

**February 7, 2023**  
**Millburn Township Committee Meeting Minutes**

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

Mayor Miggins opened the meeting and read the following statement: 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, Town Hall, and serving the officially designated newspapers, a notice stating that this meeting would take place at the Town Hall at 7:00 PM on February 7, 2023. Meeting details and the draft agenda were also posted on our Township website.

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

Upon call of the roll, the following Committee members were recorded present: Michael Cohen, Tara Prupis, Annette Romano, Sanjeev Vinayak, and Maggee Miggins

Also present were Business Administrator Alexander McDonald, Township Counsel Joseph Maraziti, Assistant Business Administrator Jesse Moehlman and Municipal Clerk Christine Gatti.

### **Approval of Agenda**

Mayor Miggins made a motion to remove the October 18, 2022 and November 14, 2022 meeting minutes from the agenda which was seconded by Ms. Prupis. Vote: All Ayes

Ms. Prupis made a motion to amend the agenda to bring back the zoom and virtual participation option. Ms. Romano stated that she had mixed feelings on this matter. She added that she had reached out to all 22 municipalities in Essex; half were in person with more going back to in person. No one was in favor of adding this to the agenda and Ms. Prupis's motion was not seconded. The motion failed

### **Reports**

Mr. Cohen reviewed the Library's Annual Report and stated that they are doing very well. He reported on upcoming events and activities.

Ms. Prupis questioned whether the agenda was approved. Mr. Maraziti explained it was approved. Ms. Prupis noted that she does not agree and was not in favor of this agenda without adding zoom capabilities.

Mayor Miggins stated she would bring it back before the Committee. Mayor Miggins made a motion to approve the agenda as revised and Ms. Romano seconded.

Vote: All Ayes, except Prupis, Nay

Ms. Romano reported on the Art Advisory Committee and updated everyone on the plan to restore damaged artwork and replace certain pieces with the insurance money received. She provided an update on the Community Service Award Committee and Explore Millburn Short Hills and announced the opening of various new businesses in town. She noted Founding Day would be held on April 22. She provided an update on the latest Joint Meeting where a resolution was passed showing appreciation to Ms. Prupis for her service in 2022. She reported on the latest Parking Ad Hoc meeting where they discussed plans for upper Millburn Ave and additional signage. She noted that the Board of Education would be meeting after the winter break.

Mr. McDonald reported on the intersection of Hobart and Hobart Gap and that the traffic signal project had been pushed out further due to supply chain issues. He reviewed the drainage projects on South Mountain Road, updated everyone on the Flood Mitigation Advisory Committee meeting, and discussed

the Orange Reservoir. Mr. Vinayak asked if there was an update on the grant that was applied for and Mr. McDonald responded it was still with FEMA.

Mayor Miggins noted the police had been out enforcing the speeding laws and announced there would be a town hall meeting this coming Thursday with the Police Chief to talk about car thefts.

### **Affordable Housing Update**

Mr. Jarrid Kantor, Special Counsel for Affordable Housing, was present to provide an update on his meeting with the court from a Case Management Conference on February 3. He advised that a compliance hearing would be held on February 28, and the township would be seeking a conditional compliance order. He stated that the court was pleased with the township's progress towards compliance with the three resolutions and the ordinance that were on the agenda, but the developer's agreement still needed to be worked out and executed. He noted that believed Fair Share Housing would be willing to settle with certain conditions attached to the order.

### **Presentation**

#### Proposed Recreation Fields

Mr. McDonald announced that what was being presented tonight was an idea of what the township was in need of and whether or not the township could meet the need for recreation fields. What they are looking for after this presentation would be for the Township Committee to agree to a feasibility study for the concept.

Chris Myers, Recreation Director, advised that there had been an increase in participation of sports which had caused a problem in the allocation of the fields to the groups. He reviewed the benefits of offering these programs to the kids in town which included health, mental, and social benefits. He discussed the current needs and deficits in regards to fields and turf fields and the availability of fields. He added they have had to turn away groups because they do not have the space. He added that some groups have had to rent space in other towns due to this deficit. He stated that the priority was to evaluate current land available. He advised that they examined the Millburn Par 3 Golf Course at Gero Park which was owned by the town. He reviewed what could be done with this space which could include two multipurpose turf fields and one grass field with lights to maximize use. He reviewed the current Par 3 operations, membership, revenue and expenses and explained that the golf course had been operating at a loss for many years. He discussed other options available for golfers in the area. He reviewed the community benefits of adding these fields to their inventory and the increase to playable hours and rental revenue.

Mr. Matt Laracy, CFO, reviewed the financial outlook. He noted that the township had a AAA rating and a strong fund balance. He discussed the financial planning outlook, the cost estimate of this project (\$9.5 million). He added that they could look at different options for financing and funding including green acres funding and possibly open space funding if an open space tax was added by referendum. He felt the cost of this project could be absorbed into the current township debt since they had been aggressively paying debt down.

Mr. Myers advised that the Recreation Committee, at the last recreation meeting, voted in favor of requesting the Township Committee to consider authorizing a feasibility study for this potential project. He stated that if the Township Committee agreed, they would move forward and engage the public. Ms. Prupis asked how much a feasibility study would cost. Mr. Myers responded it would cost between \$14,000 and \$20,000. Ms. Prupis suggested presenting to the public first to get their input before having the Township Committee agree to a feasibility study and Mr. Cohen agreed. Ms. Romano asked if the feasibility study was going to give them an idea of how much would actually be spent. Mr. Laracy

advised that the \$9.5 million number they used was based on other towns and doing a feasibility study would give more information and specifics. It may come back with a much different number and moving forward with the public may not be needed then.

Ms. Romano asked how much the Par 3 Golf Course was losing each year and Mr. Laracy stated about \$100,000. Mr. Vinayak felt the price should not change their decision seeing the township needs more fields. He was not in favor of an Open Space Tax and believed the township could support the project and suggested it be done in phases. Ms. Prupis stated that she was concerned this was just an estimate and a full picture of actual debt needs to be provided. Mayor Miggins suggested a poll be taken from the public between the golf course or fields and if it comes back in favor of the fields then they could talk about a feasibility study. Mr. Vinayak agreed to do a poll first. Mr. McDonald discussed the terms of the poll and questioned if this would be a binding or non-binding poll. Ms. Prupis and Mayor Miggins agree it should be a non-binding poll. There was a consensus to put out a poll and it would be brought back to the Township Committee and Mr. McDonald added there would also be a public information session scheduled.

