

MINUTES FOR THE MILLBURN SHORT HILLS BUSINESS ORGANIZATION, INC.

Special Improvement District Board of Trustees Meeting

Thursday, March 10, 2022 – 6:30 PM

<https://zoom.us/j/97896106862?pwd=ajJubFB3WEhsbGt6MVNYYWpTUWNuUT09>

Passcode: 258286

Also live streaming on YouTube

SUNSHINE COMPLIANCE STATEMENT - Tracy Katz Levine, Secretary

Notice of the time, date, location, and agenda of this meeting, to the extent known, was provided at least forty-eight (48) hours prior to the commencement of this meeting in the following manner pursuant to the provisions of N.J.S.A. 10:4-6, et seq. (The Open Public Meetings Act). Notice was posted in Town Hall and the Township's website, by notification to newspapers on December 22, 2021 of the schedule for 2022 and by providing notice to the Township Clerk.

SALUTE TO THE FLAG

ROLL CALL - Tracy Katz Levine, Secretary

*Tracy Katz Levine was not present. Board approved Jumana Culligan to serve in her place
Present – Jumana Culligan, Richard Wasserman, Stephen Winer, Jackie Benjamin Lieberberg,
Michael Parlavecchio, Ashley Schultz, Andrew Morgan (via Zoom), Steve Grillo, Amanda Dean,
Ryan Cooper
Absent – Tracy Katz Levine*

Oath of Office administered to J. Culligan and M. Parlavecchio by R. Cooper

SID MISSION STATEMENT – Michael Parlavecchio, Chairman

The purpose of a Special Improvement District (SID) is to promote, grow and support local businesses, property owners, residents, and visitors. Millburn Township's SID ordinance designates a new District Management Corporation (DMC) whose mission is to encourage the economic, cultural, and social vitality of Millburn Township through increased marketing and visibility, improved and renewed infrastructure and local business development and engagement.

APPROVAL OF MINUTES - Tracy Katz Levine, Secretary

- Minutes from February 9, 2022 (Attachment 1)

*Requested by J. Culligan, Motion by S. Winer, Second by R. Wasserman
Approved unanimously. A. Schultz & M. Parlavecchio Not Voting as Not in Attendance for
February Meeting*

PUBLIC COMMENTS - Michael Parlavecchio, Chairman

When invited to speak, come to the lectern, clearly state your name and address, and speak into the podium microphone so that your comments can be understood by all and properly recorded. Whenever an audience or Committee member reads from a prepared statement, please provide a copy to tracy@exploremillburnshorthills.org. Speakers are asked to limit their comments to 3 minutes. Those who wish to participate in the meetings may do so in person with possible occupancy limitation or electronically by phone or computer via ZOOM. Individuals calling in will be able to fully participate in the meeting during the appropriate public comment periods.

Vicky Powell (Shala's Boutique) – Requested that Township revisit Sidewalk Sales regulations and have the timing match the Main St. Closure schedule. Praised Garden State Hemp's parking video and suggested Explore should perhaps do the same on Instagram. Requested that the "Greetings from Millburn" mural receive a paint touch-up

Jean Pasternak (342 Hobart Avenue) – Read a prepared statement provided by Jeffery Feld. Copy is included in these minutes

Perri Urso (514 Millburn Ave) – Read a prepared statement which is included in these minutes

TOWNSHIP COMMITTEE REPORT - R. Wasserman, Township Committeemember

- Main Street Pedestrian Mall Start Date (Attachment 2)

R. Wasserman discussed the Main St. Closure timing with an anticipated start date of May 6 with live music on Friday and Saturday evenings. Music will also be provided on Sunday mornings at various locations throughout the SID. Encouraged members of the community to spend money in the SID and support local businesses

BUSINESS ADMINISTRATOR'S REPORT – J. Moehlman, Asst. Business Administrator

- Taylor Park Gateway Project Public Meetings

Announced that there will be a public information session regarding the Gateway project on Mar. 29, (zoom or in-person). Concept plans will be revealed, and further public feedback will be gathered. J. Moehlman will continue to provide updates to the SID board. Noted that S. Grillo sits on sub-committee representing the needs of business and commercial property owners in the vicinity

- 1 Hour Parking Pilot Program for Millburn Avenue (Attachment 3)

