

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 electronically via Zoom Meeting starting at 7:00 PM on the above date.

Mayor Lieberberg 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 electronically via Zoom at 7:00 PM on June 2, 2020.

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

Upon call of the roll, the following Committee members were recorded present: Cheryl H. Burstein (via Zoom), Jackie Benjamin Lieberberg, Tara B. Prupis, Dianne Thall Eglow (via Zoom) and Richard J. Wasserman. Also present were Business Administrator Alexander McDonald (via Zoom), Township Attorney Christopher Falcon (via Zoom), Township Clerk Christine Gatti and Assistant Administrator Jimmy Homsy (via Zoom).

Approval of Agenda

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

Vote: All Ayes

Proclamation

A Proclamation was presented to recognize Gun Violence Awareness Day by Mayor Lieberberg. It was noted that the First Friday in June is National Gun Violence Awareness day.

Minutes

Mayor Lieberberg asked for a motion to approve the May 5, 2020 Regular Meeting Minutes. The motion was made by Ms. Cheryl Burstein and seconded by Ms. Prupis.

Vote: All Ayes

Mayor Lieberberg asked for a motion to approve the May 5, 2020 Special Meeting Minutes. The motion was made by Ms. Thall Eglow and seconded by Mr. Wasserman.

Vote: All Ayes

Reports

Mayor Lieberberg shared her thoughts on the death of George Floyd in Minneapolis, and asked for a moment of silence.

The following statement was made and submitted by Mayor Lieberberg:

“A COVID update, there are currently 136 confirmed residents with COVID-19 in Millburn Township the number continues to remain steady, so let’s keep up the good work here. Essex County is reporting 17,761 residents having tested positive for COVID-19.

Farmers Market – Today was the first day of the 2020 Farmers Market. Please be sure to join us next week, it was very well attended, and orderly. Committeeman Wasserman and I were there this afternoon social distancing protocols were observed, residents were very grateful for the opportunity. Ort Farms, Alstead Farms, Dr. Pickle, Paolo’s Kitchen, Gourmet Fruit and Nuts, shop local support small business, hope to see you there next week, the hours are one to six at the lot across from Fiamma.

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Plastic Bag Ordinance – This is gentle reminder that the plastic bag ordinance will be in effect beginning June 12th. I've already seen announcements from our local ShopRite announcing the five cent charge for paper and ten cents for compliant plastic and ninety-nine for a reusable tote, you can bring your own bags into ShopRite just know that you must pack your own groceries.

The New Bid SID: we will be discussing this later this evening and there has been some incorrect information being disseminated. I want to reiterate my support for this organization and mechanism that will work closely with all our merchants I'm facilitating onboarding in our districts working on specialty programming and marketing initiatives that will all act as a catalyst for community engagement as have discussed before the director will be housed in town hall all operational costs, rent, tech support, etc., will be provided by the township. The township will pick up half of the director's salary the territory will be expanded to conclude all of our business districts the approximate two-hundred thousand dollars, less half of the directors salary will allow for an organization to be proactive, drive participation, and engagement. There will be more information about that later

State Reopening: Governor Murphy has ordered that phase two of the state's re-entry program will begin on June 15 this will include outdoor restaurants seating, sidewalk shopping and outdoor fitness are some of the initiatives that will begin. This will also be discussed a bit later. June 22nd is the targeted date for personal care openings, barbershops, hair salons, nail salons we will keep you apprised as this information unfolds. Thursday, Essex County continues its food distribution to our most needy, this week it will be at Codey Arena at 10:00 a.m. and if you are inbound senior citizen without a car special deliveries are also being made. Please check out the Essex County website for details.

Mobile Testing for Covid: That will take place Thursday in Maplewood from 4:00 to 6:30 at the Maplewood Community Pool. Next Tuesday it will be at the Nutley rec building, 44 Park Avenue. All these details can be found on Essex Covid-19 website.

Additional information: Turtleback Zoo is hiring there are job opportunities in guest relations, paddle boats, treetop adventure, parking and maintenance. All individuals must be 18 years of age or over, there is also a website for additional information through the Turtleback Zoo that will be also on our website so you can link there as well; and last but not least –

Millburn Township: Our Rec Department in conjunction with Summit Soundz will be hosting five of drive-in movies at the high school parking lot, those nights are June 25th through June 29th, so please mark your calendars and be sure to sign up, check out our website under the rec department section and there are more detail there.

