing Development Ad Hoc Committee shall report back to the Township Committee periodically to provide updates on the progress of the development to satisfy this element of the Township of Millburn's settlement with the Fair Share Housing Center.

Mayor Prupis reminded the public that Resolutions 21- 247 and 21-249 were removed from the consent agenda for additional discussion and separate approval.

Resolution 21-247

Mayor Prupis asked if there were any comments or questions regarding Resolution 21-247.

Mr. Wasserman stated that the closure of Main Street had given residents an opportunity to enjoy being together outside and it was a success.

September 1, 2021

Millburn Township Committee Meeting Minutes

Mayor Prupis asked for a motion to approve Resolution 21-247, a motion to approve was made by Mr. Wasserman and seconded by Mr. Vinayak.

Roll Call: All Ayes

**RESOLUTION 21-247
TEMPORARY AND EXTENDED CLOSURE OF
A SECTION OF MAIN STREET**

WHEREAS, the COVID-19 Global Health Pandemic has and continues to have a significant negative economic impact on restaurants and eateries located in the Township of Millburn; and

WHEREAS, in 2021 the Township Committee temporarily closed and expanded outdoor dining to help the Township's restaurants and eateries during this difficult time by Resolution 21-079 approved on February 23, 2021 and by Resolution 21-177 on June 15, 2021; and

WHEREAS, the Millburn Township Committee understands the positive economic and community impact resulting from the closure of Main Street; and

WHEREAS, the Township Committee authorizes the closure of a section of Main Street between Millburn Avenue and Essex Street from September 3, 2021 through October 31, 2021 from 4:00PM Friday through 10:00PM Sundays; and

WHEREAS, the purpose of the closure is to offer restaurants and eateries additional space to set up tables and chairs for outdoor dining and create a vibrant atmosphere to attract patrons for all downtown businesses;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MILLBURN:

- 1.) Main Street shall be closed to vehicular traffic between Millburn Avenue and Essex Street from September 3, 2021 through October 31, 2021 from 4:00PM Friday through 10:00PM Sundays.
- 2.) During the temporary closure of Main Street, the detour routes shall be along the municipal roadways of Millburn Avenue, Lackawanna Pl. and Essex Street.
- 3.) The Township Business Administrator has worked with the Police Department to prepare a plan to minimize any traffic issues that may result from the closure including all proper notifications to emergency personnel.
- 4.) Restaurants and eateries located on Main Street who wish to utilize outdoor dining must apply for and receive a café license from the Township.
- 5.) Restaurants and eateries with a liquor license must also have a valid COVID-19 Expansion of Premises Permit as required by the New Jersey Division of Alcoholic Beverage Control.
- 6.) The Township Business Administrator shall have the discretion to create additional standards as appropriate to maintain order, enhance public safety and to help the Township's restaurants and eateries that are financially impacted by the COVID-19 Global Health Pandemic.
- 7.) The Township Engineer shall notify the New Jersey Department of Transportation and Essex County Engineering Office of the closure.
- 8.) The Township will reopen Main Street at any time prior to the stated closure date of October 31, 2021 should the closure no longer prove effective in assisting impacted business or for any other safety or traffic issues that may arise.

Resolution 21-248

Mayor Prupis brought forth Resolution 21- 248. Mayor Prupis asked if there were any comments or questions regarding Resolution 21-248. No comments or questions were presented.

Mayor Prupis asked for a motion to approve Resolution 21-248. Motion to approve Resolution 21-248 was made by Ms. Thall Eglow which was seconded by Mr. Wasserman.

September 1, 2021

Millburn Township Committee Meeting Minutes

Roll Call: Ayes: Prupis, Wasserman, Thall Eglow, Vinayak
Abstain: Miggins

**RESOLUTION 21-248
AUTHORIZING THE AWARD OF CONTRACT FOR PLANNING SERVICES FOR
MILLBURN TOWNSHIP**

WHEREAS, there exists a need for retention of a Township Planner; and

WHEREAS, the planning firm awarded contract by the Township of Millburn will provide on call planning services, assist in the support of the Township's Housing Element and Fair Share Plan, support the efforts of both the Township's Planning Board and Board of Adjustment as required, provide defenses in any relevant or related litigation and provide other services as requested by the township consistent with the functions of Township Planner; and

WHEREAS, the township has fully complied with the "fair and open" process set forth under N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, the Township Committee has selected a firm through a competitive fair and open process and has determined that Philip Abramson of Topology, NJ LLC, shall serve the township as Township Planner;