Announced pilot 1-hr parking pilot (60 day trial). Discussion ensued regarding the merits of 1-hr parking. S. Winer inquired if we could get data from Pay Stations. A. Morgan inquired about enforcement for parking limits

TREASURER'S REPORT – S. Winer, Treasurer

- Report on Expenses through February 28 (Attachment 4)

S. Winer reviewed the monthly financial report. Noted that \$17,500 in new sponsorship was secured from the Gonella Real Estate Group and Envoy. Sponsorship will be used for live music, treepit maintenance, flowerpot purchase and installation and economic development projects. A separate sponsorship tracking section has been added to the monthly report

COMMITTEE REPORTS

- Introduction of Amanda Dean, Marketing & Events Manager – *M. Parlavecchio*
- Upcoming Events Schedule – *A. Dean, Marketing Manager* (Attachment 5)

Amanda Dean introduced herself and noted that she has jumped right into the position and has been meeting business owners and working on event schedules. She is also working on lots of cross-promotions including the Lunar New Year celebration, March Fourth Cancer Awareness Event and Arthritis Awareness Event at Icebox Cryotherapy

Amanda also noted upcoming events including Tonino Cigars Ribbon Cutting, Stroll, Shop Savor event (April 2), Millburn Egg Hunt (April 9), Founding Day (April 30), Main Street live music, Girls Night Out (Mother's Day weekend), an event for Father's Day Weekend (Upper Millburn Avenue) and the "Open Streets Program."

- Founding Day Event - *J. Benjamin Lieberberg* (Attachment 6)

Discussed the schedule of events for the day (April 30) and Explore's role in organizing the event, providing significant programs including the launch of the Open Air Art Gallery at the alleyway near Goldberg's Deli, a townwide litter cleanup, the repair of 50 treepits throughout town and public art projects. Explore was also responsible for developing all marketing and outreach for the group

- Business Outreach Survey Discussion - *A. Dean*

Amanda will work with the Marketing Committee to develop a survey to assess current needs of businesses and how Explore's programming can address issues they face with marketing and exposure.

EXECUTIVE DIRECTOR REPORT – S. Grillo, Executive Director

- EMSH Advisory Committee Report

Noted that the Committee met on March 2nd as a preliminary kick-off. Next meeting will be on April 5 and information from that meeting will be presented to the Board on a monthly basis

- Townwide Signage Committee Update

Noted that the committee composed of Historic Preservation Commission, Creative Collective, Paper Mill Playhouse and Jesus Nunez will be meeting on March 23 to discuss the project for creating gateway and wayfinding signage. Additional information will be provided monthly

- Business Opening Report (Attachment 7)
Multiple new businesses have or are planned to open in the next few weeks. Explore is actively working with them to assist in promoting them, hosting ribbon cuttings and special events
- Review of Q1/Q2 Capital Improvement/Beautification Plan (Attachment 8)
Reviewed the various projects associated with Founding Day which will serve as the launch of the Spring beautification season. This includes a planned powerwashing of Upper Millburn Ave, treepit maintenance and plantings, multiple murals and public art installations, games for the public including a giant chess board and Connect4 as well as a bocce court and selfie wall

CONTRACT AUTHORIZATIONS - S. Grillo

Voted on as a package (Items 9-14) with a Motion from Jumana Culligan and Second from Stephen Winer. Unanimously approved

- \$3,500 to TruClean for Powerwashing Upper Millburn Avenue (Attachment 9)
Approved to proceed
- \$1,000 to Jesus Nunez for Mural at 313A Millburn Avenue (Attachment 10)
Approved to proceed. Subsequently postponed
- \$750 to Green Door Studio for Mural at 325 Millburn Avenue (Attachment 11)
Approved to proceed
- \$2,000 to Green Door Studio for Mural at 35 Main Street (Attachment 12)
Tabled and subsequently will not proceed
- \$7,750 to Birch Hill Landscaping for Treepits & Planters (Attachment 13)
Approved to proceed
- \$4,500 to Think Outside the Cube for Main St Pedestrian Mall Stage (Attachment 14)
Tabled due to additional questions about the structure including size, weight capacity etc.
- \$9,375 (Not to Exceed) to Nisivoccia LLP for Annual Audit, Ida Fund Review and Tax Document Submissions (Attachment 15)
Approved to proceed
Voted on individually. Board presented language changes to the contract which will be developed by Ryan Cooper and provided to the vendor. Motion made by S. Winer to approve with comments, Second by Andrew Morgan. Approved unanimously.

