

January 19, 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 January 19, 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 Christopher Falcon, and Administrative Analyst Jesse Moehlman.

Approval of Agenda

Mayor Prupis asked for a motion to approve the agenda. The motion was offered by Mr. Wasserman and seconded by Mr. Vinayak.

Vote: All Ayes

Minutes

Mayor Prupis asked for a motion to approve the October 20, 2020 regular meeting minutes. The motion was made by Ms. Thall Eglow and seconded by Mr. Wasserman.

Vote: All Ayes, except Miggins, Vinayak and Prupis, who abstained

Mayor Prupis asked for a motion to approve the October 20, 2020 special meeting minutes. The motion was made by Mr. Wasserman and seconded by Ms. Thall Eglow.

Vote: All Ayes, except Miggins, Vinayak and Prupis, who abstained

Mayor Prupis asked for a motion to approve the November 2, 2020 special meeting minutes. The motion was made by Mr. Wasserman and seconded by Ms. Thall Eglow.

Vote: All Ayes, except Miggins, Vinayak and Prupis, who abstained

Mayor Prupis asked for a motion to approve the November 10, 2020 regular meeting minutes. The motion was made by Mr. Wasserman and seconded by Ms. Thall Eglow.

Vote: All Ayes, except Miggins and Vinayak, who abstained

Mayor Prupis asked for a motion to approve the November 10, 2020 special meeting minutes. The motion was made by Mr. Wasserman and seconded by Ms. Thall Eglow.

Vote: All Ayes, except Miggins and Vinayak, who abstained

Reports

Mayor Prupis addressed the public and asked for a moment of silence for those who lost their lives due to COVID-19. She reminded the public that this is a business meeting and called for respect and kindness as the Committee represented over twenty thousand residents in Millburn Township. She referred to memorable and appropriate quotes from Dr. Martin Luther King Jr. and asked the public to remember Dr. Martin Luther King Jr.'s call for non-violent activism. She provided details on how to schedule an appointment to meet with her during her office hours.

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Mayor Prupis continued with her reports. She reported that the Downtown Vision Plan Steering Committee met on January 6th and noted that details and previous meetings could be found on the Township's website. She announced that the next scheduled meeting with Perkins Eastman would take place on January 27th at 9am. She reported that the Pedestrian Safety Advisory Board (PSAB) held their first meeting of the year. Mr. McDonald created an annual report that would be distributed to the Township Committee. PSAB created projects which included improved student safety by the Millburn Middle School during drop-off & pick-up times; with the installation of a small portion of sidewalk to allow for safe walking at the intersection of Whitney Road and Haddonfield Road. The addition of a crosswalk and a pedestrian refuge on the westbound side of the train station. She pointed out that the Township would be hiring more crossing guards. She announced that Bike-Walk Millburn and PSAB would co-host Bike Week from April 17th to 24th. The Next PSAB meeting would take place April 28th at 7pm. Mayor Prupis, Ms. Miggins, Mr. McDonald, and Sgt. Gil Tavares attended the first Parking Ad-hoc meeting on January 13th and discussed the institution of a residential parking permit that would cost sixty dollars. Mr. McDonald would provide additional information on this to the Township Committee. She reported that the Environmental Commission held their first meeting of the year, their next meeting would take place on February 10th at 7pm. Mayor Prupis, Deputy Mayor Wasserman, Mr. McDonald and Chief Gilfedder met and reviewed crime statistics and police strategy. She stated that Chief Gilfedder would provide a report to the Committee and public via zoom. She announced that the first Arts Roundtable would take place on January 31st at 11am and would be used as a collaboration method to enhance focus on the arts and community. The Art Advisory Committee would meet on January 20th. Mayor Prupis advised the public of boards that had vacant seats and asked all those interested to apply.

Mr. Wasserman reported the Explore Millburn Short Hills BID (Special Improvement District) had hired Ryan Gleason as Executive Director. He would start on February 1st and would have office hours in town hall. He thanked Marla Itzkin, Marketing Professional, for her tireless work. He announced a new gift card initiative with select local participating businesses. He urged the public to shop local. He noted on Mayor Prupis' report in regards to Police Chief and his report later in the meeting.