A five-minute recess was taken.

### **Public Comment**

Mayor Miggins made the following statement: "When invited to speak, please come to the lectern, clearly state your name and address, and speak loudly so that your comments may be understood by all and properly recorded. Whenever an audience or Committee member reads verbatim from a prepared statement, please email a copy to the Township Clerk's Office at [townclerk@millburntwp.org](mailto:townclerk@millburntwp.org). To help facilitate an orderly meeting and to permit all to be heard, speakers were asked to limit their comments to one 3-minute session. You would be prompted when there was 30 seconds remaining. Each individual would be given one opportunity to make their public comment. Please be patient and we would address each member of the public that wishes to speak. This was a business meeting, please do not address professionals or staff directly and direct all of your comments to me. A reminder that we were all neighbors and personal attacks would not be tolerated."

Mayor Miggins opened the public comment period.

Oyin Owolabi, resident, recommended bringing back the Zoom option as it was important especially to seniors and mothers of young children. She asked about plans for Black History Month this month and announced upcoming events to support Black History Month. She requested a Black History Month banner be hung in town.

Chris Drucker, resident and Recreation Commissioner since 2007, provided a history of the fields. He added he was not in favor of a poll and supported a feasibility study.

Frank Saccomandi, resident, addressed Mr. McDonald on recall retaliation. He reviewed the affordable housing conference and voiced his thoughts and questions on the redevelopment plan and the timeline regarding the incomplete items. He voiced his concerns on Resolution 23-066 and urged the Township Committee not to support it; a new more specific resolution should be done. He expressed his thoughts on building sports fields and wondered if the township could be sued for not using this property for affordable housing. He suggested the idea of recreation fields should be put to a referendum.

Jeffrey Feld, resident, informed the Township Committee that he was the special litigation counsel for the declaratory judgment action for Concerned Millburn Residents and New Jersey Non-Profit Corporation. He questioned the retention of an Auditor, bills list items, recreation grant application and why a change was made to the overpayment resolutions to no longer show the name or address of the

taxpayer. He questioned the policy and procedure resolution and if other municipalities allow residents a second opportunity to speak. He reviewed affordable housing and the redevelopment plan.

Sumitra Ganesh, resident, discussed the need for cricket facilities in town and was in support of adding facilities. She explained cricket was offered in the schools and would like the recreation department to offer a summer program and clinics.

Eileen Schofield, resident, read the following statement: "Why eliminate one of the crown jewels of Millburn/Short Hills...the Par 3. The local Golf pro said he has never seen a nicer nor well maintained Par 3 in any town. The Millburn High School Boys Golf team uses it for its practices and the majority of its matches. The same with the Millburn High School Girls Golf Team; they use it for practices and the majority of its matches. The coach indicated to me today how important this Par3 is to their teams. The Athletic Director at MHS was going to get involved. Not to mention the over 800 Millburn residents who are members of the Par 3 and the dozens and dozens of youths we see taking lessons & participating in camps. We had such a nice time there on Mother's Day golfing as a family. Where would everyone go if they were displaced from the par 3? There is no other par 3 in town, Summit is for town members and apparently it is impossible to get out of town memberships. The East Orange Golf course is 18 holes and no comparison to our local par 3 and it is also pricey. It was mentioned that the par 3 operates at a deficit of \$100,000. This deficit could easily be made up with additional revenue and reduced expenses. Has this been explored? The Par3 could be profitable. But this is a mere drop in the bucket compared to a 9.5 million dollar bond issue deficit .....that every taxpayer will pay! If fields are needed, why destroy the par 3? Why not look at the plenty of vacant fields in the township without destroying not only the par 3 but the surrounding environment by taking down trees, killing wildlife & ruining wetlands. And of course, the lights-light pollution to nearby residents' homes on Harvey & Canoe Brook. Short Hills Park would be perfect for cricket and any other fields. Also the High School appears to have lots of vacant lots in the back. Most of the Millburn Schools have fields from Elementary to Middle to High School. Also Pingry & Far Brook have fields. Speaking of schools, they mention Senior League Baseball; isn't this for 13-16 year olds who would be playing on the High School fields? Recently we have heard that Rec was unable to field teams; has this changed? Have the Rec sports reached capacity? Are any out of town teams playing on our fields? If so, we should not be in the business of renting our fields to others, I'll reiterate, it would be very unwise to eliminate the par 3 forever and I do think it should be put up to the public what their opinion is."

Wanda Vreeland, resident, stated she had been a member of the Par 3 for 35 years and it was a crown jewel. She asked for other options to be considered.

Lea Cruz, resident, agreed more fields were needed in town, but agreed with the last two speakers, that getting rid of the Par 3 would not be the right answer. She questioned why the Par 3 was the only option on the table and felt there are other options available for the fields.

R. Shrinivas, resident, voiced her support of adding the fields at the Par 3, especially the cricket field. There are many children interested in cricket who have to travel out of town to play.

Perri Urso, resident, discussed a letter she received regarding garbage and recycling for businesses and questioned why certain properties had not been taken out of township collection. She wondered who decided what properties would be taken out of the collection and if a tax abatement would be given to those businesses no longer being serviced. She asked various questions and voiced concerns on garbage collection and the contract with Giordano.

Tom Herbetson, resident, questioned how many kids are playing on the fields currently and if the school fields are being utilized. He was not in favor of destroying the Par 3 and felt revenue could be increased.

He added that he did not feel a poll question simply asking if one was in favor of the fields or the Par 3 gave enough details for residents to make an educated decision.

Balaji Jayarman, resident, voiced his support of the cricket field and how it had become a growing sport. He would like this to be put up for the public to vote on.

Jay Morreale, resident, thanked Mayor Miggins for hearing his safety concerns in town. He was very happy to see the Township Committee all agree on hearing what the public had to say on the Par 3/Recreation project proposal. He voiced his feeling that there are benefits to the Par 3 as well which need to be heard so the two options could be compared. He was also in favor of engaging the public in a discussion regarding fair share housing. He asked if Mr. Maraziti could advise the public what the goals of the affordable housing negotiations are.

Patricia Morreale, resident, voiced her support of remote options for meetings.

Rakesh Pathak, resident, thanked the Recreation Commission for the presentation and added that he would be in favor of the fields and cricket field. He noted that adding a cricket field would bring in revenue with the amount of interest in the sport.