BOARD COMMENTS, VOLUNTEER ASSIGNMENTS & ADJOURNMENT

J. Lieberberg requested volunteers for Founding Day. Volunteer sign up forms can be found on the Explore website. S. Winer suggested that Explore consider purchasing new "swag" for public events. Motion to Adjourn by S. Winer, Second by J. Lieberberg, Unanimously Approved at 8:32PM

NEXT MEETING - WEDNESDAY, APRIL 13 AT 6:30PM

Jeffrey S. Feld, Esq.
11 Alexander Lane
Short Hills, New Jersey 07078
973.476.7309 (tele)
hardwaredad@aol.com (email)

March 10, 2022

(via email)
Steve Grillo, Executive Director
Millburn-Short Hills Business Organization Inc.
Townhall
375 Millburn Avenue
Millburn, New Jersey

RE: March 10, 2022 at 6:30 pm Hybrid Virtual Regular SID Meeting

Dear SID Executive Director Grillo:

Due to the Township's conflicting in-person only affordable housing public forum at the Millburn Middle School, I am unable to attend tonight's hybrid regular SID monthly meeting. Accordingly, I respectfully request that this letter be distributed to all SID Board Members and its receipt announced during virtual public comments. Because I am submitting this written comment pursuant to the terms and spirit of Local Finance Notice 2020-21 (Sept. 24, 2020) "New Emergency Regulations: Remote Public Meetings Held During a Declared Emergency," I waive my virtual right to participate orally on March 10, 2022. Pursuant to Local Finance Notice 2020-21, the following new questions should be read into the record subject to the three minutes public comment limitation.

I reserve my right to supplement these pertinent virtual written public hearing questions and comments.

**"To save democracy abroad, we have to show how it can work at home." Bret Stephens "Opinion: Ukraine Is a Test We Must Not Fail"
The New York Times (March 8, 2022)**

Due to the pending litigation regarding the validity of this expanded appointed 5 district SID under State law, tonight's conflicting affordable housing public forum, questions about the lack of robust informed civic participation regarding the February 15, 2022 after 11:30 pm consideration and approval of the SID's CY 2022 Budget and first CY 2022 lump sum appropriation and the lack of public buy in by the property owners funding these expenditures through their involuntary SID assessment, you may wish to delay consideration on certain non audit expenditure agenda action items until your next regular April meeting. This is a very fluid situation. History matters. Context matters. Grit matters. Our constitutional form of representative democracy is under attack. The legal landscape has

shifted. On February 28, 2022, the Superior Court scheduled a June 29, 2022 at 9:00 am nonbinding arbitration session in the Bear Properties hybrid prerogative writ/declaratory judgment/civil rights act violations action. (ESX-L-1933-21).

On March 1, 2022, during his municipal attorney report, the municipal attorney (Attorney Andrew Brewer) failed to disclose the Superior Court invitation to arbitrate the Bear Properties SID validity dispute. On March 1, 2022, I disclosed the Superior Court invitation. I also introduced myself to Attorney Brewer.

On March 1, 2022, the local governing body acknowledged the adverse consequences arising from the filing of a complaint within a twenty days estoppel period. See, In re Petition for Referendum to Repeal Ordinance 2354-12 of the Twp. of West Orange, 233 N.J. 589 (2015) (explaining inability of attorney to deliver a clean bond opinion if lawsuit filed within statutory estoppel period).

On or about March 1, 2022, the Township issued the first lump sum CY 2022 special assessment payment notices. I and others inquired whether the Township and the SID would consent to the escrow of these monies pending entry of a Court Order authorizing the release of these monies. I questioned who would reimburse property owners if plaintiffs prevailed in the Bear Properties hybrid prerogative writ/declaratory judgment/civil rights act violations action. On March 8, 2022, Attorney Andrew Brewer (via email) rejected my escrow proposal. Attorney Brewer implicitly issued a “no merit” e-mail written legal opinion. See, Jimenez v. Union County Improvement Authority, A-0764-21 (App. Div. Feb. 15, 2022) (in the absence of a “no merits” legal opinion, finding County assumed business risk and reimposing injunction against County).

