

January 2, 2024
Millburn Township Committee Meeting

Minutes of the 2024 Organization Meeting of the Township Committee of the Township of Millburn, in the County of Essex, New Jersey, held in the Town Hall starting at 7:00 PM on the above date.

The Municipal Clerk, Christine Gatti, welcomed those present and read the following notice.

In accordance with Section 5 of the Open Meetings Act, Chapter 231, Public Laws, 1975, be advised that notice of this meeting was made by posting on the Bulletin Board in Town Hall, and forwarding to the officially designated newspapers, that this meeting would take place at the Town Hall at 7:00 PM on Tuesday, January 2, 2024. Meeting details and the draft agenda were posted on the Township website.

All those in attendance joined in the Salute to the Flag.

Rabbi Mendel Solomon of Chabad at Short Hills, opened the session with an Invocation.

Municipal Clerk Gatti announced that at the 2023 General Election, Frank Saccomandi and Ben Stoller were elected to the Township Committee for three-year terms expiring on December 31, 2026.

Senator John Bramnick administered the Oath of Office to Frank Saccomandi to the Millburn Township Committee with a term expiration of December 31, 2026.

Senator John Bramnick administered the Oath of Office to Ben Stoller to the Millburn Township Committee with a term expiration of December 31, 2026.

Frank Saccomandi and Ben Stoller took their seats at the dais.

Upon call of the roll, the following Township Committee members were recorded present: Michael H. Cohen, Tara B. Prupis, Annette Romano, Frank Saccomandi and Ben Stoller.

Also present were Business Administrator Alexander McDonald, Township Counsel Jarrod Kantor, Assistant Business Administrator Tim Hoffman and Municipal Clerk Christine Gatti.

Municipal Clerk Gatti asked for a motion to amend and move Resolution 24-021 out of the consent agenda in order to vote on the resolution before moving forward to ensure the Committee formally considers the appointment of the new Township Attorney before the Committee continued their meeting, the motion was made by Committeewoman Romano seconded by Committeeman Cohen.
Vote: All Ayes

Resolution 24-021: Award Professional Service Agreement - Township Attorney (Kantor)

Municipal Clerk Gatti asked for a motion to approve Resolution 24-021. Committeewoman Romano made a motion to approve Resolution 24-021 which was seconded by Committeewoman Prupis.

Roll Call Vote: All Ayes

RESOLUTION 24-021
AUTHORIZING THE AWARD OF CONTRACT FOR LEGAL SERVICES – TOWNSHIP ATTORNEY [ANTONELLI KANTOR RIVERA]

WHEREAS, legal services are required of a Township Attorney, for the normal duties of said position which are described in Section 2-3.1 of the Code of the Township of Millburn and for additional legal services authorized, such as in connection with litigation or other proceedings in or before any court, arbitration board, commission or the like, or examination of title to or other interest in real estate, or any other services appropriate to an attorney; and

WHEREAS, Antonelli Kantor Rivera is qualified in training and experience to perform such services; and

WHEREAS, Antonelli Kantor Rivera has provided the Business Entity Disclosure Certification in accordance with the N.J.S.A. 19:44A-20.8 and completed Political Contribution Disclosure Form; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et. seq.) requires that resolution authorizing the payment of such payment of such professional fees, without competitive bidding must be publicly advertised.

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

1. That the Mayor and Township Clerk are hereby authorized and directed to execute an agreement, in a form subject to the approval of the Township Attorney, with Jarrid H. Kantor of Antonelli Kantor Rivera, 354 Eisenhower Pkwy, Suite 1000, Livingston, NJ 07039 to be retained as Township Attorney of the Township of Millburn for the year 2024 at a retainer fee of \$72,000.00, as stated in the proposal dated December 7, 2023; and

2. That additional legal services, detailed in the proposal dated December 7, 2023, will be at the rate of: \$175.00 per hour and the Chief Financial Officer has certified funds in the maximum amount of \$450,000.00.

3. That the Township will be notified by the professional when 80% of the \$450,000.00 estimate for professional service is reached.

4. That this contract is made without competitive bidding as a “professional service” under the provisions of the Local Public Contracts Law because of the qualitative nature of the service to be performed.

5. That a notice of this resolution shall be published in The Item of Millburn and Short Hills as required by law within ten days of its passage.

Municipal Clerk Gatti called for nominations for Mayor/Committee Chair for 2024.

Committeeman Stoller moved to nominate Committeewoman Prupis to serve as Mayor, which was seconded by Committeeman Saccomandi. Municipal Clerk Gatti asked Committeewoman Prupis if she accepted the nomination, she did not.

Municipal Clerk Gatti called for any other nominations. Committeewoman Prupis moved to nominate Committeewoman Romano to serve as Mayor, which was seconded by Committeeman Cohen. Municipal Clerk Gatti asked Committeewoman Romano if she accepted the nomination, she did.

Committeeman Saccomandi moved to nominate Committeeman Stoller to serve as Mayor, which was seconded by Committeeman Stoller. Municipal Clerk Gatti asked Committeeman Stoller if he accepted the nomination, he did.

Municipal Clerk Gatti called for any other nominations. Committeeman Stoller moved to nominate Committeeman Saccomandi to serve as Mayor, which was seconded by Committeeman Saccomandi. Municipal Clerk Gatti asked Committeeman Saccomandi if he accepted the nomination, he did.

Municipal Clerk Gatti called for any other nominations. No additional nominations were heard.

Municipal Clerk Gatti advised that seeing there are multiple nominations for Mayor, while she called the Roll Call Vote, she asked that each member of Township Committee state the name of the nominated member that they wish to serve as Mayor for 2024.

- Mr. Cohen – Ms. Romano
- Ms. Prupis – Ms. Romano
- Ms. Romano – Ms. Romano
- Mr. Saccomandi – Ms. Romano
- Mr. Stoller – abstain

Committeewoman Romano was elected Mayor/Chair for the year 2024. Mayor Romano took her seat.

Mayor Romano called for nominations for Deputy Mayor.

Committeeman Cohen nominated Committeeman Saccomandi for Deputy Mayor for 2024, which was seconded by Mayor Romano. The nomination was accepted by Committeeman Saccomandi. Mayor Romano called for any other nominations.

Receiving none, Mayor Romano called for a Roll Call for Committeeman Saccomandi to serve as Deputy Mayor.

Ayes: All Ayes with the exception of Committeeman Stoller who abstained.

Motion passed. Committeeman Saccomandi was elected as Deputy Mayor for 2024.

Mayor Romano congratulated Committeeman Stoller and Deputy Mayor Saccomandi for their appointments to the Millburn Township Committee.

Mayoral Appointments

Mayor Romano announced the following appointments to the **2024 Art Advisory Committee**:

Victoria Plummer	Amy McGovern	Linda Bloniarz
Donna Davis	Andrew Permison	Yanwen Hou
Laraine Barach	Gail Turner	Pamela Polifron
Oscar Peterson	Michelle SanFillipo, Advisor	
Annette Romano, Liaison	Emilie Whitley	

Mayor Romano announced the following appointments to the **Environmental Commission**:

- Priya Patel reappointed to a three-year term ending December 31, 2026
- Bill Brazel appointed to a three-year term ending December 31, 2026
- Rene Paparian appointed to a three-year term ending December 31, 2026
- Vanita Gangwal appointed as Alternate #1 to two-year term ending December 31, 2025

Mayor Romano announced the appointment of Rene Paparian as Chairperson of the **Environmental Commission** for a one-year term ending December 31, 2024.

Mayor Romano announced the following appointments to the **Board of Recreation**:

- Josh Reiter reappointed to a five-year term ending December 31, 2028
- Anthony Wolk appointed as Alternate #2 to a two-year term ending December 31, 2025

Mayor Romano announced the following appointments to the **Planning Board**:

- Srini Vijay, Class IV, reappointed to a four-year term ending December 31, 2027
- Alison Canfield, Historic Preservation Commission Member, reappointed as a Class II member for a one-year term ending December 31, 2024
- David Cosgrove, Class IV, reappointed to a two-year term ending December 31, 2025, as Alternate #1

Mayor Romano announced the appointment of Michael Cohen and Ellen Serruto as **Trustees of the Cora Hartshorn Arboretum & Bird Sanctuary** for one-year terms ending December 31, 2024.

Mayor Romano announced the appointment of Michael Cohen as the **Class 1 Member designee to the Planning Board** for a one-year term ending December 31, 2024.

Mayor Romano announced the appointment of Michael Cohen as the member of the **Board of Trustees of the Millburn Free Public Library** for a one-year term ending December 31, 2024.

Mayor Romano announced the designation of the following Township Committee members as liaisons to boards and committees/commissions for 2024 as follows:

Board of Recreation	Ben Stoller
Community Service Award	Annette Romano

Mayor Romano announced the members of the Township Committee who would serve on the following ad-hoc sub-committee:

Finance	Michael Cohen Ben Stoller
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Mayoral Appointments with Advice & Consent of Township Committee

Mayor Romano announced that pursuant to Statute and with the consent of the Township Committee, as Mayor, she would be the **Group 1** member of the **Emergency Management Council** for a term corresponding with her official tenure as Mayor.

Mayor Romano announced the following appointment, with Consent of the Township Committee, to the **Millburn Free Public Library**:

Sara Sherman reappointed to a five-year term ending December 31, 2028

Mayor Romano announced the following appointments, with Consent of the Township Committee, to the **Historic Preservation Commission**:

Alison Canfield, Class C, reappointed to a four-year term ending December 31, 2027
Nancy Stone, Class C, appointed to an unexpired term ending December 31, 2026
Justin Selan, Class C, appointed as Alternate #1, to a two-year term ending December 31, 2025
Brad Jenkins, Class C, appointed as Alternate #2, to an unexpired term ending December 31, 2024

Mayor Romano announced the appointment, with consent of the Township Committee of Annette Romano as Liaison to the **Senior Citizen Advisory Board** for one-year term ending on December 31, 2024.

Mayor Romano announced the reappointment, with consent of the Township Committee, of Elizabeth Vollavanh, as member of the **Shade Tree Advisory Board** for a three-year term ending on December 31, 2026.

Mayor Romano announced the reappointment, with consent of the Township Committee, of W. MacDonald Snow, as member of the **Shade Tree Advisory Board** for a three-year term ending on December 31, 2026.

Mayor Romano announced the following appointments, with consent of the Township Committee, to the **2024 Senior Citizen Advisory Board**:

MaryAnn Moore	Ellen Steinberg	Madhusuda Kindaputam	
Ellen Prach, Chair	Anthony Wolk	Ellen Serruto	Linda Bloniarz
Gail Turner	Robert Vorsanger	Suzanne Zimmer	John Rudder
Lisa Chenofsky Singer		Trina Frankel	Richard Seibert
Jaimee Hawkins or town hall designee			

Mayor Romano announced the reappointment, with consent of the Township Committee, of Jennifer Rooney as member of the **Local Assistance Board** for a one-year term ending on December 31, 2024.

Mayor Romano announced the reappointment, with consent of the Township Committee, of Annette Romano as member of the **Local Assistance Board** for a one-year term ending on December 31, 2024.

Mayor Romano announced the appointment, with consent of the Township Committee, of David Sorkin as member of the **Local Assistance Board** to an expired term ending on December 31, 2026.