Mr. Vinayak reported on the Finance Subcommittee. He stated that they worked on getting departments to review their own finances as part of a managerial report. He reported that the Recreation Commission met and had been doing great with the winter sports. He announced that ice skating would be provided to residents at Taylor Park when the weather is below a certain temperature. He noted on various recreation activities in town.

Ms. Miggins reported the Cora Hartshorn Arboretum met on February 1st and registration would open soon for their summer programs. She reviewed various Arboretum updates.

Ms. Thall Eglow reported that she met with the Joint 911 Dispatch Board and was advised that they were fully staffed and were working smoothly. She thanked for the change in seating arrangements on the dais as she felt less claustrophobic.

Mr. Vinayak requested the Joint Dispatch's monthly finances. Ms. Thall Eglow advised she obtains a monthly report from Mr. McDonald.

Mr. McDonald reported on the various safety precautions the township had taken that allowed the public to participate in Township Committee meetings. He introduced Police Chief Gilfedder to provide his report.

Chief Gilfedder reported on various Police Department services and reviewed the safety and security of the community.

Mr. McDonald continued his reports on the grant the township had sought and received. He reviewed various grants. Mr. McDonald reported on the legal expenditures analysis from 2013-2020. He provided a broad base understanding of various legal costs and various counsel employed by the township.

Ms. Thall Eglow asked about Haykell legal matter and Mr. McDonald advised it was a land use dispute in which the town prevailed.

Mr. Vinayak commended Mr. McDonald on the excellent job and reviewed general counsel costs.

Mr. Wasserman asked how a Committee interacted with the legal team if it was through the mediation and arbitration committee. Mr. McDonald advised meetings were setup where the matters were discussed as a team and always judicially.

Ms. Miggins asked Mr. McDonald how many OPRA's were received in 2020 and it was noted that the town hall received over four hundred OPRA requests. He reported that the township averaged in the last eight years around 270 OPRA requests. Ms. Miggins and Mr. McDonald review OPRA and its procedures.

Public Comment – Consent Agenda

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

Ms. Thall Eglow asked for further clarification on Resolutions 21-038 – 21-042. Mr. McDonald provided an overview of the resolutions. Ms. Thall Eglow congratulated Ms. Miggins on being appointed to the Historic Preservation Commission (HPC).

Mayor Prupis opened public comment in regards to the consent agenda.

Jeffery Feld, of 11 Alexander Lane, thanked the Committee for including the bills list to the legislative packet. He also thanked the Committee for allowing the public to speak on consent agenda items prior to their vote.

Jean Pasternak, of 342 Hobart Avenue, sthanked for the opportunity for comments before items were voted on. She asked if there was a conflict of interest by Ms. Miggins serving on the HPC.

Dominique Urso, of 514 Millburn Avenue, read and submitted the following statement: "Tonight, there is nothing I can see for certain on the consent agenda items pertaining to the allocation of new additional monies for Perkins Eastman. Are there mistakes or typos on the retention extension resolution? Are there contracts already drafted and finalized? Since September 15, 2020, have there been payouts to Perkins Eastman? If so, how much? This week, Mayor Tara Prupis went door to door around all business on Upper Millburn Avenue, our neighbors, our fellow shop owners, to ask about opinions and "buy in" for the contested SID or the Perkins Eastman Downtown Vision Plan. Why would Mayor Prupis, go to a select few businesses and skip right past us? What was the reasoning for this? Why leave us out? Are we not as important? Are we not all paying the same expenses? Why do you ignore all our requests when we ask to meet with you? Why wouldn't you walk through our doors?"

Ms. Prupis advised this specific public comment portion was for consent agenda items only.

Ms. Thall Eglow asked if there would be a conflict of interest. Mr. Falcon advised Ms. Miggins would not be a voting member and therefore her role on the Historic Preservation Commission would not be a conflict of interest.

No other comments or questions were presented.

Consent Agenda

Mayor Prupis asked for a motion to approve the items on the consent agenda. Mr. Wasserman made a motion to approve the consent agenda which was seconded by Mr. Vinayak.