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 Township Clerk are hereby authorized and directed to execute a professional services agreement in a form subject to the approval of the Township Attorney with Philip Abramson of Topology, NJ LLC to provide professional planning services to Millburn Township, from the date hereof until December 31, 2021 pursuant to the proposal/fee schedule dated July 28, 2021 with a not to exceed amount of \$25,000.00 without further approval of the Township Committee.
2. 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 21-249

Mayor Prupis brought forth Resolution 21- 249. Mayor Prupis asked if there were any comments or questions regarding Resolution 21-249. No comments or questions were presented.

Mayor Prupis asked for a motion to approve Resolution 21-249. Motion to approve resolution 21-249 was made by Ms. Miggins which was seconded by Mr. Wasserman.

Roll Call: Ayes: All Ayes

**RESOLUTION 21-249
AUTHORIZING LIQUOR LICENSE TRANSFER
(PERSON TO PERSON TRANSFER –
LEGAL SEA FOODS LLC TO LSF SHORT HILLS, LLC)**

WHEREAS, an application has been filed for a person-to-person transfer of Plenary Retail Consumption License [current License No. 0712-33-015-012], heretofore issued to Legal Sea Foods LLC; and

WHEREAS, the applicant, LSF Short Hills, LLC, 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; and

Millburn Township Committee Meeting Minutes

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 has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business; and

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 September 2, 2021, subject to all documents being provided and approved by ABC, the person to person transfer of the aforesaid Plenary Retail Consumption License from Legal Sea Foods LLC to LSF Short Hills, LLC, located at 1200 Morris Turnpike, Space #A104, Short Hills, NJ, and does hereby direct the Township Clerk/A.B.C. Board Secretary to endorse the license certificate to the new ownership, License Number 0712-33-015-013, as follows: "This license, subject to all its terms and conditions, is hereby transferred to LSF Short Hills, LLC, effective September 2, 2021".

Ordinance/Introduction

Ordinance 2581-21

Mayor Prupis brought forth Ordinance 2581-21 for introduction. She introduced Lynn Ranieri. Ms. Ranieri and Zack Davis, a Short Hills resident and Vice Chair of the Historic Preservation provided a brief explanatory statement about the importance of the ordinance before the Committee and voiced support of the ordinance.

Mayor Prupis asked if any Committee Members had any comments or questions regarding Ordinance 2581-21.

Ms. Thall Eglow thanked both residents and volunteers for their review on the importance of the ordinance. She recommended that the ordinance be removed and further discussed as various steps had been missed prior to being placed on an agenda for consideration of introduction. She suggested that independent consult review the process prior to the ordinance being considered by the Committee.

Mayor Prupis asked Ms. Thall Eglow if she wished to speak to the Historic Preservation Attorney and ask any questions.

Ms. Thall Eglow noted that she had previously spoken to the attorney. She reiterated her recommendation to have the ordinance removed for further discussion and review prior to introduction.

Ms. Miggins spoke with Historic Preservation Attorney, Andrew Brewer, pertaining to the concerns of the process for Ordinance 2581-21. It was confirmed that the notices to residents had been properly provided prior to the presentation of the ordinance.

Mr. Brewer reviewed the process of the Ordinance which required notices to the owners and also required a publication in the local newspaper advising of the nominations of the property. He had been advised that such notices were provided. He noted at the nomination meeting, the owners of the Hessian House were not present. He advised that notices were not received which caused the Planning Board to reschedule the Hessian House nomination. On July 21, 2021 a Zoom meeting was held with the owner where they voiced concerns with the cost on future work at the property. Once their cost concerns had been addressed, a request of an Ordinance was made and no additional concerns were presented by the owners.

Ms. Miggins stated that notices were sent as required.

Mr. Wasserman asked if there was a standard process that was followed to advise a private home owner of the desire to designate their property as a Historic Preservation site. He asked if the property owner was given a fair opportunity to state their case and why they felt it shouldn't be done.

September 1, 2021

Millburn Township Committee Meeting Minutes

Mr. Brewer stated that yes, the homeowner was given a fair opportunity to be heard and to voice their concerns as the process was standard for all applications. He noted that homeowners had the ability to state their case to the Committee; however, the Committee could select the property and proceed if they felt the property should be preserved.

Mr. Wasserman asked if the homeowner was given every opportunity to state their case fairly.