On March 8, 2022 at 4:11pm, the March 10, 2022 Agenda Packet was posted. The Agenda listed the following agenda action items:

\$9,375 Retention of CY 2021 and Hurricane Ida Relief Fund Auditor

\$7,750 Birch Hill Landscaping

\$4,500 Think Outside the Cube (Branded Performance Stage)

\$3,500 Tru Clean-Upper Millburn Avenue

\$2,000 35 Main Street Mural

\$1,000 313A Millburn Avenue Mural

\$ 750 325 Millburn Avenue Mural

A review of the January, February and March 2022 Agenda Packets reveals the following cash activity:

Account Balance YTD Expenditures

01-07-22 \$21,076.52 \$0

02-03-22 \$6,207 \$17,078.55

03-02-22 \$43,648 \$42,941.95

As fiduciaries of a public trust, you may wish to consider whether it would be prudent to approve expenditures while lacking the current on deposit unencumbered funds to pay these obligations. That is a fiduciary and personal business risk that you each must consider. “Fraud in the inducement” is not a frivolous and vexatious legal allegation.

You also may wish to consider the following three binding and precedential opinions issued this week:

Libertarians for Transparent Government v. Cumberland County, __N.J. __ (March 7, 2022) (Chief Justice Rabner requiring disclosure of employment dispute settlement pursuant to OPRA)

Moynihan v. Lynch, __ N.J. __ (March 8, 2022) (Justice Albin declaring statutory palimony agreement mandatory attorney review requirement to violate Article I, paragraph 1 of our State Constitution)

State v. Triosi, __N.J. Super. __ (App. Div. March 9, 2022) (members of the NJHMFA I appellate division concurring and my statutory interpretation methodology)

You may wish to consider the following persuasive opinion issued since your last regular meeting:

Amboy Bank v. Harbor View Estates LLC, A-1665-20 (App. Div. March 3, 2022) (To bring a private cause of action under RICO, a claimant must prove damages to its business or property by reason of a violation of RICO as the predicate act and proximate cause of the claimant’s injury)

You may wish to consider my historical sordid relationship with the SID Chair (who is also counsel to the County Board of Commissioners) which commenced in or about July 2011 when Judge John C. Kennedy granted me leave to amend my Feld VI Complaint to add the County as a named defendant. You may wish to consider the errors and omissions discovered by me in August 2012 in the proposed Orange Reservoir 15 Year Lease. You may wish to consider the County’s failure to collect all long term tax revenues due it under State law. You may wish to consider the County’s failure to question the validity of all post April 17, 1992 non-urban renewal entity NJHMFA Section 37 long term tax exemptions under State law.

You may wish to consider the municipal clerk’s immediate distancing from this expanded appointed 5 district SID. You may wish to consider the false, misleading and defamatory “frivolous and vexatious litigation” Happy Millburn CY 2020 post about me by the SID Board Secretary.

You may wish to consider the recent TC public comments about the behind closed door selection of SID Board Members by former mayor Jackie and committee member Wasserman. You may wish to consider the reasonableness of the public notice and access to the agenda packet afforded residents on August 11, 2020.

You may wish to consider the Township's delay in disclosing all the CY 2020 pre SID costs associated with the original pre SID Main Street Closure.

You may wish to consider the validity of Mr. Grillo's May 2021 after closed executive session retention without any public comment. You may wish to consider whether the local governing body ever approved Mr. Grillo's increased salary. You may wish to consider the validity of the February 15, 2022 retention of a new marketing consultant without any public comment.

You may wish to consider the validity of two TC Bill List Requisitions submitted by Mr. Grillo under penalty of perjury. You may wish to consider the validity of the TC emergency Ida appropriation to the SID under state law. You may wish to consider whether dissenting stakeholders were twice denied an opportunity to be heard prior to consideration and official action on the special Ida appropriation to the SID. You may wish to consider the TC's failure to adopt closed July 30, 2021 and September 9, 2021 closed executive session meeting minutes.

You may wish to consider Mr. Grillo's at least two distinct admissions against interest regarding the invalidity of this expanded appointed 5 district SID under State law. Words do have meaning.