Jean Pasternak, resident, read the following statement

1. "At last year's Tokyo Olympics Millburn was represented by a female Olympic rowing athlete who grew up in town yet we have no rowing facilities. Families here travel wide and far to participate in that well established global and American sport.
2. I would like to request that the fair share housing resolutions be postponed. After listening to the Fair Share hearing last Friday I think there is no other choice. We have been misled again as residents and taxpayers. Extensive comments were made by the new FSHC attorney, Mr Kantor and members of the TC at the last public meeting- promises of overlay densities being re-negotiated with FSHC but not a single mention of this at the hearing. What is going on? Please advise us as our lives are going to be greatly impacted by the turmoil you are creating not having done any feasibility studies and keeping residents totally in the dark.
3. I recently learned that the redevelopment plan for the DPW site was known to be needed by the Mayor, Town Attorney and others at least a year ago. Was it postponed until after the election? At the hearing, it seems that there was no plausible explanation regarding why the DPW/ Dump project redevelopment plan was never done. Please explain why this was delayed and why once again this is being done without any residents input!
4. It would be unconscionable for you to agree to an open-ended financial guarantee in Resolution 23-066 by Millburn taxpayers regarding any shortfall for the FSHC settlement agreement projects - is it for more than 9 Main St. There are many possible unknown costs such as remediation of toxic hard metals and have not been researched. Why would you agree to something that is essentially a blank check on our behalf
5. Whether it's about the \$9.5 mil spent on the par three or other capital and transformative projects, public engagement should be first step not last on list on the path forward. Why is it that Mr Vinayak and Mayor Miggins want to take a poll now for this project yet based on the voting last November, the majority of the town voters rejected the FSHC settlement agreement. Why didn't you heed our desire based on an election?
6. With the new meeting rules, why are you not allowing a second comment? When you have been requested on numerous occasions to do so. This is another way in which the township committee could welcome public input and engage sincerely with residents, but you choose not to. You have unilaterally removed the Zoom virtual participation option Mayor Miggins. Why? You inconvenience residents. I would've not come here with a broken ankle and much rather remained home to connect via Zoom. There are many other members of the

community, who are ill, traveling etc who want the Zoom meeting option back, so please explain why you removed it.

7. What is your policy regarding questions being submitted to the TC prior to public meetings? Since you remove zoom, would you be willing to allow questions to be read into the record and answered by any member of the township committee?
8. Can you describe who sets the priorities for capital expenditure? When have you sought input from the community? Please give an example. Our town can do better than pet Project mode, like Mayor Miggins 9/11 Memorial, former committeewoman Eglow's complete streets removal, Deputy Mayor Vinayak's library field lighting, and former Committeeman Wasserman's solar tree lighting. What long range, strategic plan do you have in place for cap ex spending/ for any issues facing the township for that matter? Can you share this with the public? Are you choosing projects and expenditures based on what criteria? Projects that garner the most votes at election time? Our town lacks a roadmap and vision guiding this enormous capital spending. Will you commit tonight to engaging in a strategic planning effort for Millburn Township?"

Christine Best, resident, read some comments she made in an email to the Environmental Committee today regarding 5G which she copied the Township Committee on. She noted that the email contained her concerns on the safety of 5G. She asked the Township Committee to please review her email.

Jerry Kung, resident, commended Ms. Prupis for her ongoing efforts to uncover what was happening regarding the Fair Share Housing negotiations. He voiced his questions and concerns over why Millburn needed to build a 75 unit, 100 percent affordable housing unit when the township had already met its RDP calculation. He wondered why the township was being overdeveloped with no explanation to the residents.

Fran Feld, resident, wished everyone a happy, healthy, successful 2023. She reviewed comments from a December meeting regarding the township coming up with a figure to spend on the Taylor Park Gateway and to bring that number to the firm who was designing the gateway for them to work within. She brought this up as an example of why the Zoom feature should be brought back to help with communication in the township.

Charles Dwyer, resident, voiced his support of bringing Zoom back. He explained the township could not go backwards on the fair share housing agreement and we need to move forward and need to prepare and be creative for the next round. He suggested going to the state legislators and having them fight to correct what was wrong with this. He noted something needed to be done to come up with more fields for the kids to play on.

Carrie Strausberg, resident, voiced her support to bring back Zoom. She voiced her feelings on the field shortage and does not feel a choice should be made between a golf course and a cricket field and other options should be discussed.

Seeing there were not additional comments, Mayor Miggins closed the public comment period.

Mr. McDonald commented on garbage collection and reviewed the letters sent out to business owners. He added a listening session would be held on February 16 to answer questions. He noted that garbage collection was a common part of doing business and added that the township would be saving in terms of tonnage when it was dropped off.

Mr. McDonald responded to the inquiry on the fair share housing settlement agreement and explained the township did agree to a RPD of 114, which was being satisfied by various developments, but in terms

of the 75 units on Main Street and the Woodmont property, that was outside the RDP calculation. He noted that the township does have an unmet need of nearly 1300 units and these developments would go towards that unmet need. He advised that there was a RFP out for an auditor for 2023 and they have received three responses and a contract will be considered at a future meeting.

Mr. Vinayak thanked Mr. Dwyer on what he said and he would be open to the idea of bringing back the Zoom option as so many residents have spoken about it.

Ms. Prupis would like to put forth a motion to bring back the Zoom remote option back. Mr. Maraziti noted when this should be done at a later point in the meeting after comments to the public comment are completed. Mayor Miggins agreed.

Ms. Prupis commented there were a lot of good points made by the public regarding adding fields and wished there could have been public comment after the presentation. She voiced her concern of how the poll should be worded and she would like the cost to be listed in the poll. She wondered if a referendum would be a better way to handle it to get more of a response.

Ms. Prupis asked if the amendment to the overlay zone could be addressed as it pertains to the settlement agreement. Mr. Kantor advised that a new agreement did not come out of the hearing. He added that the settlement agreement was available for the public to review.

Ms. Prupis would like to know if Summit would guarantee memberships to Millburn residents if the Par 3 Golf Course was to be turned into fields. Mr. Myers stated that he would reach out to Summit to try to find out if there are any restrictions. Ms. Prupis asked Mr. Myers to elaborate on the fields behind the high school. Mr. Myers advised that the playing hours of those fields were included in the presentation and they do not have priority on those fields.

Ms. Prupis suggested Black History Month could be something that CEDA could handle. Mr. Cohen noted that he would bring that to CEDA to discuss.

Ms. Prupis brought up the timeline for redevelopment plans; Mr. Maraziti would address this.