Ms. Miggins stated that yes, she also stated that permits were reviewed on the property and all permits on the property were current and would not conflict with the property becoming a historic site which was stated to the homeowners at the time where cost and work on the house was discussed.

Mr. Vinayak asked if the homeowner had attended any of the meetings discussing the property.

Ms. Miggins stated that no, the home owners had not attended.

Ms. Thall Eglow stated that the attorney representing the homeowners sent a letter of representing the owners on August 17th which stated that the homeowners were not comfortable with the Ordinance and would like to have it removed for additional discussions.

Ms. Miggins moved the Ordinance 2581-21 to be taken up and passed on first reading noting that the public hearing would take place on Tuesday, October 5, 2021 Mr. Wasserman seconded the motion. Mayor Prupis requested a roll call vote.

Roll Call Vote: All Ayes: Miggins, Vinayak, Wasserman, Prupis
Abstain: Thall Eglow

ORDINANCE NO. 2581-21

ORDINANCE DESIGNATING THE "PARSIL FAMILY CEMETERY" (358 WHITE OAK RIDGE ROAD) AS A HISTORIC LANDMARK PURSUANT TO THE HISTORIC PRESERVATION ORDINANCE OF THE TOWNSHIP OF MILLBURN

WHEREAS, the Township Committee received a report from the Historic Preservation Commission ("HPC") recommending that the following property be designated as a historic landmark pursuant to the Historic Preservation Ordinance, Millburn Code Chapter 804.3H et seq.;

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

WHEREAS, the Township Committee referred the HPC report to the Planning Board for a report and recommendation in accordance with the requirements of the Historic Preservation Ordinance; and

WHEREAS, the Planning Board has recommended that the subject property be designated as a historic landmark.

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

SECTION 1 The following property be and is hereby designated as a historic landmark in accordance with the Millburn Code Chapter 804.3 et seq., and the official Township Zoning Map is hereby amended to reflect said historic designation:

358 White Oak Ridge Road ("Parsil Family Cemetery") Block 4903, Lot 31.

SECTION 2 This Ordinance shall take effect upon final adoption and publication in accordance with law.

Ordinance 2582-21

Ms. Miggins brought forth Ordinance 2582-21 for introduction. A brief explanatory statement about the ordinance was made. Ms. Miggins moved that the ordinance to be taken up and passed on first reading

Millburn Township Committee Meeting Minutes

noting that the public hearing would take place on Tuesday, October 5, 2021; Mr. Wasserman seconded the motion. Mayor Prupis requested a roll call vote.

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

ORDINANCE NO. 2582-21
ORDINANCE DESIGNATING THE "PARSIL HOUSE" (363 WHITE OAK RIDGE ROAD) AS A HISTORIC LANDMARK PURSUANT TO THE HISTORIC PRESERVATION ORDINANCE OF THE TOWNSHIP OF MILLBURN

WHEREAS, the Township Committee received a report from the Historic Preservation Commission ("HPC") recommending that the following property be designated as a historic landmark pursuant to the Historic Preservation Ordinance, Millburn Code Section 804.3H et seq.;

363 White Oak Ridge Road ("Parsil House") Block 4901, Lot 3

WHEREAS, the Township Committee referred the HPC report to the Planning Board for a report and recommendation in accordance with the requirements of the Historic Preservation Ordinance; and

WHEREAS, the Planning Board has recommended that the subject property be designated as a historic landmark.

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

SECTION 1 The following property be and is hereby designated as a historic landmark in accordance with Millburn Code Section 804.3 et seq., and the official Township Zoning Map is hereby amended to reflect said historic designation:

363 White Oak Ridge Road ("Parsil House") Block 4901, Lot 3

SECTION 2 This Ordinance shall take effect upon final adoption and publication in accordance with law.

Ordinance 2583-21

Ms. Miggins brought forth Ordinance 2583-21 for introduction. A brief explanatory statement about the ordinance was made. Ms. Miggins moved the ordinance to be taken up and passed on first reading noting that the public hearing would take place on Tuesday October 5, 2021; Mr. Vinayak seconded the motion. Mayor Prupis requested a roll call vote.