I want to also let everyone know that tennis and Par-3 so be sure to sign up for your membership. Last but not least, drumroll please, the inaugural issue of our township newsletter The Millwheel will arrive in your inboxes tomorrow, please be sure to read it, share it all the pertinent information and turns our friends and neighbors to sign up, it is free.”

Ms. Burstein advised that they had a Library Board of Trustees meeting in which they discussed online traffic with fulfilling people's needs electronically and reviewed the library's application for grants that will be finally put into place very shortly. Unfortunately due to Covid-19 the *Friends of the Library* programs have not been going forward. Mayor Lieberberg added the library would be next on the Governor's reopening plan for June 22nd. Ms. Burstein concurred and added they were looking forward to the reopening.

Ms. Thall Eglow reported that she met with Maurice, Traffic Engineer, from Maser Consulting. She added that she recalled that during the last meeting three of the board members wanted Maser Consulting to review the plan of an initial drawing to look at the work for the lot behind Town Hall Plaza and the entrance into Town Hall Plaza. Ms. Thall Eglow referred to a letter from the traffic engineer that detailed the proposed work and the estimated cost of the work which was between estimated at three hundred and fifty thousand to about four hundred thousand dollars. Ms. Thall Eglow hoped the Committee would further look into this proposal and consider the four week construction project. She stated that Maser Consulting will also took a look at street parking on Millburn Avenue and she

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reviewed the proposed changes. Ms. Thall Eglow reiterated that she hoped the Committee would further look into and consider the construction projects specified during her report.

Mr. Wasserman reported that on June 5th at three o'clock in front of town hall the Pride Flag would be raised, and reflected this was a great time for Millburn's diverse communities to come together during difficult times. He stated the current social limitations are set to twenty-five allowed to gather; however accommodations would be made if needed. Mr. Wasserman voiced his support of the Special Improvement District (SID) Ordinance. He added that both he and the Mayor have spoken with commercial property owners. He shared concerns regarding the current economic climate and noted that businesses in town are struggling and stated that the SID could really assist many businesses and provide certain advantages.

Ms. Prupis advised that she met with Daniel Baer, Mr. McDonald, and Mr. Wasserman and discussed the potential of closing some streets and expanding certain areas to allow for restaurants to expand their business during this time. In addition, Ms. Prupis reported that she and the Mayor will be working on the Rules of Order by the Committee and will also review the processes of the Township Committee.

Mr. McDonald informed the Township Committee members and residents that the *Shop and Drop Program* for the senior residents had concluded and was very successful and the township received great feedback. The senior residents were notified last week about the cessation of the program. The senior bus has been reinstated so they may make their way to the grocery store and pharmacy if needed. Mr. McDonald provided some statistics on the program. In addition, Mr. McDonald added to Ms. Prupis' report in regards to exploring different options to assist the business community during the reopening. He added that if the business community had any questions in regard to reopening standards they should email covidquestions@millburntwp.org and the town would do their best to assist.

Presentation

Special Improvement District Draft Ordinance

Mr. McDonald made a presentation pertaining to the proposed ordinance of the Special Improvement District (SID). He reviewed the tentative timeline: June 9th information would be sent out to set up a Zoom call for an information session. June 16th would be the potential introduction date of the ordinance. He added that July 14th would be the scheduled public hearing and consideration of adoption date. On July 14th the Committee would also consider appointments to the proposed Board of Trustees given that the ordinance passed. By July or August 2020 the search for a full time Executive Director would commence, with the hiring by September 2020. The Board of Trustees then would set their goals, objectives and bylaws. The Trustees would work on their budget to be considered by the Township Committee by March 2021. The first assessment of the Special Improvement District budget would not take place until April 2021. Ms. Thall Eglow asked when the business owners would receive their first tax bill and when would that money be due. Mr. McDonald advised that the business owners would be billed in March and payment would be due in April. He added that in the past payment was half of the bill; however, the Board of Trustees would have to that established. Mr. McDonald provided some background information on the Special Improvement District (SID) first established in 1992. Boundaries included the B-4, B-2 (on Millburn Avenue between Essex Street & Wyoming Avenue), OR-2 district (on Millburn Avenue between Wyoming Avenue and Ridgewood Road) and the Paper Mill Playhouse. The SID ordinance was overseen by the Downtown Millburn Development Alliance (DMDA), a District Management Corporation. The DMDA was dissolved in December of 2018.