Ms. Prupis addressed the petition to recall taking place and felt it was important for the residents to know they would not be retaliated against and this process was part of a democracy and residents should not be scared to voice their opinions.

Ms. Romano was glad Ms. Prupis brought up cricket as not the only sport in need of fields. She reiterated what Mr. Myers said about the school fields and recreation does not have priority on them. She asked about Old Short Hills Park. Mr. Myers stated that there are restrictions on that land and it was the only a passive recreation field. Mr. McDonald explained that property was bestowed to the township back in the 1970's and deed restrictions came with that agreement. Mr. Vinayak added that this was not just about cricket versus golf, it was about additional fields for all sports.

Mr. Maraziti reviewed the redevelopment plan for the DPW site area upon which the 75 unit, 100 percent affordable housing units would be located and if this was the approach taken, the redevelopment plan would be very specific to the project. He advised on the process for a redevelopment plan and it calls for it to be adopted by an ordinance which requires a public portion, but before it could be adopted by the Township Committee it would need to go to the Planning Board to review to determine if it would be consistent with the master plan first.

A five-minute recess was taken.

Mr. McDonald commented he had never retaliated against anyone in regard to the recall.

Ms. Prupis made a motion to resume Zoom capabilities for our Township Committee meetings going forward and Mr. Vinayak seconded the motion.

Mr. Maraziti reiterates it would be resumed until at which time someone would want it to be changed. Mr. Cohen felt there should be ground rules in place; they need to identify themselves and have their camera on. Ms. Prupis did not feel there was ever a problem having the camera off and if she was home sick, she would not want to be on camera. Mr. Vinayak agreed with Mr. Cohen. Mr. McDonald commented there had never been the option to have cameras on due to safety and also video bombing inappropriate content. Mr. Cohen and Mr. Vinayak discussed having zoom cameras on. Mayor Miggins inquired if there would be a problem as in the past with sound when both YouTube and zoom were running concurrently. Mr. Moehlman stated that that Zoom affected the quality of YouTube. The Township Committee reviewed the issues that were happening when using both Zoom and YouTube. Mr. McDonald advised that if both were to be done and at any point the Zoom feature was to stop working, that would not preclude the Township Committee from conducting business.

Mr. Cohen made a motion to bring back the Zoom option with the requirement that anyone who makes a comment must have their camera turned on and if there are technical limitations that cause the Zoom not to function properly that the business meeting would continue in person; Mr. Prupis seconded.

Roll Call Vote: All Ayes

**Consent Agenda**

Mayor Miggins asked if any of the Committee members had any questions or concerns regarding consent agenda items. Ms. Prupis asked for an explanation of Resolution 23-059 and Mr. McDonald reviewed that this was a grant for pickle ball courts at Gero Park which was in the capital budget this year. Ms. Prupis asked for an explanation of Resolution 23-062 and 23-063. Ms. Gatti reviewed the process that one had to follow to be able to sell second hand precious metals and process of obtaining a license to operate a taxi or limo business in town. Mayor Miggins asked for a motion to approve the items on the consent agenda including Resolutions 23-050 through 23-063. Mr. Cohen made a motion to approve the consent agenda which was seconded by Ms. Prupis.

Roll Call Vote: All Ayes

**RESOLUTION 23-050  
APPROVE BILLS PAYABLE**

**RESOLVED** that the Township Treasurer be and hereby is authorized to accept for payment and pay bills or items as they appear on Schedule dated February 7, 2023, in the following accounts:

General Fund	\$ 1,051,326.89
Capital Fund	162,708.40
Parking Utility - Operating Fund	4,189.11
Dog Fund Trust	5,056.20
Escrow Trust Fund	206.46
Waste Recycling Trust	1,979.00

**RESOLUTION 23-051  
ESTABLISH THE 2023 SEWER USE CHARGE**



**BE IT RESOLVED**, by the Township Committee of the Township of Millburn in the County of Essex that the Sewer Use Charge per unit for the calendar year 2023 is hereby determined to be \$188.00.

**BE IT FURTHER RESOLVED** that the 2023 Sewer Use Charge shall be payable April 1, 2023 with a seven-day grace period and that interest shall be charged at the delinquent rate of 8% on the first \$1,500 and 18% on the balance over that;

**BE IT FINALLY RESOLVED**, that the sewer fees billed shall become a lien on each parcel and thus subject to tax sale for prior year delinquencies.

**RESOLUTION 23-052**  
**AUTHORIZE THE REFUND OF TAX OVERPAYMENTS**

**NOW, THEREFORE BE IT RESOLVED** that the Treasurer of the Township of Millburn be and he is hereby Authorized and directed to the draw warrants to pay the payees listed below in the specified amounts;

<u>Make check payable to:</u>	<u>Type</u>	<u>Amount</u>
Resident Block 5002 Lot 9	County Appeal 2022 Added Assmt.	\$3,236.55
Resident Block 3104 Lot 5	County Appeal 2022 Added Assmt.	\$2,723.27
Resident Block 5201 Lot 11.01	County Appeal 2022 Added Assmt.	\$11,234.43
Resident Block 611 Lot 3	County Appeal 2022 Added Assmt.	\$1,678.09

**AND BE IT RESOLVED** that the additional following judgments be processed between the 45<sup>th</sup> and 60<sup>th</sup> day from the date of judgment;

Resident Block 4705 Lot 3	Tax Appeal 2018 Taxes	\$2,790.23
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**BE IT FURTHER RESOLVED** that the following tax appeals be processed as credits to future taxes;

<u>Block</u>	<u>Lot</u>	<u>Year</u>	<u>Amount</u>
3304	7	2020	\$963.00
3603	2	2020-2022	\$3,061.84

**RESOLUTION 23-053**  
**AUTHORIZING THE ADVERTISING OF BIDS –**  
**SUMMER CAMP BUS**

**BE IT RESOLVED** by the Township Committee of the Township of Millburn in the County of Essex, that the Township Clerk be and is hereby authorized and directed to advertise, as required by law, in the ITEM, a newspaper published in said Township, an Invitation to Bidders for sealed proposals to be received by the Township Clerk of the Township of Millburn in the County of Essex, New Jersey, for:

**Summer Camp Bus**

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**BE IT FURTHER RESOLVED** that the sealed proposals will be opened and read in public at Town Hall, Millburn, New Jersey at a date and time to be determined and in the event no bids are received at that time, then authorization to re-advertise is hereby directed.