You may wish to consider the SID's delay in responding to my and others written and oral questions. You may wish to consider the SID's delay in producing all Ida related charitable contribution donation confirmation letters. You may wish to consider the SID's delay in producing written evidence that all property owners received actual prior written notice of the proposed CY 2022 SID Budget and Assessment SID and TC public meetings. You may wish to consider Mr. Grillo's refusal to disclose who were the realtors and large property owners he met with at certain round tables.

You may wish to reconsider committee member Wasserman's March 2021 once and never again seen Upper Main Street solar tree video presentation. You may wish to reconsider committee member Wasserman's April 2021 chastisement of me for questioning the validity of the stealth "urban hipster" Main Street New Jersey application.

You may wish to reconsider my pre-Steve Grillo ("BS") December 2020 banter with the SID Chair about my "willful blindness" analogy to an ostrich with its head buried in the sand and its backside exposed to its enemies.

Finally, it is no secret that I will be a candidate in the upcoming local June 7, 2022 democratic township committee primary. On Sunday March 6, 2022, the local democratic party interviewed me for approximately 45 minutes. Two SID Board Members participated in my candidate interview. Dianne Eglow's candidate interview followed mine. I have requested the local democratic committee to post my written interview submissions and Zoom interview on its public website. I intend to file my nomination petition tomorrow on my 64th birthday.

PERTINENT NEW MARCH 10, 2022 QUESTIONS

1. When and from what property owners did the SID Board receive written and oral consent from property owners located outside the Downtown District for the proposed agenda action item use of assessment monies?
2. When and from whom did the SID Board receive a validity or “no merits” written legal opinion?
3. What weight should a prudent fiduciary of public trust accord to this written validity or “no merits” written legal opinion from our current municipal attorneys?
4. Was an amended complaint challenging the validity of this expanded appointed 5 district SID filed within the 20 days estoppel period?
5. In the event that the plaintiffs prevail in the Bear Properties hybrid prerogative writ/declaratory judgment/civil rights act violations action, from whom can the community recover all prior illegal and improper monies expenditures?
6. Are breach of fiduciary claims and obligations non-dischargeable under the United States Bankruptcy Code?
7. How and from whom were CY 2021 and Hurricane Ida Relief Fund Audit proposals solicited?
8. Who will prepare the SID’s CY 2020 Audit?
9. Why is this independent board-fiduciaries of a public trust-retaining an accounting firm that failed to discover the no change order overpayments to the municipal attorney?
10. Will the CY 2020 and CY 2021 Auditor investigate whether all payments to outside consultants and professionals were made pursuant to executed retention contracts?
11. Will the CY 2020 and CY 2021 Auditor address whether monies were properly appropriated and budgeted?
12. Will the CY 2020 and CY 2021 Auditor address whether monies were used for line item purposes never authorized or approved by the local governing body?
13. Of the proposed March 10, 2022 agenda action item expenditures, how much money is allocated among the 5 different districts?
14. Would it be prudent to disclose in the agenda action item, the district location of the project and the amount of monies allocated to the districts?
15. Would it be prudent to disclose each month the amounts of monies or income received during the prior reporting period?
16. In addition to the YTD number, would it be prudent to disclose each month the amount of expenditures paid during this month?
17. How does one explain and reconcile the differences between the actual sources of funds and the actual amounts of expenditures? Should that difference equal the opening account balances?
18. Why would a suburban community require the assistance of an entity named: “Urban Solutions Group”?
19. Why does the SID Executive Director refuse to disclose the identity of the round table realtors and large property owners described by the Executive Director during the last February 2022 SID meeting?
20. Are the monies appropriated and received by the SID for the Executive Director encumbered and reserved and not used for any other line item purpose?
21. From

whom and when did the SID Board receive a written legal opinion regarding the carryforward use of unexpended prior years monies, such as those unused funds flow into an unencumbered surplus account or those unused funds must be used to reduce the amount of next years SID appropriation?

22. When and how was the SID appropriation one lump sum method of payment disclosed and explained to all property owners?
23. From whom and when did the SID Board receive a written legal opinion as to under authority the as of October 1 assessment status can be modified after the “as of” October 1 assessment date?
24. In CY 2022, how many properties’ assessments were changed after the fact? 25. On February 15, 2022, did mayor Miggins have a disqualifying conflict of interest or appearance of impropriety regarding the SID’s CY 2022 Budget and CY 2022 Assessment?
26. Who authorized a “quid pro quo” shout out on the SID’s website for Mayor Miggins’ business the day after the contested approval of the SID’s CY 2022 Budget and Assessment?
27. Is Mr. Wasserman seeking reelection in CY 2022?