Mr. McDonald reviewed the need for a Special Improvement District. He advised that the Township of Millburn required a business advocate group (a group dedicated to the economic vitality of the business districts). He added that they need an Executive Director to manage the needs of a board and its business community. He stated that the Township of Millburn did not have an active district corporation that was focused on its business community and the revised ordinance would address the outdated deficiencies in the ordinance from 1992 and would allow for a reemergence after the current public health crisis. Mr. McDonald addressed what would be different. He noted that the SID ordinance would expand its boundaries to include all of the B-2, B-3, and B-4 districts and the township and Township

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Committee would have greater control over the SID. He added that the township could administer grants through the DMC. He advised that the timing of the budget would be consistent with the timing for the township budget and would flow like municipal budget law. It was noted that it would not include the B-1 district which is designated solely for the Mall at Short Hills. He pointed out that some items would remain the same. He stated that there would be a special assessment of property owners based on property valuations and their percentage of retail. The powers designated to the District Management Corporation are enumerated in the statute that allows municipalities to put forth a Special Improvement District, and would be confined to the bylaws. The assessment would be calculated by multiplying: assessed valuation, rate, percentage chargeable.

Mr. Wasserman added a question, would there be an average of the amount paid, Mr. McDonald answer the average assessed value in the B-2, B-3, B-4 was one million eight hundred eighty four thousand seven hundred and twelve dollars. The average SID assessment more or less on an individual property would be one thousand two hundred sixty two dollars a year.

Mr. McDonald ended his presentation and addressed questions, comments and suggestions from Township Committee members.

Public Comment

Mayor Lieberberg made the following statement:

“Due to the COVID-19 pandemic Millburn town hall will be closed to the public for this meeting. Directions to access our meeting electronically via zoom have been properly noticed. If you would like to speak via computer or an iPhone please raise your hand and you will be acknowledged. If you are dialing in by phone please press *9. All members of the public wishing to speak will be put in a que to address the Committee. Please state your name and address so your comments may be properly recorded. 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 3 minutes. This is a business meeting and please do not address professionals or staff directly and please direct all comments to me.

Mayor Lieberberg opened the public comment period.

Michael Parlavecchio, of 139 Fairfield Drive, thanked the Committee for their commitment during difficult times. He stated his support for the proposed ordinance, and appreciated Mr. McDonald’s explanation. He thought it was a great idea to bring vitality to the downtown especially during current circumstances. He agreed with Ms. Burstein’s point where the township was in a planning stage, and when the township came out of difficult times they could be there for their merchants and assist the downtown by providing great services.

Nicholas Volpicelli, of 18 Overlook Terrace, started off by thanking the Committee for serving, and appreciated the new Zoom capabilities. He shared his concerns with the proposed SID ordinance, he noted that “the first is that this district would have the ability to purchase, rehabilitate, sell, lease or manage property in the district as well as mentioned borrow money from private lenders or from government entities...my second concern is on the governance of this SID, why merchants and the landlords cannot select amongst themselves the representatives that they feel will have their interests at heart for the Governing Body”.

Aditi Menon, of 21 Elsway Road, thanked the Committee members and stated that he appreciated their effort in spite of the difficult tasks. He wanted to understand what exactly would be planned to revitalize the downtown and he also inquired if a list could be provided of the merchants the Committee members spoke to, because he spoke to several merchants and they all seemed to deny that the Committee members spoke to them. He thanked them for their service and the opportunity to voice his concerns.

Nadege Nicoll, of 101 Knollwood Road, stated as a business owner she welcomed an organization to work and strengthen town businesses. She recalled many merchants attempted to do the same although they were too busy to continue with many of their ideas due to lack of time, skills, and

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commitment. She stated that as a property owner owning in a town that would flourish would have positive outcomes for everyone. The better the business community was the better they were going to attract other merchants which would increase everyone's property value. Ms. Nicoll went on to state that as a resident she felt people were craving to have a stronger sense of community and felt that the SID would allow for a greater sense of direction and unity. She expressed that the timing was perfect and expressed her excitement because she really looking forward to the passing of the ordinance.

Mile Mu, of 81 Mountain Avenue asked "I'd like to know the number of bedrooms in each unit at the Upton, the Mack Cali development and I'd like to know whether Covid-19 has affected the leasing timeline in any way, thank you?"

Mayor Lieberberg deferred to Mr. McDonald and he asked Mr. Mu to send an email to him so he may look into the matter and pass along the latest information. Mr. McDonald added that the leasing timeline was impacted by the Covid-19 situation because non-essential construction was shut down for quite some time, but wasn't sure how much it had impacted the leasing timeline of July.