**RESOLUTION 23-054  
AUTHORIZING THE ADVERTISING OF BIDS –  
MUNICIPAL POOL FOOD CONCESSION**

**BE IT RESOLVED** by the Township Committee of the Township of Millburn in the County of Essex, that the Township Clerk be and is hereby authorized and directed to advertise, as required by law, in the ITEM, a newspaper published in said Township, an Invitation to Bidders for sealed proposals to be received by the Township Clerk of the Township of Millburn in the County of Essex, New Jersey, for:

**Municipal Pool Food Concession**

**BE IT FURTHER RESOLVED** that the sealed proposals will be opened and read in public at Town Hall, Millburn, New Jersey at a date and time to be determined and in the event no bids are received at that time, then authorization to re-advertise is hereby directed.

**RESOLUTION 23-055  
AUTHORIZING ONE YEAR OPTION #2 ON CONTRACT FOR PAR 3 GOLF COURSE MAINTENANCE AND OPERATIONS [Shearon Environmental Design Company of NJ - Shearon Golf]**

**WHEREAS**, the Township of Millburn entered into a contract in 2021 and 2021, (Base Bid #2), with Shearon Environmental Design Company of NJ - Shearon Golf, 337 Route 31, Hopewell, NJ 08525, for the Par 3 Golf Course Maintenance and Operations; and

**WHEREAS**, the Millburn Township Recreation Director recommended exercising the Township's the final option year (Option #2) by renewal of this contract, with the same terms and conditions, for one additional year which is the final option year for the contract from February 1, 2023 through January 31, 2024 in an amount not to exceed \$198,640.00; and

**WHEREAS**, the Township reserves the right to terminate this contract at any time, providing the contractor is given thirty (30) days written notice;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee hereby authorizes the extension of this contract in an amount not to exceed \$198,640.00

**RESOLUTION 23-056  
AUTHORIZING ONE YEAR OPTION #2 ON CONTRACT  
FOR SUMMER BASEBALL CAMP [THE SPORTS ACADEMY]**

**WHEREAS**, the Township of Millburn entered into a contract in 2021 and 2022 with The Sports Academy, 56 East Willow Avenue Millburn, NJ 07041, to provide a Summer Baseball Camp; and

**WHEREAS**, the authorized contract bid amounts were as follows:

*The Sports Academy, 10 Delano Court, Morristown, NJ 07960*

Bid Amounts: 2021 Camp Session #1 - \$395.00, Camp Session #2 - \$395.00

(Option #1) 2022 Camp Session #1 - \$395.00, Camp Session #2 - \$395.00

(Option #2) 2023 Camp Session #1 - \$395.00, Camp Session #2 - \$395.00

**WHEREAS**, the Assistant Superintendent of Recreation has recommended exercising the Township's option by renewal of this contract with the same terms and conditions for one additional

year which is the second and final option year for the contract (January 1, 2023 through December 31, 2023); and

**WHEREAS**, the Township reserves the right to terminate this contract at any time, providing the contractor is given thirty (30) days written notice;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee hereby authorizes the extension of this contract.

**RESOLUTION 23-057**  
**DESIGNATING A \$4,030,000 BOND ANTICIPATION NOTE, DATED JANUARY 27, 2023 AND**  
**PAYABLE JANUARY 26, 2024, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION**  
**265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED**

**WHEREAS**, the Township of Millburn, in the County of Essex, New Jersey (the "Township"), from time to time issues bonds, notes and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

**WHEREAS**, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, that require issuers of tax-exempt obligations, such as the Township, to account for and rebate certain arbitrage earnings to the United States Treasury and to take such other action to establish and maintain such Federal tax exclusion; and

**WHEREAS**, the Township intends to issue a \$4,030,000 Bond Anticipation Note, dated January 27, 2023 and payable January 26, 2024 (the "Note"); and

**WHEREAS**, the Township desires to designate the Note as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Code;

**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 Committee hereby covenants on behalf of the Township, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations of the Township (including the Note) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Township Clerk, Chief Financial Officer and other officials of the Township are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Code.

SECTION 4. It is hereby determined and stated that (1) the Note is not a "private activity bond" as defined in the Code and (2) the Township and its subordinate entities, if any, do not reasonably anticipate

issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2023.

SECTION 5. It is further determined and stated that the Township has not, as of the date hereof, issued any tax-exempt obligations (other than the Note) during the calendar year 2023.

SECTION 6. The Township will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, the Township does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the Township are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2023 dated as of the date of delivery of the Note.

SECTION 8. This resolution shall take effect immediately upon its adoption.

**RESOLUTION 23-058**  
**AUTHORIZE BUDGET TRANSFERS BETWEEN**  
**APPROPRIATION ACCOUNTS PURSUANT NJSA 40a:40-1**

**WHEREAS**, certain transfers of funds for various 2022 budget appropriations are necessary to cover anticipated expenditures; and

**WHEREAS**, N.J.S.A. 40a:4-58 provides for transfer of appropriations with an excess over and above the amount deemed necessary to fulfil their purposes to those appropriations deemed to be insufficient;

**WHEREAS**, the appropriations subject to fund transfers hereby are not within those restricted by N.J.S.A. 40a:4-58 for transfer purposes;

**NOW, BE IT RESOLVED**, by the Township Committee of the Township of Millburn that the Chief Financial Officer shall and is hereby authorized to make transfers between appropriations accounts of the 2022 Municipal Budget as follows:

	To:	From:
EDP – Other Expenses	\$5,000	
Legal – Other Expenses	\$20,000	
Police – Other Expenses	\$15,000	
Public Buildings and Grounds – Other Expenses	\$10,000	
Vehicle Maintenance – Other Expenses	\$10,000	
Gasoline – Other Expenses	\$25,000	
Sanitation – Other Expenses	\$8,000	
Fire Hydrant Service – Other Expenses	\$17,000	
Police – Salary and Wage		\$15,000
Shade Tree – Salary and Wage		\$10,000
Roads – Salary and Wage		\$15,000
Vehicle Maintenance– Salary and Wage		\$10,000
Group Insurance – Other Expenses		\$20,000
Recycling and Landfill – Other Expenses		\$40,000
	<u>\$110,000</u>	<u>\$110,000</u>

**RESOLUTION 23-059  
AUTHORIZING APPLYING FOR AND OBTAINING GRANT FROM  
NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS  
FOR CONSTRUCTION OF RECREATION FACILITY**

**WHEREAS**, the Township of Millburn ("Millburn") desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$195,333.60; and

**WHEREAS**, obtaining the grant will be to carry out a project to construct a new recreational facility that will include four (4) pickle ball courts with LED lights which will provide additional programming for an activity that can be enjoyed by residents of all ages and skill level; and,

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Millburn, County of Essex, State of New Jersey, that:

- 1) The Township of Millburn does hereby authorize the application for such a grant; and,
- 2) The Mayor and the Township Clerk recognize and accept that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Millburn and the New Jersey Department of Community Affairs.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary in connection therewith.