Committeeman Cohen moved that the Township Committee offer approval and consent to the Mayor's appointments, seconded by Mayor Romano and was carried unanimously by an all ayes vote.

Township Committee Appointments

Deputy Mayor Saccomandi moved that Ben Stoller be appointed as member of the Board of Education, Township Committee, Board of Recreation Comm. Fields Committee for a one-year term ending

December 31, 2024, seconded by Committeewoman Prupis and was carried unanimously by an all-ayes vote.

Committeeman Stoller moved that the following people be appointed as members of the 2024 Community Service Award Committee, seconded by Committeeman Cohen and carried unanimously.

Laura Janay	Jennifer Duckworth	Binghu "Ben" Zhang
Elaine Becker	Jane Shan	Ying Gu
Jennifer Mann Rosenblatt		Jackie Benjamin Lieberberg

Committeewoman Prupis moved that that the following reappointment be made for the Board of Health: Trina Frankel, MD, as an Alternate #2 Member, for a two-year term ending December 31, 2025, seconded by Deputy Mayor Saccomandi and carried unanimously.

Committeeman Cohen moved that Ben Stoller be appointed as the 2024 Board of Education Liaison, seconded by Mayor Romano and carried unanimously.

Mayor Romano moved that Robert Bohrod be reappointed as Municipal Public Defender for the year 2024, seconded by Committeeman Cohen, and carried unanimously.

Committeewoman Prupis moved that Richard Kopleton be reappointed as Municipal Prosecutor for the year 2024, seconded by Committeeman Stoller, and carried unanimously.

Committeeman Stoller moved that Joseph Caulfield be appointed to the Zoning Board of Adjustment to an unexpired term ending December 31, 2026, seconded by Mayor Romano, and carried unanimously.

Committeewoman Prupis moved that Gary Rosen be reappointed to the Zoning Board of Adjustment to an unexpired term ending December 31, 2027, seconded by Committeeman Cohen, and carried unanimously.

Committeeman Stoller moved that Pricilla Saraf be appointed to the Zoning Board of Adjustment, as Alternate #1, to an unexpired term ending December 31, 2024, seconded by Committeewoman Prupis, and carried unanimously.

Deputy Mayor Saccomandi moved that Xiaoxuan (Derek) Peng be appointed to the Zoning Board of Adjustment, as Alternate #2, to an unexpired term ending December 31, 2024, seconded by Committeeman Stoller, and carried unanimously.

Committeeman Stoller moved that Frank Saccomandi be appointed as a Class 3 Member of the Planning Board for a one-year term ending on December 31, 2024, seconded by Committeeman Cohen, and carried unanimously.

Committeeman Cohen moved that the following members be appointed to the Dispatch Joint Meeting for 2024 seconded by Mayor Romano and carried unanimously.

Ben Stoller, Township Committee Liaison
Alex McDonald, Township Administrator
Robert Echavarria, Fire Chief

Committeewoman Prupis moved that the following people be appointed as members of the 2024 Parking Ad Hoc Committee, seconded by Deputy Mayor Saccomandi and carried unanimously.

Annette Romano	Sgt. Socrates Barbosa, Police Dept. Rep.
Donna Ruggiero, Tax Collector	Parking Enforcement Officer
Alex McDonald, Township Administrator or designee	

Committeeman Stoller moved that the following people be appointed as members of the Pedestrian Safety Advisory Board, seconded by Mayor Romano, and carried unanimously.

Kedar Telang, Resident, appointed to a three-year term ending on December 31, 2026
Annette Romano, Township Committee Member
Christine Burton, Superintendent of Schools or Designee
Mara Epstein, Parent Teacher Organization Council Safety Committee Designee
Christine Bugel, Assistant Engineer or Designee
Brian Gilfedder, Police Chief or Designee

Alex McDonald, Township Administrator or Designee

Committeewoman Prupis moved that Matt Laracy be re-appointed Treasurer for a term of one year ending December 31, 2024, seconded by Committeeman Cohen, and carried unanimously.

Deputy Mayor Saccomandi moved that Alex McDonald be appointed as Millburn Public Agency Compliance Officer for a one-year term ending December 31, 2024, seconded by Committeeman Stoller, and carried unanimously.

Committeeman Stoller moved that the following members of the Clergy be appointed and designated as Chaplains to the Police Department for the year 2024, seconded by Committeeman Cohen and carried unanimously.

Reverend M. Christen Beirne, St. Rose of Lima Church
Rabbi Matthew D. Gewirtz, Congregation B’Nai Jeshurun
Rabbi Ari Isenberg of Congregation B’nai Israel
Reverend Christopher Diebold of Covenant Presbyterian Church

Mayor Romano moved that the following members of the Clergy be re-appointed as Chaplains to the Fire Department for the year 2024, seconded by Committeewoman Prupis, and carried unanimously.

Reverend M. Christen Beirne, St. Rose of Lima Church

Committeeman Cohen moved that Robert Hingel be appointed as Representative to the Essex County Transportation Advisory Board and the Lackawanna Coalition for one year terms ending December 31, 2024, seconded by Deputy Mayor Saccomandi, and carried unanimously.

Mayor Romano moved that the following members be appointed to the Millburn Short Hills Business Organization, Inc. District Management Corporation Board of Trustees, seconded by Committeeman Cohen, and carried unanimously.

- Lex Clarke, Operator Trustee, appointed to a three-year term ending December 31, 2026
- Jackie Benjamin Lieberberg, Resident Trustee, appointed to a three-year term ending December 31, 2026
- Ben Stoller, Township Committee Member, reappointed to a one-year term ending December 31, 2024
- Richard Wasserman, Mayor's Designee, appointed to a one-year term ending December 31, 2024 as a non-voting ex officio member
- Alex McDonald, Business Administrator, or his designee reappointed to a one-year term ending December 31, 2024 as a non-voting ex officio member

Committeeman Cohen moved that Annette Romano be appointed as a representative to the Joint Meeting of Essex & Union County, seconded by Committeewoman Prupis, and carried unanimously.

Mayor Romano recognized dignitaries and public officials who were present.

Mayor Romano asked the Committee members if they would like to make any remarks.

Committeeman Stoller thanked his family, Frank Saccomandi and his wife for their support. He thanked his campaign team for their hard work and the residents for entrusting him to represent them. He pledged his future goals for the township residents that he would like to work on and accomplish while he served the township.

Deputy Mayor Saccomandi thanked Senator Bramnick for administering his oath and his husband for his support and hard work on the campaign. He thanked his campaign team for all of their hard work and promised to represent the residents to the best of his ability. He thanked Committeeman Stoller for being his running mate and was looking forward to working with the entire Township Committee on solving issues in the township. He reviewed his future goals for the township.

Committeeman Cohen was very encouraged by the words of professionalism and civility by the new Township Committee members and looked forward to working together on the challenges they were facing in the township and coming up with great solutions.

Mayor Romano thanked her fellow Committee members for having faith in her and wants the politics to stop and the governing to begin. She was confident that they would all work together to do what was best for Millburn.

Public Comment

Mayor Romano made the following statement: “When invited to speak to offer your comments, please come to the lectern, clearly state your name and whether you are a Millburn resident and/or property or business owner. Please do not provide your full address seeing our meetings are recorded and are readily available to the public. For the convenience of our community, there is a remote option. If you called in and would like to comment, please press *6 now. If you are attending by computer or electronic device please click the raise hand button and be sure your video is on when you comment. All members of the public wishing to speak will be put into the queue to address the Committee. To help facilitate an orderly meeting and to permit all to be heard, speakers shall limit their comments to one 3-minute session. You will be prompted when there is 30 seconds remaining. A reminder that this is not a time for dialogue or to debate a matter and this is a time during our business meeting for the public to offer comments. After the conclusion of the public comment period and if they wish to, professionals and Committee members may respond to comments made by the public. Members of the public are welcome to contact the township or Township Committee at any time outside of our business meetings for requests for information or with questions. A reminder that we are all neighbors and personal attacks are strongly discouraged.”

Mayor Romano opened the public comment period.

Charles Bambara, resident, commented on the election results and hoped everyone was committed to change.

Eric Osserman, resident, suggested that Mayor Romano resign as the Chair of the Democratic Committee, noting that it would be a strong sign that the politics were over.

Jeffrey Feld, resident, commented on the temporary budget, the SID, and the authority to make payments outside the bill list. He wished luck to the new municipal attorney and referenced the Redevelopment Counsel Handbook stating the municipal attorney should not also be the redevelopment attorney. He spoke on rules of order, cross motions and the amendments to fair share housing, and open space documents on the township website. He wished the Township Committee the best.

David Elephant, resident, wished everyone a happy New Year and congratulated the new Township Committee members and the newly elected Mayor. He spoke on intent, behavior and impact and how it related to the Historic Preservation Commission and the Commission appointments.

Christine Best, resident, thanked Ben Stoller and Frank Saccomandi for running. She voiced her comments on actions previously made and her recommendations on the best way to move forward. She wished everyone a Happy New Year and thanked the Township Committee for their service.

Resident, commented that he was here to celebrate democracy, congratulated Ben Stoller and Frank Saccomandi for their new positions and congratulated Mayor Romano for her appointment to Mayor. He spoke on the Historic Preservation Commission issue and was happy to hear there would be consideration to review this ordinance.

Antonio Bracco, resident, congratulated Mayor Romano on her appointment and Ben Stoller and Frank Saccomandi on their new positions. He questioned traffic patterns in the Washington section and suggested the speeding be addressed. He added that safety needed to be a priority.

Seth Van Voorhees, resident, wished everyone a happy New Year. He congratulated Mr. Kantor and his firm on their new role with the township. He suggested when a new advisor takes on a role in the township, that he provide his advice and recommendation on things that have happened in the past

and recommendations on changes that he would make for transparency; two examples were on affordable housing and zoning for religious housing.

Stephanie Morgan, resident, welcomed Ben Stoller and Frank Saccomandi and congratulated Mayor Romano on her new position. She addressed the Township Committee's new year's resolution focusing on important issues by thorough evaluation of the facts, knowledgeable professionals and community input and sometimes the best decision for the township would not make everyone happy. She voiced her feelings on fair share housing and she would like the township to hold a public session so the professionals can lay out what was really going on.

Perri Urso, resident and merchant, welcomed Ben Stoller and Frank Saccomandi to the Township Committee and thanked everyone for serving the township. She wondered if an explanation could be provided on the SID part of Resolution 24-001. She questioned the SID budget and reviewed defects in the SID ordinance. She suggested the township work with the Chamber of Commerce.

Nancy Stone, resident, congratulated Ben Stoller and Frank Saccomandi on their new positions on the Township Committee. She announced that she declined her appointment to the Historic Preservation Commission and voiced her support of non-partisan government.

Al Carlin, resident, wondered if the new Committee members had any thoughts on changing the form of government. He voiced his support of code compliance.

Richard Seibert, resident, congratulated the new Township Committee. He echoed Mr. Osserman's comments and agreed Mayor Romano should not Chair the Democratic party; he does not want labels any longer.

Phil Kirsch, resident, congratulated Ben Stoller and Frank Saccomandi and the new Mayor. He thanked the Township Committee for their civility and respect and would like to see this from everyone in the township.

Seeing there were no further comments, Mayor Romano closed Public Comment.