Jean Pasternak, of 342 Hobart Avenue commended Mayor Lieberberg for her tremendous and excellent communication with the community over the course of the Covid-19 pandemic. She expressed her frustration with the Township Committee discussing and voting on the SID while the members of the public not being able to attend, the tone of the meeting was different when members of the public were not able to physically attend meetings where they are able to show their strength in numbers. She recalled a statement Mayor Lieberberg made with regard to not voting on anything of significance during the pandemic and while emergency orders were in effect. She asked Mayor Lieberberg if she would clarify what would be occurring during tonight's meeting.

Mayor Lieberberg advised that she did not think that back in March that the Township Committee would not be able to meet for so long. She noted that the SID demanded attention. She added that especially during the time where businesses struggle and are asking for a helping hand. She went on to state the township needed a mechanism to strengthen businesses and the interaction with the community.

Carrie Straussberg, of 20 Undercliff Road, thanked the Committee for their service during the pandemic and Mayor Lieberberg for her amazing communications. She went on to thank the Township, Mr. McDonald, Department of Public Works and the Township Committee for allowing the Millburn High School senior class of 2020 to hold a car parade in town. It would start at 4pm and would travel from Glenwood to the high school. The cars would be in shifts in order to limit the amount of traffic disruptions. She thanked the police for assisting, and asked people to cheer the seniors if they saw the parade go by.

Nancy Stone, of Essex Street, thanked the Committee for the opportunity to speak. She appreciated the feedback she received from Committeewoman Thall Eglow and shared her frustration that many of the merchants were not being heard on the Zoom meetings and chats. She thanked Committeewoman Burstein for not belittling the previous DMDA because there were many good people who served. She recalled Committeeman Wasserman vowed to disband the new SID if it did not work. She asked Mr. Wasserman how a dissolution would be allowed if a clause existed in the ordinance that would not allow the dissolution of the SID. She advised that many property owners were against this ordinance. Ms. Stone hoped the Committee members would speak to the opposing property owners by the next meeting. She added that she was opposed to the ordinance that occurred behind closed doors. She commented that the Executive Director's salary should be fully covered by the township instead of 50%. She asked that the process should be put on hold.

Perry Urso, of 506; 508, 514 Millburn Avenue and 1 Short Hills Avenue, began by thanking the Committee for their commitment to the township. She referred to an email sent to the Committee members and wanted to confirm that her message and questions were received. She shared her concerns that the Township Committee meetings were being held during curbside pickup hours as well as having technical difficulties of her own, with questions not answered to their full extent. She shared her passion, care, and value for the township businesses, merchants and townspeople especially the ones on the upper Millburn Short Hills area. She added that residents are fearful of speaking to the

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Township Committee as well as the township itself. She expressed her frustration, on how she and her business had to battle on their own while others were fearful of coming out to assist during the pandemic, and the frustration she had with the township in not helping her and other businesses with certain deadlines that were relaxed in other municipalities. She disagreed with implementing the SID during the difficult times

Jean Pasternak, of 342 Hobart Avenue, advised that she was not a merchant but was a property owner and expressed that she tried to be involved with township business as much as she could; however, she found it very sad that Ms. Urso had to plead with the Township Committee to be heard. She stated the town had to work together with their merchants.

Mayor Lieberberg stated the SID was designed to be inclusive, drive engagement, and participation ultimately it was designed to help; it was not to be designed as a financial hindrance on merchants.

Bernardine Wu, 40 Highland Avenue, thanked the Township Committee for their service and asked if the short term rental topic on the agenda was a discussion or a vote. Mayor Lieberberg advised it would be just a discussion under old business. Ms. Wu stated she would not go into detail as to why many homeowners were against short-term rentals; however, it was expressed those homeowners have asked for specific information and communication from the Committee and have not received responses. The Township Committee members expressed they had not recently received any emails from Ms. Wu. She asked when could the collaboration with the Committee members and homeowners occur in order to receive open communications, before a vote was made. Mayor Lieberberg reiterated the topic was not up for a vote and was still in a discussion phase, she encouraged Ms. Wu to email the Committee members and Business Administrator with her questions. Ms. Wu ended her public comment by stating that commitments were made in the past and not followed through. Committeewoman Thall Eglow advised Ms. Wu to follow the discussion during old business and to follow-up at the public hearing for the next meeting.