**RESOLUTION 23-060  
AUTHORIZE EXECUTION OF STORM SEWER INDEMNIFICATION AGREEMENT**

**NOW, THEREFORE BE IS RESOLVED** that the Millburn Township Mayor and Township Clerk are hereby authorized to execute the Indemnification Agreement for Storm Sewer Connection for 21 Harvey Drive, Block: 5001, Lot: 4, as per the recommendation of the Superintendent of Public Works.

**RESOLUTION 23-061  
APPROVE RAFFLE LICENSES**

**WHEREAS**, the following have submitted application to the Township Clerk to conduct a raffle, providing all required identification and the appropriate fees; and

**WHEREAS**, the Police Department is in receipt of a copy of the application per the regulation of the Legalized Games of Chance Control Commission.

**NOW, THEREFORE, BE IT RESOLVED** that the following be approved:

St. Rose of Lima Academy (2 Applications)  
Family & Children Services (2 Applications)

**RESOLUTION 23-062  
APPROVE LICENSE TO DEAL SECOND HAND JEWELRY AND PRECIOUS METALS**

**WHEREAS**, the following have submitted applications to the Township Clerk to deal second hand jewelry and precious metals, providing all required identification and the appropriate fees; and

**WHEREAS**, the Police Department has conducted an investigation and has found nothing to prevent their issuance;

**NOW, THEREFORE, BE IT RESOLVED** that the following be approved:

Watchfinder North America – Joshua Lipman

**RESOLUTION 23-063  
APPROVE 2023-2024 TAXI/LIVERY LICENSE**

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

**NOW, THEREFORE BE IT RESOLVED** that a 2023 – 2024 Taxi/Livery License be issued to:

<u>NAME</u>	<u>STATUS</u>
Short Hills Taxi & Livery Service	Taxi & Livery Company

**Resolution**

**Resolution 23-064**

Mayor Miggins asked if any of the Committee members had any questions or concerns regarding Resolution 23-064. Ms. Prupis made a motion to add a second public comment to the end of the meeting. No second was made to Ms. Prupis's motion and motion failed. Ms. Prupis voiced her concerns with the changes to Resolution 23-064. Mayor Miggins reviewed the revisions and noted that they are important in regard to the committees the Township Committee Members serve on. Mayor Miggins asked for a motion to approve Resolution 23-064. Ms. Romano made a motion to approve Resolution 23-064 which was seconded by Mr. Cohen.

Roll Call Vote: All Ayes, except Prupis, Nay.

**RESOLUTION 23-064  
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.

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

**Resolution 23-065**

Mayor Miggins asked if any of the Committee members had any questions or concerns regarding Resolution 23-065. Ms. Prupis wondered if the redevelopment plan needed to be addressed and Mr. Maraziti reviewed the plan. Ms. Prupis inquired if the Fair Share Plan was available to the public. Mr. Graham Petto explained the Housing Element and Fair Share Plan had been in front of the Planning Board last July for approval. Mayor Miggins asked for a motion to approve Resolution 23-065. Ms. Romano made a motion to approve Resolution 23-065 which was seconded by Mr. Cohen.

Roll Call Vote: All Ayes, except Prupis, Nay.

**RESOLUTION 23-065**  
**ENDORSEMENT OF AMENDED HOUSING ELEMENT AND FAIR SHARE PLAN**

**WHEREAS**, in compliance with the New Jersey Supreme Court decision in In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (“Mount Laurel IV”), on or about April 19, 2018, the Township of Millburn (the “Township”) filed an action with the Superior Court of New Jersey, entitled In the Matter of the Application of the Township of Millburn, County of Essex, Docket No. ESX-L-2778-18, seeking, among other things, a Judgment of Compliance and Repose consisting of a judicial declaration that its Housing Element and Fair Share Plan (hereinafter “Fair Share Plan”), as may be further amended in accordance with the terms of this settlement, satisfies its “fair share” of the regional need for low and moderate income housing pursuant to the Mount Laurel doctrine, in addition to related reliefs (the “Compliance Action”); and

**WHEREAS**, the Township simultaneously sought and ultimately secured an Order protecting it from all exclusionary zoning lawsuits while it pursues approval of its Fair Share Plan; and

**WHEREAS**, the immunity secured by the Township remains in force as of the date of this Resolution; and

**WHEREAS**, the Township and Fair Share Housing Center (“FSHC”), intervenor in the Compliance Action, engaged in good faith negotiations and reached an amicable accord on various substantive provisions, terms and conditions relating to the terms and conditions of the Township’s satisfaction of its affordable housing requirements in the Compliance Action; and

**WHEREAS**, on August 17, 2021, the Township adopted Resolution No. 21-236 which ratified, confirmed and authorized the execution of a Settlement Agreement between the Township and FSHC. The Settlement Agreement was subject to a duly noticed fairness hearing before the Honorable Robert H. Gardner, J.S.C., held on January 28, 2022, at which time the Court determined the Settlement Agreement is fair, reasonable, and adequately protects the interests of very low, low and moderate income households in the region, which determination was set forth in an Order of the Court filed March 2, 2022 (the “Order”); and

**WHEREAS**, pursuant to the terms of the Settlement Agreement and the Court’s Order, the Township’s professional planner prepared the Fair Share Plan, dated June 2, 2022, in compliance with the terms of the Settlement Agreement and the Order, which was reviewed by the Township’s professionals, and is attached hereto and made a part hereof; and

**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Township’s Planning Board held a public hearing on the Fair Share Plan on July 20, 2022, and adopted same at the conclusion of

a special meeting on that same date; of which a resolution of the Planning Board memorializing such adoption was adopted on July 20, 2022; and

**WHEREAS**, the Mayor and Township Committee of the Township of Millburn wish to endorse the Amended Housing Element and Fair Share Plan adopted by the Township Planning Board, and seek approval of same from the Court.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Millburn, County of Essex, State of New Jersey, state as follows:

1. The Township hereby endorses the Fair Share Plan, which is attached hereto, as adopted by the Township Planning Board.
2. The Township hereby authorizes and directs its representatives to file with the Court (i) the Fair Share Plan, (ii) the resolutions of the Township Planning Board adopting and the Township Committee endorsing the Fair Share Plan, and (iii) any additional documents the representatives deem necessary or desirable.
3. The Township Committee authorizes its representatives to seek Court approval of the Fair Share Plan at a properly noticed Compliance Hearing upon completion of all other requirements and contingencies set forth in the Settlement Agreement and the Court's March 2, 2022, Order.
4. The Township Committee reserves the right to further amend the Fair Share Plan, should that be necessary.
5. This Resolution shall take effect immediately.