Roll Call Vote: All Ayes

**RESOLUTION 21-036
APPROVE BILLS PAYABLE**

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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 January 19, 2021, in the following accounts:

General	\$ 471,320.38
Capital Fund	64,613.46
Parking Utility - Operating Fund	10,754.30
Dog Trust Fund	845.09
Escrow Trust Fund	2,236.25
Police Off Duty Trust Fund	93,070.00
Waste Recycling Trust Fund	1,423.10

**RESOLUTION 21-037
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>
Ventura, Miesowitz, et al Trust Account & Boffard, Brielle & Daryl 783 Springfield Ave Summit, NJ 07901 Block 1202 Lot 9 17 Haddonfield Rd	Tax Appeal 2020 taxes	\$5,244.50
Jennifer R. Jacobus, Trustee for Cash, Thomas A. & Judith 201 Littleton Rd. 1 st FL. Morris Plains, NJ 07950 Block 2209 Lot 1 2 East Lane	Tax Appeal 2019 taxes	\$4,054.93
Jennifer R. Jacobus, Trustee for Simonetti, Bruce & Paula 201 Littleton Rd. 1 st FL. Morris Plains, NJ 07950 Block 2404 Lot 3 10 Oaklawn Rd	Tax Appeal 2020 taxes	\$963.00
Jennifer R. Jacobus, Trustee for Newman, Jonathan H. & Heather S. 201 Littleton Rd. 1 st FL. Morris Plains, NJ 07950 Block 2401 Lot 8 12 Hilltop Rd	Tax Appeal 2019 taxes (\$631.11) 2020 taxes (\$2,555.80)	\$3,186.91
Jennifer R. Jacobus, Trustee for Baris, Brett & Karen 201 Littleton Rd. 1 st FL. Morris Plains, NJ 07950 Block 4905 Lot 2 72 Seminole Way	Tax Appeal 2020 taxes	\$3,464.87
Crystal, Raymond F. & Laura B. 325 Long Hill Dr. Short Hills, NJ 07078 Block 5005 Lot 10 325 Long Hill Dr.	Tax Refund 2020 taxes Allowed Vet. Deduction	\$250.00

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RESOLUTION 21-038

AWARD CONTRACT FOR PEDESTRIAN SAFETY IMPROVEMENTS AT THE MILLBURN MIDDLE SCHOOL AND SHORT HILLS TRAIN STATION – D.S. MEYER ENTERPRISES, LLC

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 “Pedestrian Safety Improvements at the Millburn Middle School and Short Hills Train Station”; and

WHEREAS, sealed bids were received and publicly opened in accordance with the duly published Notice to Bidders on January 5, 2021; and

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

1. D.S. Meyer Enterprises, LLC (\$43,995.00)
2. AA Berms, LLC (\$53,555.00)
3. A-Tech Concrete, Co. (\$60,948.00)
4. Power Concrete Co. Inc. (\$108,644.00)
5. Berto Construction (\$115,672.00)

WHEREAS, D.S. Meyer Enterprises, LLC is the lowest responsible bidder as determined by the Millburn Township Engineer and is 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 19th day of January, 2021 as follows:

1. The Township hereby awards the Contract for Pedestrian Safety Improvements at the Millburn Middle School and Short Hills Train Station to D.S. Meyer Enterprises, LLC, having a business address of 34 Maple Avenue, Waldwick, New Jersey 07463, as the lowest responsible bidder, in the amount not-to-exceed \$43,995.00 and the Mayor and Municipal Clerk are authorized to execute said Contract in a form acceptable by the Municipal Attorney.
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. With the exception of the bid security for the lowest three bidders, the Municipal Clerk is authorized to release the bid security submitted by the other bidders. Within three days, Sundays and holidays excepted, after the awarding and full execution of the Contract and the approval of the required bonds for D.S. Meyer Enterprises, LLC, the bid security of the remaining unsuccessful bidders shall be returned to them.
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 21-039

AUTHORIZE THE EXECUTION OF 2021 COST SHARING AGREEMENT

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WHEREAS, through the Mayors' Council for Rahway River Watershed Flood Control ("Council"), seven municipalities consisting of Cranford Township, Kenilworth Borough, Maplewood Township, Rahway City, Springfield Township, Union Township and Millburn Township continue to engage in cooperative activities such as planning, engineering, legal and environmental assessments to address conditions of serious and repeated flood damage in the Rahway River Basin; and