Amy Lawrence, of 36 Hawthorne Road, thanked the Township Committee for all their hard work during the difficult time. She applauded the Committee for having the ability to listen to residents and business owners on their perspectives. She expressed how others believed the recovery would happen versus how it might actually occur with a slow recovery instead of a fast paced recovery. She agreed with Ms. Burstein and others echo that it was the perfect time to start a plan that was going to help business owners in the long term, because it wouldn't just be a quick bounce back. She agreed that the details would have to be worked through and setup properly in order to help everyone overcome difficult times.

Maggie Miggins, of 34 South Terrace, thanked the Committee members for their leadership. She advised that she understood and expressed compassion for the merchants just like her, but she did appreciate the planning stage and the fine tuning of the details. She stated that the real-estate business was doing well although there was fear for when October and November rolled around. She encouraged the Committee members to keep up the good work and added that she is eager to see what would come out of the planning stage.

Ms. Stone asked Mr. Wasserman if he could acknowledge that he received the email that was sent by Ms. Urso and Mr. Wasserman acknowledged that he did in fact receive the email. Ms. Stone asked Mr. Wasserman if he would read Mr. Urso's questions out loud during the discussion. Mr. Wasserman stated that he had hoped Mr. Urso would ask her questions when she provided her public comment. Mayor Lieberberg advised that she would ask that Ms. Urso's questions be addressed by town legal counsel and the Business Administrator. Mr. McDonald indicated that the township would combine questions frequently asked and provide some clarification in order to provide the information to property owners and merchants.

Mayor Lieberberg encouraged property owners to participate in the Zoom meeting on Tuesday at 8:00am in order to have their questions answered. Committeewoman Prupis asked that the property owners Ms. Stone spoke upon to please reach out to the Committee members and they would be more than happy to answer their questions. Ms. Thall Eglow asked if Mr. Falcon knew historically of what

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would happen to a business for nonpayment of the SID tax. Mr. Falcon advised he did not recall if there was ever a historical instance; however, he did state based on law it was a tax and the town was entitled to invoke the remedies that were available for non-payment of taxes.

Ms. Urso apologized to the Committee for her frustrated remarks. She asked what was going to be done for the people that would not be able to make the Zoom meeting. She questioned why the Committee would not consider pausing the topic until the public was able to meet in person in order to hold a proper public hearing. Mayor Lieberberg asked Mr. Urso to contact her so they could speak further.

Mayor Lieberberg closed public comment.

Public Comment – Consent Agenda

Mayor Lieberberg asked if there were any comments or questions regarding items on the Consent Agenda.

Ms. Thall Eglow asked how residents could bid on the bikes listed for auction listed in Resolution 20-125, Authorizing Public Sale of Surplus Property. Mr. McDonald advised the township uses a company called GovDeals that sells the surplus property. Ms. Gatti, Municipal Clerk, advised the notice is published and she would provide the link to the public in order to provide greater access to available items.

Ms. Burstein stated she was pleased to see the township was waiving the fee to sidewalk café licenses, and permitting the sidewalk sales from June through August. Ms. Prupis added that the township will also continue to allow sandwich boards to be displayed. Mr. McDonald stated that the Clerk’s Office would move rather quickly to issue licenses based on the governor’s guidelines after a review and approval from various departments.

No other comments or questions were presented.

Consent Agenda

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

Roll Call Vote: All Ayes

**RESOLUTION 20-120
RESOLUTION TO APPROVE BILLS PAYABLE**

RESOLVED that the Township Treasurer be and hereby is authorized to accept for payment and pay bills or items as they appear on Schedule dated June 2nd, 2020, in the following accounts:

General	\$	277,670.39
Capital Fund		272,213.26
Parking Utility - Operating Fund		2,712.96
Dog Trust Fund		579.97
Police Off Duty Trust Fund		21,305.00

**RESOLUTION 20-121
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>
Anil Patel and Michael A. Vespasiano Attorney Trust Account	Tax Appeal 2017 taxes	\$9,179.78

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331 Main Street
Chatham, NJ 07928
Block 3102 Lot 1
1 Moraine Pl.