My public questions and comments should not be dismissed out-of-hand. Should you have any questions, please feel free to contact me prior to the meeting.

Respectfully submitted,

/s/ Jeffrey S. Feld

Jeffrey S. Feld

Enc.

cc: Ryan Cooper, Esq. (via email)
All SID Board Members (via email)
All Millburn Local Governing Body Members (via email)

From: jmpasternak@comcast.net,

To: abrewer@mfhenvlaw.com,

Cc: hardwaread@aol.com, ryan@cooperllc.com, amcdonald@millburntwp.org, steve@exploremillburnshorthills.org, michael@exploremillburnshorthills.org, stephen@exploremillburnshorthills.org, dlgs@dca.nj.gov, sean.thompson@dca.nj.gov, perriurso@yahoo.com, rnfutter1@verizon.net, nancystone18@gmail.com, drcosgrove1@gmail.com, jcohen@millburntwp.org, mmiggins@millburntwp.org, deglow@millburntwp.org, rwasserman@millburntwp.org, tprupis@millburntwp.org, svinayak@millburntwp.org, mary.mcnett@gmail.com, djpeagles@gmail.com, tracy@exploremillburnshorthills.org, kggerardesq@comcast.net,

Subject: Re: Bear Properties (ESX-L-5448-21)-First CY 2022 Special Assessment

Date: Tue, Mar 8, 2022 10:32 am

Dear Mr. Brewer,

As a local taxpayer in Millburn who has been a party to funding this entity for two years, would you please advise when the court issued a final ruling adjudicating the validity of this expanded, appointed 5-district SID under state law? Based upon your email, it seems your law firm is who we can turn to if the court invalidated the entity / ordinance.

Thank you,

Jean Pasternak

342 Hobart Avenue

On Mar 8, 2022, at 9:17 AM, Andrew Brewer <abrewer@mfhenvlaw.com> wrote:

Mr. Feld,

There is no merit to your request to have any portion of the SID assessment deposited with the Court. As you may recall, you commenced this litigation with a request for an injunction against implementation of the subject ordinance which relief was denied by the Court. Your request to deposit SID assessments into Court would be tantamount to obtaining the injunctive relief which, as mentioned above, was denied more than a year ago. Please be guided accordingly.

Andrew

Andrew Brewer, Esq.

MARAZITI

FALCON, LLP

240 Cedar Knolls Road, Suite 301

Cedar Knolls, NJ 07927

973.912.6813 (Direct) | 973.912.9008 (Phone) | 973.912.9007 (Facsimile)

abrewer@mfhenvlaw.com www.mfhlaw.com

ABA-EPA LAW OFFICE CLIMATE CHANGE PARTNER

From: fi <hardwaread@aol.com>

Sent: Monday, March 7, 2022 3:58 PM

To: Andrew Brewer <abrewer@mfhenvlaw.com>; ryan@cooperllc.com

Cc: amcdonald@millburntwp.org; steve@exploremillburnshorthills.org; michael@exploremillburnshorthills.org; stephen@exploremillburnshorthills.org; dlgs@dca.nj.gov; sean.thompson@dca.nj.gov; perriurso@yahoo.com; rnfutter1@verizon.net; nancystone18@gmail.com; jmpasternak@comcast.net; drcosgrove1@gmail.com; jcohen@millburntwp.org; mmiggins@millburntwp.org; deglow@millburntwp.org; rwasserman@millburntwp.org; tprupis@millburntwp.org; svinayak@millburntwp.org; mary.mcnett@gmail.com; djpeagles@gmail.com; tracy@exploremillburnshorthills.org; kggerardesq@comcast.net

Subject: Re: Bear Properties (ESX-L-5448-21)-First CY 2022 Special Assessment

Many local property owners are concerned about the first SID special assessment due in April. Would you please reply whether the Millburn public entities will consent to placing the monies into escrow pending entry of a further court order. Or whether certain public officials are willing to assume the personal risk of loss in the event the court invalidates the expanded appointed 5 district SID. It would be outrageous if taxpayers are asked to make up this avoidable loss.