WHEREAS, the said municipalities have previously entered into Cost Sharing Agreements to administer and fund the activities of the Council; and

WHEREAS, the Council and its associated municipalities desire to enter into a further Agreement to administer and fund the following additional activities:

- a) Development and approval of this Agreement.
- b) Negotiation and contract development for access agreements with the County of Essex and City of Orange for the performance of surveys, studies, tests, soundings including sonar, borings, appraisals and other such engineering and environmental analysis as shall be necessary to determine the suitability of a flood control project.
- c) Develop, consistent with applicable law, a mechanism for the receipt and disbursement of federal and/or state loan or grant funds.
- d) Assist in the preparation of grant/loan applications for federal and/or state governments including if necessary, the Local Finance Board.
- e) Hiring of Winning Strategies and other lobby firms to obtain federal/state funding.

WHEREAS, the Township Committee desires to continue to participate in and to share in the funding of the foregoing activities;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millburn in the County of Essex and the State of New Jersey on this 19th day of January, 2021 as follows:

1. The Mayor is authorized and directed to execute the 2021 Cost Sharing Agreement in the form reviewed by it, on behalf of the Township of Millburn, subject to such minor corrections or modifications, additions or deletions which do not alter the substantive provisions thereof and which may hereafter be approved by the Mayor after consultation with the Township Attorney.
2. The Business Administrator is authorized to implement the provisions of the 2021 Cost Sharing Agreement.
3. The Township Attorney is authorized to continue as Lead Agency Counsel with payment for services to be made from the Council's funds.
4. The Township of Millburn is authorized to pay \$10,000.00 for its share of costs in the 2021 Cost Sharing Agreement.
5. The Chief Financial Officer has certified that funds are available for this purpose.
6. This Resolution shall take effect as provided by law.

RESOLUTION 21-040

AUTHORIZE EXECUTION OF STORM SEWER INDEMNIFICATION AGREEMENTS

NOW, THEREFORE BE IS RESOLVED that the Millburn Township Mayor and Township Clerk are hereby authorized to execute the Indemnification Agreement for Storm Sewer Connection for 7 Lawrence Drive, Block: 4506, Lot: 22, as per the recommendation of the Superintendent of Public Works.

RESOLUTION 21-041

**AUTHORIZE APPLICATION FOR
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

WHEREAS, certain Federal Funding will potentially be available for Essex County under Title I of the Housing and Community Development Act of 1974 as amended and supplemented, which Act is commonly known and referred to as the Community Development Block Grant Program; and

WHEREAS, the Township of Millburn is a member of the Essex County Community Development Block Grant Consortium; and

WHEREAS, the Township of Millburn has the need and the desire for assistance under the Community Development Block Grant Program in order to provide barrier free access in various locations

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in the Glenwood Section of the township, which qualifies for the assistance under the Act and Program as aforesaid;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millburn that the Township is hereby authorized to make application for the 2021 Program Year funding to construct barrier free access in various locations in the Glenwood Section of Millburn Township.

RESOLUTION 21-042

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Millburn accepts the award of the FFY20 Emergency Management Performance Grant, Emergency Management Agency Assistance (EMAA) Grant Program Subgrant in the amount of up to \$10,000.00 Federal Funds; and

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

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

RESOLUTION 21-043

AUTHORIZE APPLICATION FOR AUTHORIZING PURCHASE CONTRACTS WITH CERTAIN APPROVED OMNIA PARTNERS-PRIVATE SECTOR COOPERATIVE PRICING ORGANIZATION VENDORS

WHEREAS, the Township of Millburn is party to a cooperative purchasing agreement with OMNIA Partner-Public Sector, a cooperative purchasing program organized pursuant to N.J.S.A. 40A:11-10 and N.J.A.C. 5:34-7.11; and

WHEREAS, the Local Public Contracts Law authorizes a municipality to purchase goods and services through duly formed cooperative purchasing systems without advertising for bids; and