**RESOLUTION 20-122
AUTHORIZE WAIVER OF LICENSE FEE FOR 2020 SIDEWALK CAFÉ LICENSES**

WHEREAS, the Millburn Township Code Section 4-40.4 enumerates fees for sidewalk café licenses in the Township of Millburn; and

WHEREAS, the Township of Millburn supports local restaurants in their desire to provide outdoor dining through a sidewalk café license; and

WHEREAS, the Township of Millburn recognizes that the current public health crisis has had a significant impact on small business; and

WHEREAS, the Township of Millburn shall waive all fees established under section 4-40.4 for the issuance of a sidewalk café license in the event that an application and all other required paperwork has been properly received and reviewed by the appropriate staff; and

WHEREAS, the Township Committee further allows for the issuance of a sidewalk café license by the Municipal Clerks Office after all proper paperwork has been received and reviewed to further expedite the issuance of such licenses; and

WHEREAS, sidewalk café licenses will only be issued once outdoor dining is permissible by the State of New Jersey and shall follow all federal, state and local regulations.

NOW, THEREFORE, BE IT RESOLVED by the Millburn Township Committee of the Township of Millburn in the County of Essex, that Millburn Township businesses will not be charged a fee for a sidewalk café license in 2020 and the Municipal Clerks Office is authorized to issue said license once a completed application has been received, reviewed and approved by the Township of Millburn as allowed by the State of New Jersey.

**RESOLUTION 20-123
PERMITTING SIDEWALK SALES DURING THE MONTHS OF JUNE - AUGUST 2020**

WHEREAS, the Millburn Township Code Section 15-8.1 prohibits obstruction of sidewalks with merchandise, etc.; and

WHEREAS, the Township of Millburn supports local businesses in their request to hold sidewalk sales; and

WHEREAS, the Township of Millburn recognizes that holding sidewalk sales may further increase the ability of our retail businesses to do business when the appropriate business is authorized by the State of New Jersey; and

WHEREAS, this resolution will go in effect immediately when businesses are permitted to open their doors to customers as authorized by the State of New Jersey;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millburn in the County of Essex, that Millburn Township businesses are permitted to hold sidewalk sales in front of their businesses in the Township of Millburn on Fridays, Saturdays and Sundays during their regular business hours from June 2020 through August 2020 with the understanding that all local, state and federal regulations and executive orders shall be followed.

**RESOLUTION 20-124
AUTHORIZING THE ADOPTION OF THE
2020 ESSEX COUNTY, NEW JERSEY HAZARD MITIGATION PLAN UPDATE**

WHEREAS, all jurisdictions within Essex County have exposure to hazards that increase the risk to life, property, environment, and the County and local economy; and

WHEREAS; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

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WHEREAS; a coalition of Essex County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Essex County; and

WHEREAS, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

NOW, THEREFORE, BE IT RESOLVED that the Township of Millburn:

- 1) Adopts in its entirety, the 2020 Essex County Hazard Mitigation Plan Update (the “Plan”) as the jurisdiction’s Hazard Mitigation Plan and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.

**RESOLUTION 20-125
AUTHORIZING PUBLIC SALE OF SURPLUS PROPERTY**

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

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

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

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

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

**RESOLUTION 20-126
APPROVE 2020-2021 TAXI/LIVERY LICENSE**

WHEREAS, the following applicant(s) has submitted an application for a Taxicab/Livery License; providing all required documentation and the appropriate fees;

NOW, THEREFORE BE IT RESOLVED that a 2020 – 2021 Taxi/Livery License be issued to:

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<u>NAME</u>	<u>STATUS</u>
Country Club Services/Joseph Hughes	Livery Owner

**RESOLUTION 20-127
RESOLUTION TO CLOSE SESSION**

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the Public from a meeting under certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances do exist;

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters;

The general nature of the subject matter to be discussed is as follows:

a.) Personnel – Board/Committee Appointment

2. The minutes of the discussions shall be made public as soon as the matters under discussion are no longer of a confidential or sensitive nature.

Ordinance/Introduction

Ordinance 2556-20

Ms. Prupis brought forth Ordinance 2556-19 for introduction. Mr. McDonald gave an explanatory statement. Ms. Prupis moved that the ordinance be taken up and passed on first reading, noting that the public hearing and final passage would take place on June 16, 2020, Ms. Burstein seconded the motion. Mayor Lieberberg requested a roll call vote.