-----Original Message-----

From: fi <hardwaread@aol.com>

To: abrewer@mfhenvlaw.com <abrewer@mfhenvlaw.com>; ryan@cooperllc.com <ryan@cooperllc.com> Cc: amcdonald@millburntwp.org <amcdonald@millburntwp.org>; steve@exploremillburnshorthills.org <steve@exploremillburnshorthills.org>; michael@exploremillburnshorthills.org <michael@exploremillburnshorthills.org>; stephen@exploremillburnshorthills.org <stephen@exploremillburnshorthills.org>; dlgs@dca.nj.gov <dlgs@dca.nj.gov>; sean.thompson@dca.nj.gov <sean.thompson@dca.nj.gov>; perriurso@yahoo.com <perriurso@yahoo.com>; rnfutter1@verizon.net <rnfutter1@verizon.net>; nancystone18@gmail.com <nancystone18@gmail.com>; jmpasternak@comcast.net <jmpasternak@comcast.net>; drcosgrove1@gmail.com <drcosgrove1@gmail.com>; jcohen@millburntwp.org <jcohen@millburntwp.org>; mmiggins@millburntwp.org <mmiggins@millburntwp.org>; deglow@millburntwp.org <deglow@millburntwp.org>; rwasserman@millburntwp.org <rwasserman@millburntwp.org>; tprupis@millburntwp.org <tprupis@millburntwp.org>; svinayak@millburntwp.org <svinayak@millburntwp.org>; mary.mcnett@gmail.com <mary.mcnett@gmail.com>; djpeagles@gmail.com <djpeagles@gmail.com>; tracy@exploremillburnshorthills.org <tracy@exploremillburnshorthills.org>; kggerardesq@comcast.net <kggerardesq@comcast.net>

Sent: Fri, Mar 4, 2022 10:51 am

Subject: Re: Bear Properties (ESX-L-5448-21)-First CY 2022 Special Assessment

Gentlemen:

Would you please advise whether your clients will consent to the deposit of CY 2022 SID Tax Assessments pending resolution of the pending validity litigation.

I assume that you have explained the unintentional business risks and adverse consequences (possible personal breach of fiduciary liabilities) that could arise if monies are expended and the SID deemed and found to be void ab initio. The public record is what it is.

I renew my proposal to meet face to face on Monday. Otherwise, I will commence drafting an appropriate motion to be filed by the end of next week.

Jeffrey S. Feld

-----Original Message-----

From: fi <hardwaredad@aol.com>

To: abrewer@mfhenvlaw.com <abrewer@mfhenvlaw.com>; ryan@cooperllc.com <ryan@cooperllc.com> Cc: amcdonald@millburntwp.org <amcdonald@millburntwp.org>; steve@exploremillburnshorthills.org <steve@exploremillburnshorthills.org>; michael@exploremillburnshorthills.org <michael@exploremillburnshorthills.org>; stephen@exploremillburnshorthills.org <stephen@exploremillburnshorthills.org>; dlgs@dca.nj.gov <dlgs@dca.nj.gov>; sean.thompson@dca.nj.gov <sean.thompson@dca.nj.gov>; perriurso@yahoo.com <perriurso@yahoo.com>; rnfutter1@verizon.net <rnfutter1@verizon.net>; nancystone18@gmail.com <nancystone18@gmail.com>; jmpasternak@comcast.net <jmpasternak@comcast.net>; drcosgrove1@gmail.com <drcosgrove1@gmail.com>; jcohen@millburntwp.org <jcohen@millburntwp.org>; mmiggins@millburntwp.org <mmiggins@millburntwp.org>; deglow@millburntwp.org <deglow@millburntwp.org>; rwasserman@millburntwp.org <rwasserman@millburntwp.org>; tprupis@millburntwp.org <tprupis@millburntwp.org>; svinayak@millburntwp.org <svinayak@millburntwp.org>; mary.mcnett@gmail.com <mary.mcnett@gmail.com>; djpeagles@gmail.com <djpeagles@gmail.com>; tracy@exploremillburnshorthills.org <tracy@exploremillburnshorthills.org>; kggerardesq@comcast.net <kggerardesq@comcast.net>

Sent: Wed, Mar 2, 2022 5:18 pm

Subject: Bear Properties (ESX-L-5448-21)-First CY 2022 Special Assessment

Gentlemen:

I suggest that we meet face to face to discuss various developing issues, including the recent "first" SID CY 2022 special assessment notices that were received today and the recent Superior Court invitation to arbitrate this statutory interpretation issue.