WHEREAS, the procurement of goods and services through a cooperative purchasing program is considered to be an open and fair process under the New Jersey Pay-to-Play Law N.J.S.A. 19:44A-20 et seq; and

WHEREAS, the Township of Millburn has a need to purchase, on a timely basis, goods or services utilizing OMNIA Partners-Private Sector during 2021; and

WHEREAS, the Township of Millburn plans to utilize the OMNIA Partners-Private

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Sector vendors, such transaction shall be subject to all conditions applicable to the current OMNIA Partners Private Sector contracts;

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Millburn, in the County of Essex, that the township is hereby authorized to purchase goods or services in 2021 from the approved OMNIA Partners-Private Sector vendors, pursuant to all conditions of the individual contracts; and

BE IT FURHTER RESOLVED that pursuant to N.J.A.C. 5:30-5.5(b), prior to placing any order for goods or services in accordance with this Resolution, a certification of available funds shall be executed by the Chief Financial Officer and attached to the file copy of the purchase order of other similar document.

RESOLUTION 21-044
CONFIRM APPOINTMENTS TO THE
ESSEX COUNTY SOLID WASTE ADVISORY COUNCIL

BE IT RESOLVED by the Township Committee confirms that Jesse Moehlman be appointed as the Millburn Township Representative to the Essex County Solid Waste Advisory Council and Jim Distano as the Alternate with their two-year terms ending on December 31, 2022.

BE IT FURTHER RESOLVED that this resolution replaces Resolution 20-030 adopted by the Millburn Township Committee on January 5, 2021.

RESOLUTION 21-045
DESIGNATE CHAPLAIN TO THE MILLBURN TOWNSHIP POLICE DEPARTMENT

BE IT RESOLVED by the Township Committee of the Township of Millburn in the County of Essex, that Rabbi Ari Isenberg of Congregation B'nai Israel be appointed and designated as Chaplain to the Police Department for the year 2021.

RESOLUTION 21-046
CONFIRM LIAISON APPOINTMENT TO THE
HISTORIC PRESERVATION COMMISSION

BE IT RESOLVED that the Millburn Township Committee confirms the Mayor's appointment of Maggee Miggins as the Township Committee liaison to the Historic Preservation Commission for the year 2021.

RESOLUTION 21-047
APPROVE RAFFLE LICENSE

WHEREAS, the following has submitted an 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:

Summit Speech School

Resolution

Resolution 21-048

Mayor Prupis brought forth Resolution 21-048 - Authorizing Extension of Agreement with Perkins Eastman Architects DPC for the Performance of Planning Services in Connection with the Preparation of the Downtown Millburn Vision Plan. Mr. McDonald provided an explanatory statement.

Mayor Prupis asked if any additional monies were to be paid to Perkins Eastman and Mr. McDonald answered no the resolution was just to extend their contract period.

Dominique Urso, of 514 Millburn Avenue read and submitted the following statement:

“Tonight, there is nothing I can see for certain on the consent agenda items pertaining to the allocation of new additional monies for Perkins Eastman. Are there mistakes or typos on the retention extension resolution? Are there contracts already drafted and finalized? Since September 15, 2020, have there been payouts to Perkins Eastman? If so, how much?”

Mr. McDonald responded that there had been payments made to Perkins Eastman in line with the projects time line. Mr. McDonald suggested Ms. Urso contact him if she desired to obtain or review the contract amounts.

Mayor Prupis asked if there were any comments or questions regarding Resolution 21-048.

Mayor Prupis asked for a motion to approve Resolution 21-048. Mr. Wasserman made a motion to approve Resolution 21-048 which was seconded by Ms. Thall Eglow.