Committeeman Stoller commented on the necessity to follow protocol to avoid chaos. He addressed affordable housing and was in favor of holding a public session to talk about it. He made everyone aware that the Judge did extend their court date to January 19th, but one of the Fair Share attorneys added that the Township Committee members should be liable personally for any fines which he felt was absolutely wrong.

Deputy Mayor Saccomandi addressed the traffic issues in the Washington section and felt there was a traffic safety issue throughout the entire township; he suggested a town wide traffic study be done. He voiced his support for a change to the form of government and would be in favor of forming a committee to begin this process and discussed his thoughts. He commented on the civility at tonight's meeting and that the Township Committee needed to work together to advance what was best for Millburn; he commented we need to respect each other, we are friends and neighbors.

Committeewoman Prupis commented on kindness and felt that people should be called out for being unkind. She confirmed with Mr. Kantor if he would be in favor of having a public session to give a full update on fair share housing which he noted that he would be more than happy to do.

Mr. McDonald commented on the temporary budget and how the figures configured, he addressed the questions regarding the SID portion of the temporary budget and reviewed payments being made outside the Township Committee meeting.

Mr. Kantor thanked the Mayor, Deputy Mayor, and Township Committee members for his appointment tonight. He reviewed the history of fair share housing. He voiced his disagreement with the Judge putting pressure on the township to get a developers agreement finalized by a deadline and to impose a sanction if this was not accomplished; the court should be an objective party, not an adversary. He advised that papers would be filed with the court on the Monday before January 18th. He reviewed the

mechanisms of fair share building and the need to bring affordable housing to the township. He made everyone aware he was committed to putting together the best legal argument for the township; he also would be circulating a confidential memo to the Township Committee regarding the next round of fair share housing. He noted he was familiar with the change of form of government and would be happy to share details on this process.

CONSENT AGENDA

Mayor Romano asked if there were any questions or comments regarding the items on the consent agenda. Without additional comments or questions, Mayor Romano asked for a motion to approve the items listed on the consent agenda, Resolutions 24-001 through 24-035 excluding Resolution 24-021, which was already approved, the motion was made by Committeewoman Prupis and seconded by Committeeman Cohen.

Roll Call Vote: All Ayes

**RESOLUTION 24-001
ADOPTING 2024 TEMPORARY BUDGET
OF THE TOWNSHIP OF MILLBURN**

WHEREAS, N.J.S.A. 40A:4-19 of the Local Budget Law provides that where any contracts, commitments or payments are to be made prior to the adoption of the budget, temporary appropriations shall be made on or before the 30th day of the budget year; and

WHEREAS, the aggregate of such temporary appropriation is limited to 26.25% of the total appropriations in the preceding budget, exclusive of Debt Service, Capital Improvement Fund and Public Assistance, which amounts to \$16,110,867 for the Current Fund and 145,688 for the Parking Utility Budget;

BE IT RESOLVED that the following temporary appropriations are hereby made for 2024;

Administrative and Executive:	
Salaries and Wages	164,256
Other Expenses	96,410
Governing Body:	
Salaries and Wages	9,844
Municipal Clerk:	
Salaries and Wages	64,701
Other Expenses	28,481
Elections	
Salaries and Wages	2,625
Other Expenses	3,806
Comptroller	
Salaries and Wages	127,634
Other Expenses	11,813
Annual Audit	15,750
EDP	
Other Expenses	59,063
Collection of Taxes:	
Salaries and Wages	48,619
Other Expenses	14,700
Tax Assessor:	
Salaries and Wages	59,407
Other Expenses	16,538
Legal Services and Costs:	
Other Expenses	223,125
Engineering Services and Costs:	
Salaries and Wages	95,813
Other Expenses	80,188

Historic Preservation		
	Salaries and Wages	1,313
	Other Expenses	525
Zoning Board		
	Salaries and Wages	16,656
	Other Expenses	12,574
Planning Board		
	Salaries and Wages	16,656
	Other Expenses	11,209
Construction Code		
	Salaries and Wages	166,605
	Other Expenses	102,375
Insurance:		
	General Liability	361,236
	Workers' Compensation	253,291
	Employee Group Health	2,126,875
	Health Waivers	35,438
Department of Public Safety:		
	Salaries and Wages	2,691,875
	Other Expenses	242,911
Crossing Guards:		
	Other Expenses	329,688
Emergency Management:		
	Other Expenses	3,938
Fire Department:		
	Salaries and Wages	2,020,361
	Other Expenses	141,850
Aid to Volunteer Ambulance Companies:		
	Other Expenses	1,313
Road Repairs and Maintenance:		
	Salaries and Wages	970,847
	Other Expenses	113,656
Snow Removal:		
	Salaries and Wages	73,232
	Other Expenses	134,325
Shade Tree:		
	Salaries and Wages	323,899
	Other Expenses	161,438
Sewer Sanitation:		
	Other Expenses	49,875
Public Buildings and Grounds:		
	Other Expenses	120,225
Vehicle Maintenance		
	Salaries and Wages	112,723
	Other Expenses	116,938
Health Department:		
	Salaries and Wages	6,563
	Other Expenses	3,628
Environmental Commission:		
	Other Expenses	656
Public Assistance:		
	Other Expenses	1,444
Parks and Playgrounds:		
	Salaries and Wages	171,824
	Other Expenses	51,896
Swimming Pool:		

	Salaries and Wages	32,813
	Other Expenses	24,518
Customer Service:		
	Salaries and Wages	49,982
	Other Expenses	919
Par 3:		
	Other Expenses	4,174
Senior Citizens:		
	Salaries and Wages	38,874
	Other Expenses	3,938
Celebrations:		
	Other Expenses	7,875
Municipal Court:		
	Salaries and Wages	90,245
	Other Expenses	33,118
Public Defender:		
	Other Expenses	3,544
Recycling and Landfill		
	Other Expenses	897,451
	Condo Reimbursement	26,250
	Leaf Disposal	21,000
Utilities:		
	Gasoline, Diesel Fuel and Lubricants	143,125
	Street Lighting	86,688
	Natural Gas	31,500
	Telephone	48,563
	Fire Hydrant	111,563
	Electricity	126,125
Contingent		20,000
	OPERATIONS WITHIN CAPS	<u>13,874,886</u>
Public Employees' Retirement System		
Public Employees' Retirement System ERI		
Social Security System (O.A.S.I.)		350,000
Police and Firemen's Retirement System		
State Unemployment Insurance		
Anticipated Parking Deficit		-
DCRP		6,563
TOTAL APPROPRIATION WITHIN CAPS		<u>14,231,449</u>
Free Public Library		1,043,930
Joint Outlet Sewer Maintenance		409,169
Special Improvement District		55,158
INTERLOCAL		
Interlocal - Condo		
Interlocal - Hepatitis		
Interlocal - Plumbing (Maplewood)		16,881
Interlocal - Electric (Maplewood)		16,881
Interlocal - Livingston		39,855
Interlocal - Dispatch		303,044
Capital Improvement Fund		1,000,000
Note Principal		1,700,000
Note Interest		205,000

TEMPORARY BUDGET PRIOR TO EXCLUSIONS	<u>19,021,367</u>
LESS ITEMS EXCLUDED	
DEBT SERVICE	(1,905,000)
CAPITAL IMPROVEMENT FUND	(1,000,000)
PUBLIC ASSISTANCE	(5,500)
TOTAL MUNICIPAL TEMPORARY BUDGET	<u>16,110,867</u>
<u>PARKING UTILITY</u>	
Salaries and Wages	72,188
Other Expenses	68,250
FICA	5,250
TOTAL PARKING UTILITY TEMPORARY BUDGET	<u>145,688</u>

**RESOLUTION
24-002
AUTHORIZE
THE 2024
CASH**

**MANAGEMENT PLAN
OF THE TOWNSHIP OF MILLBURN**

WHEREAS The Township of Millburn is required to have a Cash Management Plan in accordance with N.J.S.A. 40A:5-14; and

WHEREAS, The Cash Management Plan has been prepared with N.J.S.A 40A:5-14 by the Chief Financial Officer and is on file with the Township Clerk;

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Millburn, in the County of Essex that for the year 2024, that the Chief Financial Officer is directed to deposit, disburse, and invest the Township’s funds in accordance with the Cash Management Plan.

**RESOLUTION 24-003
AUTHORIZING THE CHIEF FINANCIAL OFFICER TO WIRE TRANSFER FUNDS FOR INVESTMENT AND
PAYMENT OF CAPITAL DEBT**

BE IT RESOLVED by the Township Committee of the Township of Millburn that the Chief Financial Officer is hereby authorized to wire transfer funds for investment of surplus funds, payment of capital debt, Library Levy, School Tax Levy, Special Improvement District Levy and County Tax Levy as they become available.

**RESOLUTION 24-004
AUTHORIZING THE QUALIFIED PURCHASING AGENT TO CONTRACT WITH CERTAIN APPROVED STATE
CONTRACT VENDORS AND CERTAIN COOPERATIVE PRICING VENDORS FOR CONTRACTING UNITS
PURSUANT TO N.J.S.A. 40A:11-12a**

WHEREAS, the Township of Millburn, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program and other approved Cooperative Purchasing Programs for any State or Cooperative Purchasing contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury and/or by the approve the Cooperative Purchasing Program; and

WHEREAS, the Township of Millburn is a member of the Morris County Cooperative Pricing Council; and

WHEREAS, The Township of Millburn is a member of the Middlesex Regional Educational Services Commission (MRESC); and

WHEREAS, The Township of Millburn is a member of the Educational Services County

Co-op:

WHEREAS, The Township of Millburn is a member of the Cranford Police Cooperative Pricing Council:

WHEREAS, The Township of Millburn is a member of the Sourcewell Cooperative:

WHEREAS, The Township of Millburn is a member of the Passaic Valley Sewerage Commission & North Jersey Wastewater Cooperative:

WHEREAS, the Township of Millburn, has the need on a timely basis to purchase goods or services utilizing State contracts and/or the Cooperative purchasing programs listed approve; and

WHEREAS, the Township of Millburn may enter into contracts with the State Contract and Cooperative Purchasing Programs through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State and Cooperative Purchasing Program contracts;

WHEREAS, the Township of Millburn may enter into contracts with other allowable cooperative pricing units upon certification of compliance with NJSA 40A:11 and approval of the qualified purchasing agent;

NOW, THEREFORE, BE IT RESOLVED, that the Township of Millburn authorizes the Purchasing Agent to purchase certain goods or services from those approved New Jersey State Contract, Morris County Cooperative Pricing Council Vendors, MRESC, Cranford Police Cooperative Pricing Council, Sourcewell Cooperative, Passaic Valley Sewerage Commission, and Educational Services County Co-op pursuant to all conditions of the individual State and Cooperative Purchasing contracts; and

BE IT FURTHER RESOLVED, that the Governing Body of the Township of Millburn pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

BE IT FURTHER RESOLVED, that the duration of the contracts shall be from January 1, 2024 to December 31, 2024.