Today, after last night's various compounding admissions against interests (such as the use of surplus monies for line items purposes not authorized and approved CY 2021 Budget purposes and the adverse consequences of a complaint filed within the 20 days estoppel period), what rational prudent property and business owner would turn over monies **with no likelihood of return** for an expanded appointed 5 district SID whose validity under State law is being contested and no lawyer will tender either a validity or no merit opinion.

Moreover, there are serious issues (including new expanded conflict of interest/appearance of impropriety allegations against our new mayor whose was not a voting TC member in August 2020) as to the procedural and substantive validity of the SID's Feb. 15, 2022 CY 2022 Budget and Assessment under State law.

Accordingly, I suggest that we enter into a consent order either permitting the deposit (implead) the first SID special assessments into court or the Township agrees not to turn over all original SID special tax assessments until entry of a court order authorizing the release of such involuntary payments.

This is a novel test case. It is time to be creative. This special SID charge is akin to a new neighborhood association fee imposed after a property owner acquired the property not subject to any additional fees and charges. Moreover, this is an involuntary tax which subjects a property to an in rem tax lien foreclosure.

It is time to stop squandering this community's intangible good will.

Please advise. I appreciate input from all recipients to this email. Jeffrey S. Feld

From: Perri Urso <perriurso@yahoo.com>
Date: Tue, Mar 15, 2022 at 3:40 PM
Subject: 3/10/22 SID MEETING COMMENTS
To: <tracy@exploremillburnshorthills.org>

Please include my prepared statement in the 3/10/22 minutes SID MEETING COMMENTS from Mrs. Perri Urso (3:26/ with 4 interruptions by the Chair)

Members of the public were kept until after 11:30 in the evening at the February 15th TC meeting, where the Mayor did not recuse herself from voting on the 2022 SID Budget & Assessment Roll, opined that she poses no conflict in the appearance of impropriety but the next day EXPLORE showcases her business with her in the photo on social media...no conflict just as Ms. Prupis has no conflict...the TC and this body doesn't think so, but you don't have a legal opinion on that from an attorney, such as Mr. Brewer. Why? It is appalling that our questions go unanswered. Why do only a select few property owners and realtors get invitations to Mr. GRILLO's round tables? Why are you all hiding behind a lawsuit? In my opinion I understand that trustees and committee members can possibly be personally liable for the use of any explore funds that are subject to a lawsuit within the estoppel period, have you been properly informed by that? You've all continued to be creatures of habits, history repeats itself, you go into closed executive session and come out voting unanimously once again approving another contract for a marketing director without public comment. What oversight has been done by this body and especially by Jackie Lieberberg & Committeeman Wasserman? You have allowed this ED to publicly disrespect a property owner who's been in business for over 100 years with no regard and having the ability to intimidate anyone in opposition with no additional response from the public. You've allowed this ED to carelessly spend monies without any oversight, one example paying for characters at \$450 a pop, wouldn't it been mindful to solicit a volunteer and purchase a costume at a fraction of the price which could be saved for another time...does that sound business minded to you? Who authorized this ED to expense his travel and meals? Isn't the ED a independent contractor providing this board with a 1099?? Why is this ED allowed to have events at different locations paid with assessments to businesses that are highlighted; shouldn't these expenses be donated by the merchants? You've allowed this ED to present proposal without any additional public knowledge of competing RFP's. Why are you allowing this ED to include an area for beautification whom has been exempt from the assessment and under going construction? Why are assessments being used towards building improvements to particular properties such as murals & lighting? Was this ED allowed to negotiate the assessments due date of April 1st to be paid in one lump sum without proper procedures and approvals of the TC by way of Resolution or Ordinance? Why were there properties excluded from the assessments

with certain considerations and others were not? Jackie Lieberberg lied to the property owners that the assessment was \$204k in 2022 not \$273k at a rate of .00071 and not .00067. You've all allowed this ED to propose the expenses this evening in largely one district and allow the others districts to pay the assessment without equal representation. When is ENOUGH IS ENOUGH

Thank you Mrs. Perri Urso