Roll Call Vote: All Ayes

RESOLUTION 21-048
AUTHORIZING EXTENSION OF AGREEMENT WITH PERKINS EASTMAN ARCHITECTS DPC FOR THE PERFORMANCE OF PLANNING SERVICES IN CONNECTION WITH THE PREPARATION OF THE DOWNTOWN MILLBURN VISION PLAN

WHEREAS, the Township of Millburn entered into a professional service contract by Resolution 20-185 approved by the Millburn Township Committee on September 15, 2020 with Perkins Eastman Architects, DPC, for the performance of planning services in connection with the preparation of the Millburn Downtown Area Vision Plan as set forth in its Proposal of Perkins Eastman Architects, DPC, dated April 16, 2020; and

WHEREAS, the term of service of the contract with Perkins Eastman Architects, DPC is through January 30, 2021; and

WHEREAS, the Millburn Township Administrator has recommended extending this contract with the same terms and conditions through June 30, 2021; 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 execution of an amendment to the contract of September 15, 2020 with Perkins Eastman Architects, DPC provided for the extension of this contract through June 30, 2021 in a form approved by the Township Attorney.

Old Business

Plastic Ban Ordinance Revision

Mayor Prupis brought forth Ordinance to Amend and Supplement Chapter XVIII of the Revised General Ordinances of the Township of Millburn To Ban Use Off Single-Use Plastic Bags And Polystyrene Containers and Reduce the Use of Single-Use Straws. Mr. Falcon recalled the past Environmental Commission recommendations and discussions.

Mr. Wasserman asked if retail had any issues or objections. Mr. Falcon advised he would not have that information; however, the Environmental Commission was content with the changes.

Priya Patel, Chair to the Environmental Commission, pointed out that the main change was to the definition. To Mr. Wasserman’s comment, she noted that she had not received any opposition or negative comments regarding the changes.

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Mayor Prupis asked for consensus to have an ordinance drafted and have it introduced at the next Township Committee meeting. The Committee agreed and the ordinance would come before the Committee at their February 9th meeting.

No other old business was presented.

New Business**Township Committee Rules of Procedure**

Mayor Prupis advised that she thought it was necessary to discuss a set of rules of procedure in order to conduct a professional and respectful Committee meeting going forward. Ms. Prupis asked if any Committee members had any questions or would like to discuss language. Ms. Thall Eglow asked in regard to public comment, she recalled when she was Mayor, she implemented two public comment sessions. Ms. Thall Eglow asked for clarification on who could place items on an agenda.

Mr. McDonald stated that the Mayor and Business Administrator set the business of the meeting although any Committee member could place items on for Old Business or New Business. He advised the section could be clarified differently on the rules of procedure for better understanding. Ms. Thall Eglow and Mr. McDonald further reviewed language.

Mayor Prupis asked if there was consensus to move forward with the rules of procedure. The consensus of the Committee agreed and Mayor Prupis asked for a resolution to be drafted and put on the February 9th agenda for consideration. Mr. Falcon advised that resolutions and ordinances could be passed to further amend any language in the future as needed.

Litigation Steering Committee

Mayor Prupis recalled discussions of the Litigation Steering Committee to be open to residents serving as a member as well. She recommended appointing Priya Patel, Environmental Commission Chair, as one member and perhaps appoint another resident who will be confirming with their place of work to that they could serve to ensure there is no conflict. Mr. Vinayak pointed out that he did not have any issues. Mr. Wasserman thought it was a good idea and noted that Ms. Patel's Environmental Commission experience could be extremely helpful and the Committee could use her feedback and leadership. Ms. Miggins stated that it was a great idea. Ms. Thall Eglow asked if the resident was an attorney. Mayor Prupis advised the potential resident was an attorney. She pointed out that members would have to take an oath of confidentiality as they would have access to privileged information. Consensus was reached that a resolution would be drafted for consideration at the February 9th meeting.

Zoning Code Re-Evaluation

Mayor Prupis recalled discussions to revise the zoning code and it was proposed to create a sub-committee to review our current code. Ms. Thall Eglow noted that she was interested in serving on the sub-committee. Mr. McDonald provided additional information and advised the code needed to be more user friendly and comprehensive.

Mr. Falcon advised the last time the entire zoning code was reviewed was in 2006. He recalled it needed to have input from a planner to ensure everything fit together. He stated that he would provide the Committee with an illustrated book on land use that would become a helpful resource.

Mr. Wasserman suggested action items that took less time could be worked on while the bigger picture of zoning code re-evaluation was reviewed and revised.