**RESOLUTION 24-005
DESIGNATE OFFICIAL NEWSPAPERS**

BE IT RESOLVED by the Township Committee of the Township of Millburn in the County of Essex, that the following newspapers be deemed as the "Official" newspapers for the year 2024:

THE ITEM OF MILLBURN AND SHORT HILLS
THE STAR LEDGER

**RESOLUTION 24-006
FILING SIGNATURE WITH SECRETARY OF STATE**

BE IT RESOLVED by the Township Committee of the Township of Millburn that pursuant to N.J.S.A. 40A:9-129 that the Municipal Clerk be directed to file with the Secretary of State facsimiles of her signature and the Mayor's signature, an impression of the municipal seal and a statement of their terms of office, showing the commencement and expiration dates.

**RESOLUTION 24-007
AUTHORIZING THE NECESSITY TO ISSUE PAYMENTS OUTSIDE OF A SCHEDULED TOWNSHIP
COMMITTEE MEETING**

WHEREAS, from time to time, there is a necessity to issue payments outside of a scheduled Township Committee meeting;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millburn that the Chief Financial Officer has authority to:

- 1) Issue payments for Payroll, Debt Service, Utilities, School Taxes, County Taxes, SID taxes, Library taxes, postage, State and County Agencies, and insurance costs.
- 2) All other bills that may require payment outside of Township Committee approval must contain the signature of approval of the Chief Financial Officer and Business Administrator.

**RESOLUTION 24-008
ADOPT 2024 TOWNSHIP COMMITTEE MEETING SCHEDULE**

WHEREAS, in accordance with Chapter II, "Administration" of the Revised General Ordinances, Township of Millburn, Section 2-1.3b, "Regular Meetings", the following dates are set for 2024:

January	2*, 16	* <i>Reorganization Meeting</i>
February	6, 20	
March	5, 19	
April	2, 16	
May	7, 21	
June	4, 18	
July	16	
August	13	
September	3, 17	
October	1, 15	
November	12	
December	3, 17	
January	7*	* <i>2025 Reorganization Meeting</i>

BE IT RESOLVED in accordance with the Open Public Meetings Act (C. 231, P.L. 1975), that the Township Committee of the Township of Millburn in the County of Essex does hereby notify the public that meetings of the Township Committee for the year 2024 will be held in the Town Hall, Millburn, New Jersey, unless otherwise specifically noticed. Meetings will begin at 7:00 p.m., unless otherwise specifically noted. Millburn Town Hall will open for this meeting beginning at 6:30PM and details on the meeting and draft agenda may be located at town hall, on our website <https://www.twp.millburn.nj.us/AgendaCenter> or by contacting the Municipal Clerks Office.

**RESOLUTION 24-009
ESTABLISH INTEREST AND PENALTY RATES ON NON-PAYMENT
OF TAXES AND SEVEN DAY GRACE PERIOD**

BE IT RESOLVED that interest at the rate of eight percent (8%) per annum be charged for the non-payment of Taxes, Sewer fees, Special Improvement District taxes and other Municipal Liens or Charges on or after the date when they shall become delinquent as provided by law, on the first \$1,500 of the delinquency, and eighteen percent (18%) per annum on any amount in excess of \$1,500, and said rates of interest are hereby fixed for the year 2024; and

BE IT FURTHER RESOLVED that an additional six percent (6%) penalty be charged for delinquencies in excess of \$10,000 remaining unpaid at the end of the calendar year in accordance with the amended provisions of N.J.S.A. 54:4-67; and

BE IT FINALLY RESOLVED that pursuant to the authority granted by N.J.S.A. 54:4-67, interest for delinquency in the payment of taxes, sewer fees, Special Improvement District taxes, or other municipal liens or charges shall not be charged for the failure to pay any such installment during the period of seven (7) days after any such installment became due and payable provided that payment of such installment is received within such seven (7) day period, provided further, however, that if any such installment is not paid within said seven (7) days, interest at the Statutory rate will be charged from the due date of such installment.

**RESOLUTION 24-010
APPOINTMENT OF 2024 DOMESTIC VIOLENCE
CRISIS INTERVENTION TEAM MEMBERS**

BE IT RESOLVED by the Millburn Township Committee that certain volunteers who have completed a 40-hour Domestic Violence training program, whose names will be held in confidence, are appointed as members of the Millburn Township Domestic Violence Crisis Intervention Team, to serve for a one-year term ending on December 31, 2024.

**RESOLUTION 24-011
APPOINTMENT OF TOWNSHIP REPRESENTATIVES TO
JOINT INSURANCE FUND COMMISSION**

BE IT RESOLVED by the Township Committee of the Township of Millburn, that Matt Laracy be appointed as Fund Commissioner and Tim Hoffman as Alternate Fund Commissioner to the Joint Insurance Fund Commission.

**RESOLUTION 24-012
ADOPT PERSONNEL POLICIES AND PROCEDURES**

WHEREAS, it is the policy of The Township of Millburn to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General's guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Township Committee has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations;

NOW, THEREBY, BE IT RESOLVED by the Township Committee that the Personnel Policies and Procedures Manual is hereby adopted.

**RESOLUTION 24-013
ESTABLISH THE TOWNSHIP'S FUND BALANCE POLICY**

WHEREAS, The Township Committee of the Township of Millburn wish establish policies to ensure the financial stability of the Township; and

WHEREAS, the Fund Balance policy established herein will serve as guidance, for staff and elected official for budgeting and other purposes; and

WHEREAS, the Fund Balance policy will help to ensure the financial strength and long-term financial stability of the Township; and

WHEREAS, the Fund Balance policy will be periodically reviewed and updated to ensure that it is in consonance with the needs and desires of the Township;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Millburn that the Fund Balance policy (attached) be approved.

**RESOLUTION 24-014
AUTHORIZING THE CANCELLATION OF SMALL BALANCES**

WHEREAS, NJSA 40A:5-17.1 allows a resolution for the cancellation of small balances to be prepared every January for the current year end; and

WHEREAS, the new tax software program has the ability to automatically cancel these balances pursuant to State Statute;

BE IT RESOLVED, that the Millburn Township Committee hereby authorizes the Tax Collector to cancel all small balances pursuant to State Statute at the end of the calendar year; and to include Taxes, Sewer and Special Improvement District small balances;

BE IT FURTHER RESOLVED, that the Tax Collector is required to include in the Statutory Annual Year End report to the Township Administrator and Governing Body the amount of the cancellations.

RESOLUTION 24-015
AUTHORIZING THE AWARD OF FOR COMPUTER MAINTENANCE [ATON COMPUTING]

WHEREAS, there exists a need for specialized computer maintenance services for the Township's computers; and

WHEREAS, ATON Computing, 1114 Goffle Road, PO Box 6, Hawthorne, NJ 07506 can provide such specialized services; and

WHEREAS, ATON Computing has provided the Business Entity Disclosure Certification in accordance with the N.J.S.A. 19:44A-20.8 and completed Political Contribution Disclosure Form; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 (et seq.) requires that the authorizing of the award of a contract for professional services without competitive bids must be publicly advertised;

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

1. The Mayor and the Township Clerk are hereby authorized and directed to execute a professional services agreement in a form subject to the approval of the Township Attorney with ATON Computing for computer maintenance services for the Township's computers.

2. This contract is awarded without competitive bidding as "professional services" under the provisions of the Local Public Contracts Law because the contract is for specialized services to be performed by persons authorized by law to practice a recognized profession, whose practice is regulated by law.

3. Fees for scope of contract are \$107.10 per hour plus reasonable expenses as per their proposal dated October 16, 2023 and the Chief Financial Officer has certified funds in the estimated maximum amount of \$120,000.00.

4. A notice of this contract award and the adoption of this resolution shall be published in The Item of Millburn Short Hills as required by law within ten (10) days of passage of this resolution.

RESOLUTION 24-016
AUTHORIZING THE AWARD OF A CONTRACT FOR LEGAL SERVICES – SPECIAL TAX COUNSEL [Chiesa, Shahinian and Giantomasi PC]

WHEREAS, there exists a need in 2024 for special tax counsel in connection with legal services as are necessary to defend certain petitions of tax appeal and/or complaints filed with the Essex County Board of Taxation and/or New Jersey Tax Court for calendar year 2024; and

WHEREAS, Chiesa, Shahinian and Giantomasi PC is qualified in training and experience to perform such services; and

WHEREAS, Chiesa, Shahinian and Giantomasi PC has provided the Business Entity Disclosure Certification in accordance with the N.J.S.A. 19:44A-20.8 and completed Political Contribution Disclosure Form; and

WHEREAS, the Local Public Contracts Law (NJSA 40A:11 et seq.) requires that a resolution authorizing the payment of such professional fees, without competitive bidding must be publicly advertised;

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

1. That the Mayor and Township Clerk are hereby authorized and directed to execute a Professional Services agreement in a form subject to the approval of the Township Attorney between Chiesa, Shahinian and Giantomasi PC and the Township of Millburn, in connection with legal services as are necessary to defend certain petitions of tax appeals and/or complaints filed with the Essex County Board of Taxation and/or New Jersey Tax Court for calendar year 2024. Hourly compensation: \$150.00 per hour attorney rate, \$75.00 p/hr paralegal rate, plus out-of-pocket costs and disbursements and the Chief Financial Officer has certified funds in the estimated maximum amount of \$125,000.00.
2. That this contract is made without competitive bidding as “professional services” under the provisions of the Local Public Contracts Law of the qualitative nature of the services to be performed.
3. That a notice of this resolution shall be published in The Item of Millburn and Short Hills as required by law.

**RESOLUTION 24-017
AUTHORIZING THE AWARD OF A CONTRACT WITH PKF O’CONNOR DAVIES, LLP FOR AUDITING AND ACCOUNTING SERVICES**

WHEREAS, there exists a need in 2024 for the performance of the statutory Annual Audit and other related work for the year 2023 for the Township of Millburn, in the County of Essex, New Jersey; and

WHEREAS, PKF O’Connor Davies, LLP is qualified in training and experience to perform such services; and

WHEREAS, PKF O’Connor Davies, LLP has provided the Business Entity Disclosure Certification in accordance with the N.J.S.A. 19:44A-20.8 and completed Political Contribution Disclosure Form; and

WHEREAS, the Local Public Contracts Law (NJSA 40A:11 et seq.) requires that a resolution authorizing the payment of such professional fees, without competitive bidding must be publicly advertised;

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

1. That the Mayor and Township Clerk are hereby authorized and directed to execute a Professional Services agreement, in a form subject to the approval of the Township Attorney, with David Gannon, CPA, RMA, PSA, of PKF O’Connor Davies, LLP, 20 Commerce Drive, Suite 301, Cranford, NJ 07016, to be retained as Auditor (Registered Municipal Accountant) of the Township of Millburn, in the amount of \$62,000.00 as per the proposal dated October 17, 2023, to complete and timely file the Annual Audit with the Division of Local Government Services, perform review of the financial statements of the Deferred Compensation Plan and to perform additional services as specified.
2. That this contract is made without competitive bidding as “professional services” under the provisions of the Local Public Contracts Law of the qualitative nature of the services to be performed.
3. That a notice of this resolution shall be published in The Item of Millburn and Short Hills as required by law.