Roll Call Vote: All Ayes

**ORDINANCE NO. 2556-20
BOND ORDINANCE PROVIDING FOR THE TOWNSHIP'S ALLOCABLE SHARE OF
THE FLOOD MITIGATION FACILITIES PROJECT (PHASES I AND II) OF THE JOINT
MEETING OF ESSEX AND UNION COUNTIES, BY AND FOR THE TOWNSHIP OF
MILLBURN, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY, APPROPRIATING
\$1,650,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,650,000 BONDS
OR NOTES TO FINANCE THE COST THEREOF**

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

SECTION 1. The improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Joint Meeting of Essex and Union Counties (the "Joint Meeting") on behalf of the Township of Millburn, in the County of Essex, State of New Jersey (the "Township") as general improvements. For the said improvements stated in Section 3, there is hereby appropriated the aggregate sum of \$1,650,000. Pursuant to the provisions of N.J.S.A. 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), no down payment is

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required as this bond ordinance authorizes obligations for environmental infrastructure projects which are funded by loans from the New Jersey Infrastructure Bank (the "I-Bank") and the State of New Jersey, acting by or through the Department of Environmental Protection.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the \$1,650,000 appropriation, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$1,650,000 pursuant to, and within all limitations prescribed by, the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$1,650,000 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, said Local Bond Law.

SECTION 3. The improvements hereby authorized and purposes for the financing of which said debt obligations are to be issued are for the Township's allocable share of capital improvement projects being undertaken by the Joint Meeting, including, as applicable, but not limited to, (a) Phase I of the Flood Mitigation Facilities Project consisting of the construction of an Effluent Pumping Station, which will be connected to the existing twin outfall channels to the Arthur Kill, and (b) Phase II of the Flood Mitigation Facilities Project consisting of upgrades to the Co-Generation Facility, which upgrades include, but are not limited to, as applicable, the installation of two (2) additional co-generation engines in the existing Co-Generation Facility, the installation of electrical and instrumentation equipment for the new generator engines, integration of the new engines into the existing Co-Generation Facility, connection of the Biosolids Facilities to the Co-Generation electrical transmission lines, and upgrades to the substations at the Biosolids Facilities.

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

b. The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$1,650,000.

c. The aggregate estimated cost of said improvements or purposes is \$1,650,000.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Essex make a loan, contribution or grant-in-aid to the Township for the improvements

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

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no bond anticipation note shall mature later than one (1) year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with the provisions of the New Jersey Infrastructure Trust Act, N.J.S.A. 58:11B-1 ("NJIT Act"). The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Township shall determine all matters in connection with the bond anticipation notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time in accordance with the provisions of Section 8.1 of the Local Bond Law and, as applicable, the provisions of the NJIT Act. The Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the bond anticipation notes so sold, the price obtained and the name of the purchaser.

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

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adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

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

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

c. Notwithstanding N.J.S.A. 40:63-134, the supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services within the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township, as defined in the Local Bond Law, is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$1,650,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

d. An aggregate amount not exceeding \$491,852 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements hereinbefore described.

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

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

SECTION 9. The Township reasonably expects to reimburse any expenditures toward

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

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

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

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

Old Business**Short Term Rentals**

Mayor Lieberberg stated that she and Ms. Burstein sat on the subcommittee that was reviewing short term rentals within the township. She reported that they discussed various levels of legislation and options for regulation on short term rentals. She pointed out that the issue they faced were one family houses in the middle of residential areas were being used for rentals with their occupants not abiding by the regulations of a residential neighborhood. She indicated that they were reviewing the permitting processes, parking issues and language for a proposed ordinance. She added that the proposed ordinance was drafted with various options of occupancy, maximum days in a calendar year, permit fees, sales tax etc. She asked the Committee how they felt about regulating short term rentals.

Ms. Thall Eglow asked how the five hundred dollar fee was determined because it may be excessive. She asked if the five hundred dollar fee was every year plus an eighty five dollar inspection fee every year and was no rentals to anyone under the age of 21 a customary age. Mayor Lieberberg answered that the age restraint was to ensure they were adults and the five hundred dollar fee was decided based on the cost associated managing and ensuring adequate supervision. Ms. Thall Eglow reiterated that the fees were excessive.

Ms. Burstein stated she was not sure she would support an ordinance permitting short term rentals at all. She pointed out that the township has two hotels and I do not believe a primarily single family home in the township should have short term rentals. Mr. Wasserman indicated that there were residents that depended on the income to get by and he didn't want to stand in the way of those residents.

Ms. Prupis stated that she was undecided on where she stood on either banning short term rentals or partially banning with restrictions. She added that something needed to be done but was not sure at this time what it would look like.