Mayor Prupis asked if there was consensus to move forward. The Committee agreed and Mayor Prupis asked for a resolution to be drafted to create land use review subcommittee for consideration of approval at the February 9th meeting.

Stormwater Control Ordinance Revision

Mr. McDonald introduced Martha Callahan, Township Engineer, who is in attendance this evening in order to review a proposed revised Stormwater Control Ordinance. Ms. Callahan reviewed the history of the 2006 stormwater control code. She advised that in 2018 the Department of Environmental Protection (DEP) began to revise their stormwater rules and have required municipalities to adopt a

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revised ordinance by March. Ms. Callahan reviewed the proposed revisions. Ms. Callahan noted that it was a good change.

Mr. Falcon agreed with Ms. Callahan and advised that the ordinance would be ready for when the Committee decided to act on it.

Mayor Prupis, with consensus from the Committee, asked for the ordinance to be drafted and placed on the next meeting agenda for introduction.

No other 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. 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, asked for a written opinion on whether residents could be denied the opportunity to speak before action items were voted on. He requested the attorney fees presentation be posted on the township website. He suggested independent council review OPRA requests. He advised the press packet should be available to the public even after those meetings had passed.

Jean Pasternak, of 342 Hobart Avenue, addressed the legal concern for overages paid to Mr. Falcon’s firm and wanted a better understanding of legal spending. She noted that it was good for Ms. Prupis to allow for multiple public comment sessions during meetings. She said it was great the Committee was looking at spending. Ms. Pasternak asked if the Township Committee should approve the Executive Director to the SID. She expressed her concern for Ms. Miggins and conflict of interests in any subcommittee that involved real estate.

Jennifer Bhatena, of 64 Great Hills Road, wished all a Happy New Year. She asked the Committee to show strong stewardship, sincerity and discipline when spending tax dollars. She asked for the Committee to step up and do the right thing for the town in a non-partisan way. She also asked to bring back the tolerance of opposing viewpoints and noted that all views should be encourage and not cancelled.

Dominique Urso, of 514 Millburn Avenue, read and submitted the following statement: “This week, Mayor Tara Prupis went door to door around all business on Upper Millburn Avenue, our neighbors, our fellow shop owners, to ask about opinions and or gain “buy in” for the contested SID or the Perkins Eastman Downtown Vision Plan. Why would Mayor Prupis, go to a select few businesses and skip right past us? What was the reasoning for this? Why leave us out? Are we not as important? Are we not all paying the same expenses? Why do you ignore all our requests when we ask to meet with you? Why wouldn’t you walk through our doors, our place of business to ask our opinion and feeling? Why was our place of business not one of the commercial property owners approached by Perkins Eastman as Major Prupis stated during her public announcements? What is it about the Perkins Eastman Downtown Vision Plan that both Major Prupis and Deputy Mayor Wasserman are so much in favor and supportive of? Before you both objected to and opposed the Complete Streets Project? Several meetings ago, Mayor Prupis and Deputy Mayor Wasserman opposed our BA discussing and pursuing a cell tower lease near the East Orange Reservoir. Mayor Prupis and Deputy Mayor Wassermann assured us that Perkins

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Eastman would complete its Downtown Vision Plan by the end of March. What happened? Why the urgent need for a 3-month extension? Why during a COVID 19 pandemic should taxpayers and not Perkins Eastman bear these additional costs and expenses?"