**Resolution 23-066**

Mayor Miggins asked if any of the Committee members had any questions or concerns regarding Resolution 23-066. Mr. Vinayak asked about the floor/ceiling being addressed in this resolution. Mr. McDonald reviewed the matter and noted that it was not addressed in this resolution. He elaborated that the township was obligated to satisfy its settlement agreement by whatever means necessary so there was no floor/ceiling. Ms. Prupis asked if there was a way to cap this. Mr. McDonald explained there are ways to design the project to use other funds and not just public funds which will be brought to the Township Committee. Mr. Petto reviewed this resolution. Mayor Miggins asked for a motion to approve Resolution 23-066. Ms. Romano made a motion to approve Resolution 23-066 which was seconded by Mr. Cohen.

Roll Call Vote: All Ayes, except Prupis, Nay.

**RESOLUTION 23-066**  
**INTENT TO FUND SPENDING PLAN SHORTFALL FOR AFFORDABLE HOUSING PROGRAMS**

**WHEREAS**, pursuant to the substantive regulations of the New Jersey Committee On Affordable Housing (COAH), certain portions of the Township's amended Housing Plan Element and Fair Share Plan as adopted by the Millburn Township Planning Board on July 20, 2022 may require a financial commitment by the Township; and

**WHEREAS**, the Township of Millburn anticipates that funding will come from the following sources to satisfy said obligation: sources including, but not limited to, the Township's affordable housing trust fund – development fee payments and in-lieu payments; and governmental sources such as the Federal Low Income Housing Tax Credits, New Jersey Balanced Housing funding, Federal Home Loan Bank Board financing, HMFA bond financing, Small Cities funds and other governmental transfers; and

**WHEREAS**, in the event that the above funding sources prove inadequate to meet the Township of Millburn' funding obligation, the Township of Millburn shall provide sufficient funding to address any shortfalls;

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Committee of the Township of Millburn, County of Essex, State of New Jersey, does hereby agree to fund any shortfalls in its affordable housing program that may arise whether due to inadequate funding from other sources or for any other reason; and

**BE IT FURTHER RESOLVED** that said shortfall shall be funded by bonding if there are no other resources available.

**Resolution 23-067**

Mayor Miggins asked if any of the Committee members had any questions or concerns regarding Resolution 23-067. Ms. Prupis questioned the rehabilitation part in the spending plan and who was making the decisions on this plan. Mr. Petto reviewed the resolution. Ms. Prupis asked other questions pertaining to plan that Mr. McDonald and Mr. Petto reviewed the matter in more detail. Ms. Prupis made a motion to put voting on this resolution off and to allow public comment on these documents. No one seconded Ms. Prupis's motion and the motion failed. Mayor Miggins made a motion to approve Resolution 23-067 which was seconded by Ms. Romano.

Roll Call Vote: All Ayes, except Prupis, Nay.

**RESOLUTION 23-067  
REQUESTING APPROVAL OF 2022 SPENDING PLAN**

**WHEREAS**, On March 10, 2015, the Supreme Court transferred responsibility to review and approve housing elements and fair share plans from the Council on Affordable Housing (COAH) to designated Mount Laurel trial judges within the Superior Court; and

**WHEREAS**, on or about April 19, 2018, the Township submitted a Declaratory Judgment Action to the New Jersey Superior Court; and

**WHEREAS**, on March 1, 2022, the Honorable Robert H. Gardner, J.S.C. issued a Court Order approving a Settlement Agreement between the Township and Fair Share Housing Center that established the Township's fair share obligation and preliminarily approved the Township's compliance mechanisms; and

**WHEREAS**, the Township has prepared a Third Round Housing Element and Fair Share Plan that reflects the 2021 Settlement Agreement with Fair Share Housing Center; and

**WHEREAS**, the Land Use Board adopted the Third Round Housing Element and Fair Share Plan on July 20, 2022 and the Township Committee endorsed the Third Round Housing Element and Fair Share Plan on February 7, 2023;

**WHEREAS**, the Township adopted development fee ordinance on May 17, 2022;

**WHEREAS**, the development fee ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units;

**WHEREAS**, N.J.A.C. 5:93-8.9 requires a municipality with an affordable housing trust fund to receive approval of a spending plan from COAH or Superior Court prior to spending any of the funds in its housing trust fund; and



**WHEREAS**, N.J.A.C. 5:93-5.1(c). and N.J.S.A. 52:27D-329.2(d) requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds;
5. A schedule for the expenditure of all affordable housing trust funds;
6. If applicable, a schedule for the creation or rehabilitation of housing units;
7. A plan to spend the trust fund balance within four years of the Council's approval of the spending plan, or in accordance with an implementation schedule approved by the Council;
8. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and
9. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

**WHEREAS**, Millburn Township has prepared a spending plan consistent with N.J.A.C. 5:93-5.1(c). and P.L. 2008, c.46.

**NOW THEREFORE BE IT RESOLVED** that the Governing Body of Millburn Township, Essex County requests that Superior Court review and approve Millburn Township's 2019 Spending Plan.

**Resolution 23-068**

Mayor Miggins opened the Public Hearing on Resolution 23-068.

Jeffrey Feld, resident, reviewed his concerns with the SID and the validity of this entity. He discussed the shortfall at the golf course and the SID budget and voiced his opposition to the SID.

Perri Urso, resident, requested that Mayor Miggins and Committeewoman Prupis recuse themselves from this vote since there was a conflict with them owning businesses in the business district. She asked the Township Committee not to pass this resolution and voiced her objections to the SID and its validity. She inquired about the appeal process for property owners.

Jean Pasternak, resident, questioned why the SID was allowed to continue when it was not considered a legal entity. She voiced her concerns and objections to the SID.

Lea Cruz, resident, noted opposition to the SID provided by two business owners in town.