**RESOLUTION 24-018
AUTHORIZING AND AWARDING A PROFESSIONAL SERVICES CONTRACT WITH MEEKER SHARKEY HURLEY FOR THE PERFORMANCE OF RISK MANAGEMENT SERVICES**

WHEREAS, the Township of Millburn requires the performance of Risk Management; and

WHEREAS, Meeker Sharkey Hurley, PO Box 227, Liberty Corner, NJ, 07938, can provide such specialized risk management services; and

WHEREAS, Meeker Sharkey Hurley has provided the Business Entity Disclosure Certification in accordance with the N.J.S.A. 19:44A-20.8 and completed Political Contribution Disclosure Form; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 (et seq.) requires that the authorizing of the award of a contract for professional services without competitive bids must be publicly advertised;

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

1. The Mayor and the Municipal Clerk are hereby authorized and directed to execute a contract, in a form subject to the approval of the Township Attorney, Meeker Sharkey Hurley, PO Box 227, Liberty Corner, NJ, 07938 for the performance of Risk Management services, as detailed in their submitted proposal dated November 7, 2023 for 2024 services, in an amount not to exceed \$55,000.00.
2. This contract is awarded without competitive bidding as “professional services” under the provisions of the Local Public Contracts Law because the contract is for specialized services to be performed by persons authorized by law to practice a recognized profession, whose practice is regulated by law.
3. A notice of this contract award and the adoption of this resolution shall be published in The Item of Millburn Short Hills as required by law within ten (10) days of passage of this resolution.

RESOLUTION 24-019
AUTHORIZING THE AWARD OF A CONTRACT FOR LEGAL SERVICES – SPECIAL TAX COUNSEL
[DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C.]

WHEREAS, there exists a need in 2024 for special tax counsel in connection with legal services as are necessary to defend certain petitions of tax appeal and/or complaints filed with the Essex County Board of Taxation and/or New Jersey Tax Court for calendar year 2024 when there is conflict with regular tax counsel; and

WHEREAS, DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C. is qualified in training and experience to perform such services; and

WHEREAS, DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C. has provided the Business Entity Disclosure Certification in accordance with the N.J.S.A. 19:44A-20.8 and completed Political Contribution Disclosure Form; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11 et seq.) requires that a resolution authorizing the payment of such professional fees, without competitive bidding must be publicly advertised;

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

1. That the Mayor and Township Clerk are hereby authorized and directed to execute a Professional Services agreement in a form subject to the approval of the Township Attorney between DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C. and the Township of Millburn, in connection with legal services as are necessary to defend certain petitions of tax appeals and/or complaints filed with the Essex County Board of Taxation and/or New Jersey Tax Court for calendar year 2024. Hourly compensation: \$175.00 per hour attorney rate and the Chief Financial Officer has certified funds in the estimated maximum amount of \$25,000.00.
2. That this contract is made without competitive bidding as “professional services” under the provisions of the Local Public Contracts Law of the qualitative nature of the services to be performed.

3. That a notice of this resolution shall be published in The Item of Millburn and Short Hills as required by law.

RESOLUTION 24-020

AUTHORIZING AND AWARDED A PROFESSIONAL SERVICES CONTRACT WITH CGP&H LLC FOR THE PERFORMANCE OF MUNICIPAL HOUSING LIAISON SERVICES FOR THE ADMINISTRATION OF THE AFFORDABLE HOUSING PROGRAM

WHEREAS, the Township of Millburn requires the performance of Municipal Housing Liaison services for the administration of the affordable housing program; and

WHEREAS, CGP&H LLC, 1249 South River Road, Suite 301, Cranbury, NJ, 08512, can provide such specialized services; and

WHEREAS, CGP&H LLC has provided the Business Entity Disclosure Certification in accordance with the N.J.S.A. 19:44A-20.8 and completed Political Contribution Disclosure Form; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 (et seq.) requires that the authorizing of the award of a contract for professional services without competitive bids must be publicly advertised;

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

1. The Mayor and the Municipal Clerk are hereby authorized and directed to execute a contract, in a form subject to the approval of the Township Attorney, CGP&H LLC, 1249 South River Road, Suite 301, Cranbury, NJ, 08512 for the performance of Municipal Housing Liaison services for the administration of the affordable housing program, as detailed in their submitted proposal dated December 19, 2023 for 2024 services, in an amount not to exceed \$35,400.00.
2. This contract is awarded without competitive bidding as “professional services” under the provisions of the Local Public Contracts Law because the contract is for specialized services to be performed by persons authorized by law to practice a recognized profession, whose practice is regulated by law.
3. A notice of this contract award and the adoption of this resolution shall be published in The Item of Millburn Short Hills as required by law within ten (10) days of passage of this resolution.

RESOLUTION 24-022

AUTHORIZING THE AWARD OF FOR LEGAL SERVICES [ROGUT MCCARTHY LLC]

WHEREAS, the Local Bond Law of New Jersey and, in particular, N.J.S.A. 40A:2-38.1, provides that a municipality may agree with an attorney with respect to the issuance of bonds and provides that no municipality shall compensate an attorney for services rendered in connection with the issuance of bonds other than a reasonable rate agreed upon prior to the rendering of services; and

WHEREAS, the Township of Millburn, in the County of Essex, New Jersey, desires to appoint a law firm to serve as bond counsel for the year 2024; and

WHEREAS, the law firm of Rogut McCarthy LLC, of 37 Alden Street, Cranford, NJ 07016 is qualified in training and experience to perform such services; and

WHEREAS, Rogut McCarthy LLC has provided the Business Entity Disclosure Certification in accordance with the N.J.S.A. 19:44A-20.8 and completed Political Contribution Disclosure Form; and

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

Section 1. The Township of Millburn, in the County of Essex, New Jersey (the "Township") hereby appoints Rogut McCarthy LLC (the "Law Firm") to act as bond counsel for the Township of Millburn until December 31, 2024 and hereby agrees, prior to the issuance of any bonds, that the Law Firm shall be compensated for professional services rendered in accordance with the proposal attached to the contract dated October 30, 2023 and the Mayor and the Township Clerk are hereby authorized and directed to execute a professional services agreement in a form subject to the approval of the Township Attorney with Rogut McCarthy LLC and the Chief Financial Officer has certified funds in the estimated maximum amount of \$25,000.00.

Section 2. No appropriation is required for the appointment of the Law Firm hereby authorized because the appropriations to pay such fees are appropriated in bond ordinances and chargeable to the cost of the improvements. Appropriations to pay for services rendered and not included in bond ordinances will be made as required.

Section 3. This appointment is made without competitive bidding as a contract for professional services under the provisions of the Local Public Contracts Law of New Jersey (N.J.S.A. 40A:11-1 et seq.) because legal services are a recognized exception to such Law.

Section 4. Notice of this action shall be published in accordance with law.

RESOLUTION 24-023
AUTHORIZING THE AWARD OF A CONTRACT FOR LABOR RELATIONS COUNSEL
[CLEARY GIACOBBE ALFIERI & JACOBS LLC]

WHEREAS, there exists a need in 2024 for labor relations counsel in connection with legal services as are necessary for the management of labor relations of the Township, including but not limited to participation in collective bargaining negotiations, grievances, administrative proceedings, arbitration and litigation through December 31, 2024; and

WHEREAS, Cleary Giacobbe Alfieri Jacobs LLC is qualified in training and experience to perform such services; and

WHEREAS, Cleary Giacobbe Alfieri Jacobs LLC has provided the Business Entity Disclosure Certification in accordance with the N.J.S.A. 19:44A-20.8 and completed Political Contribution Disclosure Form; and

WHEREAS, the Local Public Contracts Law (NJSA 40A:11 et seq.) requires that a resolution authorizing the payment of such professional fees, without competitive bidding must be publicly advertised;

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

1. That the Mayor and Township Clerk are hereby authorized and directed to execute a Professional Services agreement in a form subject to the approval of the Township Attorney between Cleary Giacobbe Alfieri Jacobs LLC, 169 Ramapo Valley Road, Upper Level 105, Oakland, New Jersey 07436 and the Township of Millburn, in connection with legal services as are necessary for the management of labor relations of the Township, including but not limited to participation in collective bargaining negotiations, grievances, administrative proceedings, arbitration and litigation through December 31, 2024 and the Chief Financial Officer has certified funds in the estimated maximum amount of \$60,000.00. Hourly compensation: \$175.00 per hour for all attorneys.
2. That this contract is made without competitive bidding as "professional services" under the provisions of the Local Public Contracts Law of the qualitative nature of the services to be performed.
3. That a notice of this resolution shall be published in The Item of Millburn and Short Hills as required by law.

RESOLUTION 24-024
AUTHORIZING THE AWARD OF A CONTRACT FOR SPECIAL COUNSEL

[ANTONELLI KANTOR RIVERA]

WHEREAS, the Township of Millburn requires the services of Special Counsel to assist with the Housing Element and Fair Share Plan Litigation; and

WHEREAS, the Township Committee has determined that it is in the interest of the Township to retain the services of Antonelli Kantor Rivera; and

WHEREAS, Antonelli Kantor Rivera has provided the Business Entity Disclosure Certification in accordance with the N.J.S.A. 19:44A-20.8 and completed Political Contribution Disclosure Form; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires public advertisement of the award of a contract for professional services, which is exempt from the requirement of competitive bidding;

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

1. That the Mayor is hereby authorized and directed to execute an agreement in a form subject to the approval of the Township Attorney with Antonelli Kantor Rivera 354 Eisenhower Pkwy, Suite 1000, Livingston, NJ 07039, for the provision of legal services at the rate of \$185.00 per hour and as set forth in the proposal of October 12, 2023, and the Chief Financial Officer has certified funds for this service in the estimated maximum amount of \$75,000.00.
2. That this contract is made without competitive bidding as a “professional service” under the provisions of the Local Public Contracts Law because of the qualitative nature of the service to be performed.
3. That a notice of this resolution shall be published in The Item of Millburn and Short Hills as required by law within ten days of its passage.

**RESOLUTION 24-025
AUTHORIZING THE AWARD OF CONTRACT FOR
HISTORIC PRESERVATION CONSULTANT SERVICES [BARTON ROSS & PARTNERS LLC]**

WHEREAS, there exists a need in 2024 for the performance of a Historic Preservation Consultant and other related work for the year 2024 for the Township of Millburn, in the County of Essex, New Jersey; and

WHEREAS, Barton Ross, of Barton Ross & Partners, LLC, is qualified in training and experience to perform such services; and

WHEREAS, Barton Ross, of Barton Ross & Partners, LLC, has provided the Business Entity Disclosure Certification in accordance with the N.J.S.A. 19:44A-20.8 and completed Political Contribution Disclosure Form; and

WHEREAS, the Local Public Contracts Law (NJSA 40A:11-1 et seq.) requires that a resolution authorizing the payment of such professional fees, without competitive bidding must be publicly advertised;

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

1. The Mayor and the Township Clerk are hereby authorized and directed to execute a professional services agreement in a form subject to the approval of the Township Attorney with Barton Ross, of Barton Ross & Partners, LLC, 184 S. Livingston Avenue, Suite 9-140, Livingston, NJ 07039 for this professional through December 31, 2024.
2. This contract is made without competitive bidding as a “professional service” under the provisions of the Local Public Contracts Law because of the qualitative nature of the service provided.

3. Fees for services are at a rate of \$75.00 per hour and are authorized as per proposal dated October 12, 2023 and the Chief Financial Officer has certified funds in the estimated maximum amount of \$50,000.00.
4. A copy of this resolution shall be published in The Item of Millburn Short Hills as required by law, within ten (10) days of its passage.