Perri Urso, of 514 Millburn Avenue, read and submitted the following statement: "I'm hopeful that all committee members have received my statement from the January 5, 2021 meeting from our clerk, thank you Christine. I ask you to kindly to listen and not have me escorted out. My husband and I came to Millburn Township nearly 28 years ago. We had a vision. We had the drive to succeed. We had hard work in our blood. Our future was left in the hands of the Township Board of Adjustments. They believed in us and they trusted we would add good to this community. We elected you to do what's right for the community. We believed in each and every one of you. But unlike a few on this board, we did what we promised on May 4, 1994. We worked through your process and in October 1994 we had the pleasure to open our doors to serve your community. We learned from our mistakes, survived many hurdles. But with integrity, we rose above and we did better. We survived storms & hurricanes. Specifically during Superstorm Sandy, when citizens helped citizens, my husband helped the Township, neighbors and friends in need. He went through hoops to get our neighbor Al on Upper Millburn Avenue to get his Sunoco up and running for the community. My husband's efforts enabled first responders to receive thousands of gallons of fuel with no appreciation or recognition. But that did not stop my husband from preparing hot meals for them every single day during the storms. We've proudly raised our beautiful daughter in your town, taught her how to appreciate its benefits and that with hard work, there will be opportunities to reap the fruits of your labor. We remind her, nothing comes easy and take nothing for granted. We endlessly donated to local teams, organizations, schools, synagogues, our parish Saint Rose of Lima and sponsored fundraising events, to state a few, no different than so many of the people who reside, work and volunteer in this community, surely like the five of you. Now we have the SID something that suppresses and threatens what we have worked for. Your SID ordinance wishes to control us and our businesses. Your SID ordinance wishes to leave us with the burden of loans which we have not our signatures on. Your SID ordinance wishes to buy, lease and sell our property. Your SID ordinance leaves us with an unknown assessment every single year, salaries and so much more. We've made roots here. My husband made decisions for his family and always bought and borrowed what he could afford, maybe it's a good business model for this township to follow. Tonight I request this committee to rescind the article SID ordinance 2561-20. Tonight I ask the committee is it true that Mr. Feld is one of the reasons our State Supreme Court changed the probable cause review process."

Nancy Stone, of 10 Fielding Road, reviewed her concerns with the Special Improvement District (SID). She posed questions in regards to the new Executive Director hired from Denville. She noted that she had unanswered questions presented to the SID.

David Stone, of 10 Fielding Road, advised he and his wife were proud tax paying property owners, unlike Mayor Prupis. He expressed his displeasure with Mayor Prupis. He expressed discontent and recommended Ms. Prupis step down from governance and noted that the rest of the Committee would be voted out if they did not change.

Elizabeth Vollavanh, of 54 Cedar Street and member of the Environmental Commission, advised the township had the ability to create stricter storm water regulations. She asked if the commission would have a chance to support the ordinance if their meeting would be after the next Township Committee meeting.

Mr. Falcon reviewed the matter. Mr. McDonald advised the storm water ordinance was required and if the Environmental Commission had stricter changes they would like to present to the Committee for consideration then amendments could be made to the ordinance at a later date.

Dave Boyko, of 30 Farmstead Road, wished the Committee and Happy New Year and best wishes. He hoped they had the patience to serve the rest of their terms. He thanked them for all they did for the town as volunteers.

Mayor Prupis closed public comment. Mayor Prupis asked if any of members of the Committee had any additional comments. Mayor Prupis added that she did not go door to door for any businesses in town; however, was more than happy to meet with any member of the public during her office hours. Mayor Prupis and Mr. McDonald reviewed the Perkins Eastman extension with a report presented in March or

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April. Mr. Wasserman reiterated that there was no extra monies paid to Perkins Eastman for the extension.

Mayor Prupis asked if Ms. Stone's SID questions would be answered. Mr. McDonald asked that the questions be forwarded to him and the SID.

Ms. Thall Eglow and Mr. McDonald advised the town has never had a professional grant writer on staff although outside companies have been used in the past.

Ms. Thall Eglow asked if other similar municipalities had on staff attorneys. Mr. McDonald advised there was a lot to consider when the hiring of a new employee.

Mr. Wasserman spoke to Mr. Gleason's credentials and qualifications. He advised the SID was about supporting the businesses in town.

Ms. Thall Eglow hoped the cell phone tower subject was not dismissed as many residents in those areas had really bad cell phone service. She emphasized her interest in serving on the zoning code review committee.

Mayor Prupis advised public comments would be allowed on the consent agenda items and there would further discussions with her fellow Committee members in regards to a set of rules.

Adjournment

Mayor Prupis asked if anyone had any remaining comments or questions. Receiving none, she asked for a motion to close the public session of the meeting, which was offered by Mr. Wasserman and seconded by Ms. Thall Eglow. The meeting was adjourned at 9:15 PM. Vote: All Ayes

Christine A. Gatti, RMC
Township Clerk

Approved: April 6, 2021