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

ORDINANCE NO. 2583-21
ORDINANCE DESIGNATING THE "HESSIAN HOUSE" (155 MILLBURN AVENUE) AS A HISTORIC LANDMARK PURSUANT TO THE HISTORIC PRESERVATION ORDINANCE OF THE TOWNSHIP OF MILLBURN

WHEREAS, the Township Committee received a report from the Historic Preservation Commission ("HPC") recommending that the following property be designated as a historic landmark pursuant to the Historic Preservation Ordinance, Millburn Code Section 804.3H et seq.;

155 Millburn Avenue ("Hessian House") Block 401, Lot 5

WHEREAS, the Township Committee referred the HPC report to the Planning Board for a report and recommendation in accordance with the requirements of the Historic Preservation Ordinance; and

September 1, 2021

Millburn Township Committee Meeting Minutes

WHEREAS, the Planning Board has recommended that the subject property be designated as a historic landmark.

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

SECTION 1 The following property be and is hereby designated as a historic landmark in accordance with Millburn Code Section 804.3 et seq., and the official Township Zoning Map is hereby amended to reflect said historic designation:

155 Millburn Avenue ("Hessian House") Block 401, Lot 5

SECTION 2 This Ordinance shall take effect upon final adoption and publication in accordance with law.

Ordinance 2586-21

Mr. Vinayak brought forth Ordinance 2586-21 for introduction. A brief explanatory statement about the ordinance was made by Mr. McDonald. Mr. Vinayak moved the ordinance to be taken up and passed on first reading noting that the public hearing would take place on Tuesday, October 5, 2021; Mr. Wasserman seconded the motion. Mayor Prupis requested a roll call vote.

Roll Call Vote: All Ayes

ORDINANCE NO. 2586-21

BOND ORDINANCE TO AUTHORIZE THE INSTALLATION OF FIELD LIGHTING AND A SCOREBOARD AT THE LIBRARY FIELD IN, BY AND FOR THE TOWNSHIP OF MILLBURN, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$330,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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

Section 1. The Township of Millburn, in the County of Essex, State of New Jersey (the "Township") is hereby authorized to install field lighting and a scoreboard at the Library Field in, by and for the Township. The cost of the improvements includes all work, materials, appurtenances and equipment necessary and suitable therefor.

Section 2. The sum of \$330,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefitted.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Township, and (2) it is necessary to finance said purpose by the issuance of obligations of said Township pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$330,000, and (4) \$16,500 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$313,500, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$16,500 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

September 1, 2021

Millburn Township Committee Meeting Minutes

Section 4. It is hereby determined and stated that moneys exceeding \$16,500, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Township, are now available to finance said purpose. The sum of \$16,500 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Township of an aggregate principal amount not exceeding \$313,500 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$313,500 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of fifteen years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$313,500 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. Any funds received from the Joint Facilities Committee, private parties, the County of Essex, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 12. The Township intends to issue the bonds or notes to finance the cost of the improvements described in Section 1 of this bond ordinance. If the Township incurs such costs prior to the issuance of the bonds or notes, the Township hereby states its reasonable expectation to reimburse

Millburn Township Committee Meeting Minutes

itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 13. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

OLD BUSINESS

JFK Parkway Cell Tower

Mr. McDonald stated that he provided a draft of the proposed plans and options for the property on JFK Parkway including a cell tower. He asked the Committee if they had any questions or thoughts on the area. He advised that the cell tower would be leased to various carriers, which would also pay a portion to the township.

Mr. Vinayak asked if the owner of the tower can deny a carrier the use of the tower should they want to.

Mr. McDonald stated that yes, if it would be AT&T, they can deny the use of the tower at any time to any carrier.

Mayor Prupis asked for a 5 minute recess.

Meeting resumed at 8:20 p.m.

Mayor Prupis and Mr. McDonald stated that due to an emergency due to Hurricane Ida, the meeting would continue with Public Comments for 10 minutes and would adjourn immediately thereafter to assure that residents would make it home safely.

Public Comment

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

Mayor Prupis opened the public comment period.

Jeffery Feld, of 11 Alexander Lane, wished everyone celebrating the Jewish holidays a happy and safe celebration. He stated that an email was sent after the Fair Share settlement was presented. He stated that there would be a discussion with Judge Gardener pertaining to the Fairness of the Fair Share settlement in September.

September 1, 2021 |

Millburn Township Committee Meeting Minutes

Mayor Prupis stated that due to the emergency situation she would have to close public comment period immediately.

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 Mr. Wasserman. The meeting was adjourned at 8:26PM. Vote: All Ayes

Christine A. Gatti, RMC
Township Clerk

Approved: November 9, 2021