RESOLUTION 24-026

AUTHORIZING AND AWARDING A PROFESSIONAL SERVICES CONTRACT WITH BRIGHT VIEW ENGINEERING FOR THE PERFORMANCE OF TRAFFIC ENGINEERING CONSULTING SERVICES

WHEREAS, the Township of Millburn requires the performance of on call professional Traffic Engineering Consultant Services; and

WHEREAS, Bright View Engineering, 651 Old Mount Pleasant Avenue, Suite 100, Livingston, NJ, 07039, can provide such specialized traffic engineering services; and

WHEREAS, Bright View Engineering has provided the Business Entity Disclosure Certification in accordance with the N.J.S.A. 19:44A-20.8 and completed Political Contribution Disclosure Form; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 (et seq.) requires that the authorizing of the award of a contract for professional services without competitive bids must be publicly advertised;

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

1. The Mayor and the Municipal Clerk are hereby authorized and directed to execute a contract, in a form subject to the approval of the Township Attorney, with Bright View Engineering, 651 Old Mount Pleasant Avenue, Suite 100, Livingston, NJ, 07039 for on call professional Traffic Engineering Consultant Services, as detailed in their submitted proposal dated October 11, 2023 for 2024 services, in an amount not to exceed \$50,000.00.
2. This contract is awarded without competitive bidding as “professional services” under the provisions of the Local Public Contracts Law because the contract is for specialized services to be performed by persons authorized by law to practice a recognized profession, whose practice is regulated by law.
3. A notice of this contract award and the adoption of this resolution shall be published in The Item of Millburn Short Hills as required by law within ten (10) days of passage of this resolution.

RESOLUTION 24-027

**AUTHORIZING THE AWARD OF A CONTRACT FOR PLANNING CONSULTANT SERVICES
[Topology NJ, LLC]**

WHEREAS, there exists a need for Professional Planning Consultant Services related to affordable housing planning for the Township of Millburn; and

WHEREAS, the Millburn Township Committee has determined that those services shall be performed by Graham Petto, PP, AICP, of Topology NJ, LLC, 60 Union Street, Suite 1N, Newark, New Jersey 07105; and

WHEREAS, Topology NJ, LLC can provide such specialized consultant services and has provided the Business Entity Disclosure Certification in accordance with the N.J.S.A. 19:44A-20.8 and completed Political Contribution Disclosure Form; and

WHEREAS, the Local Public Contracts Law (NJSA 40A:11-1 et seq.) requires that a resolution authorizing the payment of such professional fees, without competitive bidding must be publicly advertised;

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

1. The Mayor and the Municipal Clerk are hereby authorized and directed to execute a professional services agreement, in a form subject to the approval of the Township Attorney, with Graham Petto, PP, AICP, of Topology NJ, LLC, 60 Union Street, Suite 1N, Newark, New Jersey 07105 for this professional service.
2. This contract is made without competitive bidding as a “professional service” under the provisions of the Local Public Contracts Law because of the qualitative nature of the service provided.
3. Fees for services are authorized as per their proposal dated October 16, 2023 and December 22, 2023 and the Chief Financial Officer has certified funds in the maximum amount of \$50,000.00.
4. A copy of this resolution shall be published in The Item of Millburn Short Hills as required by law, within ten (10) days of its passage.

**RESOLUTION 24-028
AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL PLANNING SERVICES
[TOPOLOGY NJ, LLC]**

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

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

WHEREAS, Topology NJ, LLC, 60 Union Street, Suite 1N, Newark, New Jersey 07105 can provide such specialized services; and

WHEREAS, Topology NJ, LLC has provided the Business Entity Disclosure Certification in accordance with the N.J.S.A. 19:44A-20.8 and completed Political Contribution Disclosure Form; and

WHEREAS, the Local Public Contracts Law (NJSA 40A:11-1 et seq.) requires that a resolution authorizing the payment of such professional fees, without competitive bidding must be publicly advertised;

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

1. The Mayor and the Township Clerk are hereby authorized and directed to execute a professional services agreement in a form subject to the approval of the Township Attorney with Topology NJ, LLC, 60 Union Street, Suite 1N, Newark, New Jersey 07105 for this professional service.
2. This contract is made without competitive bidding as a “professional service” under the provisions of the Local Public Contracts Law because of the qualitative nature of the service provided.
3. Fees for services are authorized as per proposal dated October 16, 2023 and December 22, 2023 and the Chief Financial Officer has certified funds in the maximum amount of \$78,000.00.
4. A copy of this resolution shall be published in The Item of Millburn Short Hills as required by law, within ten (10) days of its passage.

**RESOLUTION 24-029
APPOINTMENT OF TOWNSHIP REPRESENTATIVES TO
ESSEX COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT COMMITTEE**

BE IT RESOLVED by the Township Committee of the Township of Millburn, that Martha Callahan, Township Engineer, and Christine Bugel, Assistant Township Engineer, be appointed as representatives to the Essex County Community Development Block Grant Committee.

**RESOLUTION 24-030
APPOINTMENT OF TOWNSHIP REGISTRAR AND**

DEPUTY REGISTRAR OF VITAL STATISTICS

WHEREAS, it is necessary to appoint a Registrar and Deputy Registrar of Vital Statistics for the Township of Millburn for 2024;

WHEREAS, these appointments are effective January 1, 2024 through December 31, 2024 unless otherwise amended;

WHEREAS, the following individuals are qualified for the appointments;

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Millburn, in the County of Essex, that the following are appointed to the position of Registrar and Deputy Registrar of Vital Statistics for the Township of Millburn through December 31, 2024:

Mary Iadanza, CMR – Registrar of Vital Statistics
Rose Saponara, CMR – Deputy Registrar of Vital Statistics (Livingston)

RESOLUTION 24-031
RESOLUTION TO PROVIDE FOR THE APPOINTMENT OF INDIVIDUALS TO THE ADVISORY COMMITTEE ON CULTURE, ENGAGEMENT, DIVERSITY AND ARTS (CEDA)

WHEREAS, Millburn Township is a community composed of people with a wide variety of faiths, philosophies and backgrounds and can become stronger, more cohesive and more interesting by embracing its diversity; and

WHEREAS, the Township Committee created the Advisory Committee to the Advisory Committee on Culture, Engagement, Diversity and Arts (CEDA) in 2019 in order to assist local cultural organizations in highlighting programs that recognize and showcase the diversity in culture and art in Millburn Township;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee in the Township of Millburn, in the County of Essex and State of New Jersey on the 2nd day of January, 2024 as follows:

- 1.) There is hereby reconstituted an Advisory Committee to the Advisory Committee on Culture, Engagement, Diversity and Arts (CEDA) wherein the purpose is to:
 - a. share the rich background of our community and seeking to be a resource for diversity needs within the community
 - b. assist local organizations in highlighting programs that recognize the diversity in culture in Millburn Township
 - c. assist with requests for visual art placement in Millburn Township
- 2.) The board shall consist of seven (7) or more Millburn Township residents, appointed by the Mayor, with advice and consent of the Township Committee, to serve until December 31, 2024:

Annette Romano, Township Committee Member
Jackie Benjamin Lieberberg, Millburn Township Resident
Yanwen Hou, Millburn Township Resident
Robin Li, Millburn Township Resident
Swathi Jayanth, Millburn Township Resident
Amol Chopra, Millburn Township Resident
David Sorkin, Millburn Township Resident
Christine Lassiter, Millburn Township Resident
Dean Shulman, Millburn Township Resident
Richard Wasserman, Millburn Township Resident
Jane Shan, Millburn Township Resident
Sandi Chung, Millburn Township Resident
Jun Mao, Millburn Township Resident
Monisha Amaral, Millburn Township Resident
Louie Shen, Millburn Board of Education Representative
Hawley Abelow, Paper Mill Playhouse Representative or Designee

- 3.) The Board shall select a chairperson among its members. The Chairman shall submit an annual written report to the Mayor and Township Committee.
- 4.) The board shall also select a secretary among its members. The secretary shall schedule meetings, issue notices and keep minutes.
- 5.) Cultural, Diversity & Arts Advisory Committee shall meet quarterly through the end of the year, but may meet more frequently in its discretion as needed.
- 6.) The Resolution shall take effect immediately.

**RESOLUTION 24-032
RECONSTITUTE AND APPOINT MEMBERS TO THE
FLOOD MITIGATION ADVISORY COMMITTEE**

WHEREAS, the Township of Millburn (“Township”) experienced devastating flooding as the result of Tropical Storm Ida, in September 2021, that severely impacted both residential and commercial properties within the Township; and

WHEREAS, the Township has periodically experienced substantial flooding events over the last several decades; and

WHEREAS, the Township Committee desires to implement an approach which will obtain a study of the most current hydrological and engineering information concerning the flooding conditions in the Township and convene meetings of a committee hereinafter established, known as the Flood Mitigation Advisory Committee, to analyze, consider and make recommendations to the Township Committee;

NOW THEREFORE, BE IT RESOLVED by the Township Committee in the Township of Millburn, in the County of Essex and State of New Jersey on this 2nd day of January, 2024 as follows:

- 1) The Flood Mitigation Advisory Committee is hereby established and shall consist of five public officials and up to nine public members to serve until December 31, 2024; and
- 2) The officials of the Township designated to serve on the Advisory Committee are:
 - a) The Business Administrator or designee
 - b) The Township Engineer or designee
 - c) The Superintendent of Public Works or designee
- 3) The public members designated to serve on the Advisory Committee are
 - a) Sara Sherman
 - b) Mike Roberts
 - c) Vic Benes
 - d) Miriam Kurtsoy
 - e) Jim McKenna
 - f) Joe Esposito
 - g) Neeraj Napal
 - h) Roger Timpson
 - i) Charles Bambara
 - j) Nicolas Volpicelli
 - k) Raymong Wong
- 4) The Flood Mitigation Advisory Committee shall meet no less frequently than once per month and will formulate a Report to the Township Committee consisting of recommended measures and actions for implementation and funding by the Township Committee.

**RESOLUTION 24-033
RESOLUTION TO RECONSTITUTE AND PROVIDE FOR THE OPERATION OF A ZONING CODE
EXAMINATION SUBCOMMITTEE**

WHEREAS, the Mayor with approval of the Millburn Township Committee desires to constitute and provide for the operation of a Zoning Code Examination Subcommittee (“Subcommittee”); and

WHEREAS, the Subcommittee shall meet and evaluate the current Zoning Code of the Township of Millburn and reflect on the current zoning needs of the township while maintaining the objectives of the Millburn Township Master Plan; and

WHEREAS, the Subcommittee shall make periodic reports to the Township Committee as necessitated and formulate recommendations to the Committee outlining proposed action as it relates to amending the Zoning Code;

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 individuals to serve on the Subcommittee shall be:
 - a) Committeeman Frank Saccomandi;
 - b) Jessica Glatt, Zoning Board of Adjustment
 - c) Craig Ploetner, Zoning Board of Adjustment
 - d) Alison Canfield, Historic Preservation Commission
 - e) Alex McDonald, Business Administrator or designee
 - f) Eileen Davitt, Zoning Officer
- 2) These individuals shall serve until the later of the following: Conclusion of the project and delivery of a final product to the Township Committee, unless a vacancy shall occur by virtue of a person leaving office or being otherwise unavailable to serve, in which event, the Township Committee shall appoint a substitute.