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Mr. Wasserman asked Mr. Falcon if it was possible due to Covid-19 to ban short term rentals until a future date. Mr. Falcon advised that the Committee could establish a later date for the ordinance to become effective. Mr. Falcon pointed out that the short terms rentals are currently not permitted and the passage of an ordinance would make way for a regulated short term rental situation. However, as it currently stood the zoning ordinance did not allow for short term rentals and the proposed ordinance would amend the current regulation to make short term rentals permissible. A discussion ensued among the Committee in regards to current regulations. It was established that currently the township did not have anything in place that allowed short term rentals and was therefore equivalent of a ban. It was confirmed by Mr. Falcon that any short term rentals that occurred were essentially illegal.

Ms. Burstein stated that one of their jobs at Committee members is to look at what was good for the town as a whole and sometimes what is good for the town may negatively impact specific residents individually. Many of the ordinances passed impact residents and our hope is that most were for the positive. She added that before passing an ordinance the Committee should look at how it would impact the township as a whole. She stated that was not inclined to do anything regarding short term rentals and that it should continue to be illegal.

Mayor Lieberberg expressed there were still short terms rentals occurring even though the town had a ban and Ms. Burstein added that would be an enforcement issue. Mr. Falcon pointed out that in order to reinforce the non-permitted use they could impose a fine if someone were operating a short term rental. The consensus of the Township Committee was to continue reviewing the matter.

397 Millburn Avenue Property Formerly Known As Wells Fargo

Mr. McDonald advised that 397 Millburn Avenue was before the Planning Board for a Master Plan amendment with language regarding first floor retail as well as a reduction in the unit from fifty-seven units to fifty-three with an affordable component of eight units on the property. He asked if the Committee had any questions or would like to discuss the ordinance.

Mr. Wasserman asked Paul Phillips, Township Planner, if the commercial use on the first floor could be restaurants or store fronts. Mr. Phillips answered yes, any B-4 District permitted or conditional use business would be allowable. Ms. Thall Eglow believed it could either/or business versus residential. Mr. Phillips advised that was not the case and pointed out that the first floor frontage on Millburn Avenue would be business only and residential would be on Douglas and Essex Street on the first floor. Mr. Phillips reviewed the regulations included in the proposed ordinance. He clarified why there was an urgency to move on the ordinance. He pointed out that housing in the downtown was a good thing for merchants. Mayor Lieberberg and Mr. Phillips reviewed the affordable housing component of the proposed project.

Mr. Wasserman asked how the traffic changes would be addressed in the ordinance and Mr. Phillips advised that any traffic matters would be addressed in the site plan stage when presented to the Planning Board. Mr. Phillips reviewed the proposed timeline and pointed out that townships affordable housing negotiations which were halted due to Covid-19 pandemic. He added that the township has a temporary immunity and we will have to determine if that immunity gets extended in any way. The consensus of the Township Committee was that moving forward in considering introduction of the ordinance was the best course of action.

Mr. McDonald updated the Township Committee of the utility boxes wrap designs among the high school students which he would share with the Committee. He pointed out that he received about thirty design submissions. Mr. McDonald advised there were a total of nine canvases that could be used for their choice in designs.

Mayor Lieberberg advised Ms. Thall Eglow that there have been no sketches submitted for the decorative wall on the alleyway next to Goldberg's Deli. She stated that it is proposed to be four panels, eight feet high by two feet wide to take up an eight feet by sixteen feet area.

New Business

Ms. Prupis presented a new business item in regards to outdoor dining. She advised that a few options were discussed with the potential of closing some streets and expanding certain areas to allow for restaurants to expand their business. She described the ideas that were discussed with different layouts of street closures and added that there was consideration to extend the bollards to allow for more seating. Mr. Wasserman added there is consideration to allow retail to put out tables and use the extended sidewalks for their sales between Essex Street, Main Street and Millburn Avenue. Mayor Lieberberg agreed and thought it would be a great idea to allow for a more inviting atmosphere for the downtown area during this time. She pointed out that June 15th the Governor has allowed for outdoor seating to resume. The Committee discussed the available options. Ms. Thall Eglow expressed concern with street closures due to ambulance routes for that area. A discussion ensued on the concerns and risks with the closures. Mr. McDonald concluded that a plan would be reviewed before any implemented changes occurred.

Adjournment

Mayor Lieberberg asked if anyone had any remaining comments or questions. Receiving none, she called for a motion to close the public session of the meeting, which was offered by Ms. Prupis and seconded by Mr. Wasserman. The meeting was adjourned at 10:00 PM. Vote: All Ayes

Christine A. Gatti, RMC
Township Clerk

Approved: August 11, 2020