RESOLUTION 24-034
CONFIRM APPOINTMENTS TO THE
ESSEX COUNTY SOLID WASTE ADVISORY COUNCIL

BE IT RESOLVED by the Township Committee confirms that Stacie Phelps be appointed as the Millburn Township Representative to the Essex County Solid Waste Advisory Council to the unexpired two-year term ending on December 31, 2024.

BE IT FURTHER RESOLVED that Tom Doty serves as the Alternate with a term expiration of December 31, 2024.

RESOLUTION 24-035
RESOLUTION AS TO THE RULES OF PROCEDURE AND ORDER OF BUSINESS

BE IT RESOLVED, by the Township Committee of the Township of Millburn, County of Essex, State of New Jersey, that the following Rules of Procedure and Order of Business are hereby adopted:

RULES OF PROCEDURE AND ORDER OF BUSINESS
ARTICLE I

The Public Meeting deliberations of the Township Committee shall be governed by these Rules of Procedure and Order of Business of the Township Committee (“Rules”). Matters of procedure not covered by the Township Code or New Jersey Statute shall be governed by these Rules, as modified from time to time. The Township Committee may consult Roberts Rules of Order for guidance and use by

unanimous consent or a majority vote of the full authorized membership, in its discretion, but shall not be governed thereby.

This version of Rules of Procedure and Order of Business supersedes any prior such Rules.

ARTICLE II – MEETINGS

Section 1.

A) Pursuant to the Revised General Ordinances of the Township the Mayor shall preside at all meetings of the Township Committee. The Mayor shall decide all questions of order subject to appeal to the Township Committee. The Mayor shall address agenda items as a meeting progresses and announce the determinations made by the Township Committee on all matters coming before it.

B) A majority vote of the members of the Township Committee shall generally govern the enactment of measures except as specifically provided otherwise by law. A majority of the full authorized membership of the Township Committee shall be required to vote in the affirmative in order to pass any ordinance. Each member of the Township Committee shall cast a vote upon the name of that person being called. No Member shall be entitled to vote “pass” in order to be called upon later during a roll call. An abstention, for all purposes, shall not be counted either as a vote in favor or against the particular matter in which the abstention is given. The Township Committee Member abstaining from the vote shall be deemed to have taken a strictly neutral position on the matter. Upon the occasion of a voice vote of the ayes and ayes, where in the opinion of any Member it is unclear as to the outcome of the voice vote, that member shall have the right to require a roll call vote by the Clerk. Each member of the Township Committee (including the Mayor) shall have the right to make and second motions and nominations and to vote thereon. In any circumstance where a Member has a conflict of interest preventing her/him from participating in the consideration and voting on an agenda item, the Member shall be recused from participation. When the matter comes up on the agenda the Member shall explain the nature of the conflict and shall leave the meeting room during the consideration of that matter. The Members are encouraged to consult the Township Attorney on potential conflicts in advance of the meeting.

Section 2. The Mayor shall on all occasions preserve order and dignified proceedings. On the occasions when public comment is provided for during the course of a meeting, the Mayor will attempt to provide an opportunity for all persons desiring to speak to do so in order to allow for a fair hearing of contrasting views within the time available. The Mayor shall generally recognize those physically present at the meeting in the order that recognition is sought. In circumstances where a meeting is also being attended by electronic means, the Mayor shall first recognize those physically present at the meeting and then proceed to those seeking recognition by electronic means both visual and then telephonic. Persons addressing the Township Committee, whether during a public comment portion of the meeting, a public hearing on an ordinance or other measures requiring a hearing, or otherwise, shall limit their remarks to three minutes. An audible signal shall notify all that the speaker has 30 seconds left to conclude their remarks. When the signal sounds the second time the Mayor shall advise the speaker that time has expired and proceed to recognize the next person. A speaker who completes their remarks prior to the expiration of their allotted time cannot yield the remainder of their time to another individual. If a person engages in disorderly or disruptive behavior during the course of a public meeting, the Mayor

shall request any such person to refrain from such behavior and to conclude their comments or remarks in a civil and dignified manner. If the person continues in a disruptive fashion which is preventing the meeting from proceeding, the Mayor shall advise the person to cease speaking and to quietly resume their seat. If the person then persists in the disruptive behavior which is physically obstructing the continuance of the meeting in violation of N.J.S.A. 2C:33-8, the Mayor shall have the right to cause the person to be escorted from the meeting. After the close of a Public Comment Period or a Hearing, the Mayor shall inquire as to whether any Member of the Township Committee, the Business Administrator, the Township Attorney or any Township employee or consultant present at the meeting, desires to address any matter raised by a member of the public. The Mayor shall recognize any such person desiring to speak in the order that recognition is sought, subject to the requirement that Township Committee Members shall have priority. This mode of comment and response can be altered by the Mayor or on motion of any Member of the Township Committee both with the approval of a majority of the Members of the Township Committee present, where it is determined that by reason of the length of the public comment or hearing proceedings or other good cause it makes better sense to respond periodically during the course of those proceedings.

Section 3. In order for a meeting of the Township Committee to be convened, a quorum of the Members, consisting of at least three Members, must be present either physically, electronically or telephonically. In the event that a quorum of the Township Committee is not in attendance at the time appointed for the commencement of the public meeting, and provided that prior notice not to exceed 20 minutes of late arrival by a missing Member has not been provided to a Member of the Township of Committee, the Business Administrator or the Clerk that is present either physically, electronically or telephonically for said meeting, after the passage of 15 minutes the Clerk shall announce, in the absence of a quorum, that the meeting will be held on a later date, with new notice of the date and time to be adequately noticed as required by law.

Section 4. At a meeting where neither the Mayor nor the Deputy Mayor is present, the Clerk shall determine whether a quorum is present and call for the election of a Temporary Presiding Officer. In the event that either the Mayor or Deputy Mayor arrives during the course of the meeting, the Temporary Presiding Officer shall relinquish the chair upon the conclusion of the matter of business then before the Township Committee.

Section 5. The Township Committee may vote to designate a different place from Town Hall to hold a particular or special meeting. In such event, the Clerk shall give notice of the time and place of the meeting in accordance with law .

Section 6. Regular meetings shall be held as scheduled at the annual organization meeting each year or as rescheduled by resolution adopted at a regular meeting.

Section 7. Special meetings shall be held as provided in the Township Code. Upon the receipt of a proper call for a special meeting, the Township Clerk shall give at least two business days' notice by delivery of a notice thereof to their places of residence or by email to each member.

Section 8. All meetings of the Township Committee shall be held in accordance with the Open Public Meetings Act.

Section 9. When Township Committee meetings are broadcast over platforms such as YouTube and /or Zoom it is for the convenience of the public. In the event that any broadcast is interrupted, for any reason, the in-person Township Committee meeting will continue as noticed and as the official Public Meeting.

ARTICLE III - ORDER OF BUSINESS

Section 1. The business of the Township Committee shall be taken up for consideration and disposition in the order set forth below. At any meeting, the order of business can be rearranged for scheduling or other reasons in the discretion of the Township Committee by unanimous consent or majority vote of the Township Committee. Thereafter, for future meetings, the Order of Business shall revert to the following being the normal order of business of regular meetings of the Township Committee:

1. Meeting called to Order;
2. Open Public Meetings Act announcement;
3. Salute to the flag;
4. Roll Call;
5. Approval of agenda;
6. Action on minutes of previous meetings;
7. Reports;
8. Public comment period;
9. Adoption of resolutions;
10. Introduction of ordinances;
11. Ordinances on final reading;
12. Miscellaneous old and new business items;
13. Adjournment.

Section 2.

A) A tentative agenda for regular meetings shall include any item listed by the Mayor, the Business Administrator, or by request of any Member of the Township Committee at any time prior to 3:00 p.m. on the Monday of the week prior to the subject meeting. The tentative agenda shall be posted as required by law. Absent urgent circumstances as hereinafter defined, all agenda items which are requested to be placed on the agenda which have not been submitted within the prescribed deadline shall be placed on the following regular agenda. A final agenda shall be approved at the beginning of the subject public meeting by a majority vote of the Members present.

B) Any member of the Township Committee who desires to amend the agenda after the deadline and prior to its approval at the meeting, may move to amend the same and shall explain the substance of the amendment including why it should be included on the current agenda rather than on the agenda of the next meeting and outlining the urgency underlying the need to consider the amendment for approval at that meeting. A matter of urgency is one where a failure to consider it as an agenda item would likely result in a substantial and significant adverse consequence to the Township, an employee of

the Township or the public health, safety and welfare of the community. A vote of a majority of the Members present shall be required to add a new agenda item.

C) The final agenda shall be adopted at the beginning of the scheduled meeting by a majority vote of the Members present.

D) During the “Reports” section of the meeting, members of the Township Committee may provide reports only on matters pertaining to boards and committees that they serve as a Member or Liaison to, as officially appointed by the Township Committee at their Organization Meeting or regular meeting.

E) If during the course of a meeting, and only because the potential need to act on a matter has arisen and become known during the meeting, a Member desires to have a new matter discussed under New Business, not then listed, the Member can seek to be heard as to the new item, provided that the Member describes the urgency underlying the need to take up the new item for discussion which must be approved by unanimous consent or, if needed, a vote of the majority of the full authorized membership of the Township Committee. If the matter is disapproved for consideration under New Business, it shall be carried and automatically listed for discussion under New Business at the next regular public meeting.

F) The requirements of this Section 2 may be waived by unanimous consent or a vote of the full authorized membership of the Township Committee, including the ability to vote on a measure relating to a new and previously unanticipated item when action is recommended by the Business Administrator as requiring timely resolution and/or relates to a matter of substantial urgency constituting a situation including but not limited to one threatening the public health, safety or welfare of the community requiring immediate consideration of an action.

G) The agenda shall include a Consent Agenda item for the adoption of two or more resolutions by one motion where there is unanimity among the Members in favor of the adoption of the resolutions listed thereon. When the Consent Agenda item is reached, but before any motion to approve it, Members may ask for an explanation concerning any Resolution from the Business Administrator or Staff in attendance. This can be followed by relevant discussion on any such Resolution among the Members. After the Consent Agenda has been moved and seconded there shall be no separate discussion by the Members on the Resolutions on the Consent Agenda either before or during the roll call. If discussion and/or a separate vote is desired on a resolution by any Member, that resolution shall be removed from the Consent Agenda and considered separately.

H) All ordinances and resolutions which require hearings or the taking of public comment, as a matter of law, shall be considered in the ordinary course as separate agenda items for consideration and potential enactment. In the absolute discretion of the Township Committee, it may invite public comment on resolutions not legally requiring the same, upon the motion of any Township Committee Member and approval by a vote of a majority of the Members present.

I) The Township Attorney shall, in a timely manner, provide necessary legal guidance and assistance to a Township Committee Member seeking to introduce an ordinance or resolution for an upcoming meeting when requested by the Business Administrator to provide the same.

J) Through the Business Administrator, a Member of the Township Committee may request a report on any aspect concerning the activities of the departments of the Township, the status of

municipal projects or other items of interest which will better inform the Township Committee in connection with its policymaking and legislative powers.

ARTICLE IV –COMMON MOTIONS AND PROCEDURES

1. When a matter is proposed and seconded, it is under consideration. Failure to receive a second means that the motion has failed for want of a second. When under consideration, no motion shall be received thereafter until the matter is decided except a motion to withdraw, a motion to lay on the table to a date certain, a motion to lay on the table indefinitely, a motion to amend or a motion to appeal.
2. Common Motions:
 - a. Motion to withdraw - When an item on the agenda comes up for consideration and potential adoption, it may be withdrawn. If after a motion is made and seconded but before a vote is taken, a consensus develops among a majority of the Members of the Township Committee that the item in question should not be acted upon, a motion to withdraw can be made. If seconded, the Mayor treats this at first as a unanimous consent request by stating: “Unless there is an objection the matter is withdrawn”. If there is an objection, the Mayor or any other member can move that withdrawal of the motion be granted. If made by a member other than the one originally seeking withdrawal, it does not require a second since the maker of the motion to grant withdrawal and the original maker surely both favor it. After the motion to withdraw is adopted by a majority vote of the Members present, the matter is laid aside in its present form for the balance of the year.
 - b. Motion to table to a date certain - When an item on the agenda comes up for consideration and potential adoption, a Member can move, prior to the taking of a vote, that the item be tabled for consideration at a later date not to exceed 60 days or if the time period of 60 days would not allow for adoption by the end of the year, to a date which, depending upon the nature of the method of adoption, will allow for its consideration before the end of the calendar year. This motion requires a vote of a majority of the Members present and is out of order if used in an attempt to kill the item under consideration. This motion is appropriate only where a majority of the Members present are of the view that the matter requires further analysis as to the advisability or possible implications of adoption.
 - c. Motion to table indefinitely- When an item on the agenda comes up for consideration and potential adoption, a Member can move, prior to the taking of a vote, that the item be tabled indefinitely. This motion requires a vote of the majority of the Members present. Thereafter, at a future meeting the item may be taken from the table by a majority vote of the Township Committee during the year that it was tabled indefinitely. All items tabled indefinitely and remaining on the table at the end of the calendar year shall be considered moot and shall not be considered by the Township Committee unless brought forward as a new item in a succeeding year.
 - d. Motion to amend- When an item on the agenda comes up for consideration and potential adoption, a Member can move, prior to the taking of a vote, that the item be

amended. A Member may offer a motion to amend the item to insert words, strike words, or both insert and strike words. The proposed amendment must be germane to the main measure. The proposed amendment is voted upon with the vote pertaining to the insertion or removal of words, not on the main measure as proposed to be revised. An amendment cannot merely make the adoption of the amended measure equivalent to its rejection. A Member moves that certain terms be added or removed from the measure. If seconded, the vote is limited to the text proposed. If the vote is in the affirmative, the Mayor announces: "The amendment is adopted" and restates the amended portion of the measure. A new vote is then taken on the revised measure in its entirety. If an amendment fails, the main measure remains as originally stated. Other potential germane amendments are dealt with in the same fashion and then the main measure as it is then stated is voted upon. This process is subject to the requirement that if the agenda item is an ordinance, a re-advertisement may be required as a matter of law depending upon the nature of the amendment and whether it introduces a significant change.

- e. Motion to Appeal- If a Member believes that there has been a breach of these Rules and that the presiding official has not followed the same, she/he may raise a point of order. The presiding officer then either implements a correction, if required, or rules that the Rules have been followed. Thereafter the Member can move to appeal the ruling and if seconded, the Township Committee shall vote on whether the ruling is to be upheld or reversed. If reversed the Township Committee shall take such remedial action as may be implemented, under the circumstances, to revisit the matter complained of for reconsideration in accordance with the Rules. A point of order must be raised immediately at the time of the alleged breach.
 - f. Motion to Limit, Extend or Close Debate-When a measure has proceeded to the point of discussion of the merits of adoption of a measure by the Township Committee, but before a vote, a motion to limit, extend, or close debate can be made. Because the extent to which an issue is discussed rests primarily with the Mayor, it is the Mayor who carries the burden of ensuring that adequate exposure is given to differing points of view. A motion to limit, extend, or close debate is therefore, an overruling of the Mayor's determination. Because this motion affects the most fundamental right of any Member to speak one's views, it shall be adopted only upon the affirmative vote of two-thirds of the Members present and participating.
3. Motions not related to an enactment:
- a. Motion to adjourn – this motion shall be in order following the conclusion of the consideration of all agenda items, unless however, due to the lateness of the hour, (11 P.M. or later) the Township Committee shall determine by a majority vote of the Members present to adjourn the meeting. However, if the Mayor and or the Business Administrator concludes that the Township Committee has failed to act on other matters which in his/her opinion require timely action, those matters shall be addressed and upon the conclusion of them the meeting can be adjourned.

- b. Motion to take a brief recess – A motion to recess request the brief interruption of a meeting to provide a needed break, for the comfort of a Member, or for any other appropriate reason. The Mayor or any Member can move for the announcement of a recess, not to exceed 15 minutes. Upon receipt of a request and voice vote of a majority of the Members present, a recess shall occur. Any Member may request a roll call vote following a voice vote. After the expiration of the time for a recess has occurred, the business of the Township Committee shall resume.
- c. Motion for clarification – Upon the occurrence of a voice vote of the ayes and nays, where in the opinion of any Member it is unclear as to the outcome of the voice vote, the Member shall have the right to require a roll call vote by the Clerk.

ARTICLE V- ETHICAL CONDUCT

All Members of the Township Committee shall observe the requirements of the Local Government Ethics Law in connection with their participation in and the conduct of public business.

ARTILCE VI - FAIR AND ORDERLY PROCEEDINGS

Section 1. Guidelines:

The citizens and businesses of Millburn Township are entitled to Meetings of the Township Committee held in an orderly and dignified fashion, guided by, but not limited to, the following principles: 1.) Compliance with the laws and policies affecting the operations of government and the conduct of public meetings; 2.) Conduct of meetings of the Township Committee where the members are independent, impartial and fair in their judgment and actions, and 3.) Conduct of public deliberations and processes openly, unless required or permitted by law to be confidential, in an atmosphere of respect and civility observed by both members of the Township Committee and by the members of the public attending such meetings.

Section 2. Elected and Appointed Officials Conduct with Each Other in Public Meetings:

Elected and appointed officials or individuals have a wide variety of backgrounds, personalities, values, opinions and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and/or improve the present and future of the Township. In all cases, this common goal should be acknowledged even though individuals many not agree on every issue. Elected or Appointed Officials shall:

A.) Respect the role of the Mayor in maintaining order. It is the responsibility of the Mayor to preside at the meetings and to keep the comments of members on track during public discussion. Township Committee Members should honor the efforts of the Mayor to focus discussion on current agenda items and to fairly manage comment and discussion thereon.

B.) Practice civility and decorum in discussions and debate over public matters. Difficult questions, principled challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate by a free democracy in action. Free

debate does not require nor justify, however, elected officials to make belligerent, personal, impertinent, abusive or disparaging comments.

C.) Avoid personal comments that could offend other members due to their extreme nature. If a member is personally offended by extreme remarks by another member, the offended member shall have the right to call for a “point of personal privilege” that challenges the other member to explain or apologize for the language used. The Mayor will maintain control of this discussion. If a resolution of the matter is unable to be conducted, the Mayor shall move to the next item of public business and the minutes shall reflect that an accommodation was not able to be achieved.

D.) Demonstrate effective problem-solving approaches. The members of the Township Committee have a public stage and have the responsibility to show how individuals with disparate points of view can find common ground and seek a solution, sometimes involving compromise, that benefits the Township as a whole.

E.) During the course of a public meeting no members of the Township Committee shall communicate with each other, persons in the audience or persons outside of the municipal building on any matter of public business by electronic means, including but not limited to, emails, text messages or otherwise.

Section 3. Elected and Appointed Officials conduct with the Public in Public Meetings: Making the public feel welcome is an important part of the democratic process. No signs of prejudice or disrespect should be evident on the part of the individual members of the Township Committee toward any individual participating in a public forum. Every effort should be made to be fair and impartial when listening to public comment.

Elected Or Appointed Officials shall:

A.) Be welcoming to speakers coming forward to make public comments. While questions of clarification may be asked, the primary role of the official during public comment is to listen. While officials are under no legal obligation to respond to questions posed by members of the public, in exercising their discretion as to whether or not to do so they will need to balance the interest of transparency in relation to governmental matters with the requirements of confidentiality or other considerations and circumstances which cause them not to respond.

B.) Be fair and equitable in allocating public hearing time to individual speakers. The Mayor will determine and announce limits for each speaker at the start of a hearing or public comment period, currently set at three minutes. The Mayor will attempt to provide an opportunity for all persons desiring to speak so as to allow for a fair hearing of contrasting views within the time available.

C.) Ask for clarification, if needed, but avoid debate and argument with the public. Only the Mayor and not individual members, can interrupt a speaker during a presentation. However, a member can ask the Mayor for a point of order if a speaker is off topic or exhibiting behavior or inappropriate or coarse language that the member finds is having a negative impact on the decorum of the meeting.

D.) Certain direct and implied suggestions as to proper procedure and the maintenance of decorum set forth in Roberts Rules of Order, as follows, shall be observed:

1. Addressing all remarks through the Mayor. Members of the Township Committee should refrain from addressing one another directly, absent an obviously open discussion amongst the members sharing their views on a single topic. Ordinarily however, a member desiring to ask a question or make a statement shall seek recognition of the Mayor before proceeding with the same. The Mayor shall in all events make certain that all members seeking to ask a question or make a statement on the topic under consideration shall be recognized generally in the order in which recognition is sought.
2. Once recognized by the Mayor, the Members of the Township Committee should refrain from intemperate remarks concerning a member's motives. When a question is pending, a member can criticize the nature or likely consequences of the proposed measure in strong terms, but the member must avoid personalities, and under no circumstances should attack or question the motives of another member.
3. Members of the Township Committee should confine remarks to the merits of a pending questions in discussion or debating a proposal or a pending question. Each member's remarks must be germane to the question before the Township Committee meaning the statements must have a bearing on whether the proposal of the pending question should be pursued or adopted.
4. As much as possible, the surnames of members should be used as a sign of decorum and respect.
5. Reading from reports, quotations, correspondence and other documents only without objection or with permission. If any member objects, a member has no right to read from, or to have the Clerk read from, any paper or book as part of his or her remarks, without permission of the Township Committee. Members are usually permitted to read short, pertinent printed matter, however, so long as they do not abuse the privilege. Any member anticipating that she or he intends to read written materials authored by others, during the course of an upcoming meeting, shall submit the same to the Clerk a week before the upcoming meeting for inclusion into the meeting packet. If the length and the materials outlined by others could not be read aloud at the meeting within three (3) minutes, they should be summarized for presentation.

ARTICLE VII – AMENDMENT

Section 1. These Rules shall be subject to and governed by the laws of the State of New Jersey and the ordinances of the Township. These Rules shall not be amended except at a regular meeting of the Township Committee. All

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proposed amendments shall be submitted in writing at a regular meeting for consideration and potential action at a subsequent regular meeting.

ADJOURNMENT

Mayor Romano asked for a motion to adjourn. Committeewoman Prupis made a motion to adjourn the meeting, which was seconded by Committeeman Cohen and was carried unanimously. The meeting was adjourned at 8:55 PM.

Christine Gatti, RMC
Municipal Clerk

Approved: February 6, 2024