Jerry Kung, resident, commented on retaliation.

Mayor Miggins closed the public hearing and asked if anyone on the Township Committee had any comments or concerns.

Ms. Prupis asked for an explanation. Mr. McDonald reviewed the assessment roll and ordinance that reviewed what properties were exempt and what the appeal process was. He noted this resolution showed the assessments that would be imposed on certain properties.

Mayor Miggins asked for a motion to approve Resolution 23-068. Mr. Cohen made a motion to approve Resolution 23-068 which was seconded by Ms. Prupis.

Roll Call Vote: All Ayes

Mr. Maraziti addressed whether Mayor Miggins and Committeewoman Prupis should recuse themselves and explained it was not necessary under statute and there wasn't a conflict.

**RESOLUTION 23-068**  
**ADOPT 2023 SPECIAL IMPROVEMENT DISTRICT ASSESSMENT ROLL**

**WHEREAS**, the Township Committee of the Township of Millburn on August 11, 2020 adopted an ordinance entitled, "AN ORDINANCE TO AMEND AND RESTATE IN ITS ENTIRETY ORDINANCE 12-92 OF THE ORDINANCES OF THE TOWNSHIP OF MILLBURN ENTITLED "AN ORDINANCE CREATING A SPECIAL IMPROVEMENT DISTRICT WITHIN THE TOWNSHIP OF MILLBURN AND DESIGNATING A DISTRICT MANAGEMENT CORPORATION." (Ordinance No. 2561-20); and

**WHEREAS**, in accordance with the provisions of said ordinance, on December 20, 2022 the Township Committee, by a majority of its full membership, did adopt the 2023 Millburn Short Hills Business Organization, Inc. Special Improvement District Budget, effective for the year January 1, 2023 through December 31, 2023; and

**WHEREAS**, the Township Tax Assessor, on January 19, 2023 prepared and filed in the Office of the Township Clerk, a 2023 Special Improvement District Assessment Roll, setting forth separately the amounts to be specially assessed against the separately benefited and assessable properties in said District; and

**WHEREAS**, the Township Committee caused the Assessment Roll to be set down for public hearing and consideration by this Committee at its regular meeting on February 7, 2023 at 7:00 p.m. or as soon thereafter as the matter could be heard, and the Township Clerk has caused notice of said hearing to be published and the Tax Assessor to provide notice to all property owners interested and affected thereby in accordance with the ordinance; and

**WHEREAS**, on February 7, 2023 at the time and place designated for special hearing the special assessments in said Assessment Roll, as prepared by the Township Tax Assessor were duly considered and all interested persons wishing to be heard thereon were heard by the Township Committee; and

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

The special assessments set forth in the 2023 Millburn Short Hills Business Organization, Inc. Special Improvement District Assessment Roll of the Township Assessor, in accordance with the following schedule, are hereby approved:

Block	Lot	Property Location	2023 SID Tax (.00071)
			\$14,252.7
305	1	187 MILLBURN AVENUE	5
305	6	GLEN AVENUE R	\$0.00
701	2	8 MAIN STREET	\$427.99
701	3	12 MAIN STREET	\$295.24
701	4	14 MAIN STREET	\$370.06
701	5	20 MAIN STREET	\$661.42
702	1	34 MAIN STREET	\$229.43
702	2	36 MAIN STREET	\$191.19

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702	3	38 MAIN STREET	\$402.01
702	4	40 MAIN STREET	\$655.33
702	5	42 MAIN STREET	\$1,205.15
702	6	341 MILLBURN AVENUE	\$863.57
702	7	337 MILLBURN AVENUE	\$0.00
702	8	335 MILLBURN AVENUE	\$532.50
702	9	333 MILLBURN AVENUE	\$236.43
702	10	329 MILLBURN AVENUE	\$195.85
		327 1/2 MILLBURN	
702	11	AVENUE	\$459.09
702	12	327 MILLBURN AVENUE	\$370.69
702	13	321 MILLBURN AVENUE	\$1,717.99
702	14	319 MILLBURN AVENUE	\$1,184.00
702	15	315 MILLBURN AVENUE	\$1,596.58
702	16	100 ESSEX STREET	\$2,003.34
702	17	170 ESSEX STREET	\$1,298.24
702	18	184 ESSEX STREET	\$1,876.53
702	19	196 ESSEX STREET	\$391.57
702	20	150 ESSEX STREET	\$2,438.07
703	1	72 ESSEX STREET	\$946.43
703	2	311 MILLBURN AVENUE	\$401.16
703	3	309 MILLBURN AVENUE	\$212.68
703	4	307 MILLBURN AVENUE	\$228.05
703	5	305 MILLBURN AVENUE	\$234.97
703	6	301 MILLBURN AVENUE	\$531.72
703	7	295 MILLBURN AVENUE	\$0.00
703	8	291 MILLBURN AVENUE	\$0.00
703	9	44 ESSEX STREET	\$403.14
703	10	70 ESSEX STREET	\$1,483.90
703	11	46 ESSEX STREET	\$291.10
703	12	303 MILLBURN AVENUE	\$567.22
704	1	12 HOLMES STREET	\$577.09
704	2	281 MILLBURN AVENUE	\$1,075.01
704	3	279 MILLBURN AVENUE	\$1,420.00
704	4	275 MILLBURN AVENUE	\$865.99
704	5	271 MILLBURN AVENUE	\$477.68
704	6	269 MILLBURN AVENUE	\$519.37
704	7	265 MILLBURN AVENUE	\$3,540.06
704	8	32 ESSEX STREET	\$245.31
705	2	227 MILLBURN AVENUE	\$9,833.50
705	3	223 MILLBURN AVENUE	\$697.58
		215-219 MILLBURN	
705	4	AVENUE	\$1,864.32
705	26	55 ESSEX STREET	\$1,683.55
705	27	45 ESSEX STREET	\$2,510.28
705	28	29 ESSEX STREET	\$99.54
705	29	23 ESSEX STREET	\$0.00
801	1	348 MILLBURN AVENUE	\$903.83
801	2	350 MILLBURN AVENUE	\$976.25
801	3	356 MILLBURN AVENUE	\$1,151.41
801	4	358 MILLBURN AVENUE	\$1,013.81
801	5	374 MILLBURN AVENUE	\$5,603.75
801	6.01	378 MILLBURN AVENUE	\$0.00
801	8	382 MILLBURN AVENUE	\$817.07
801	9	386 MILLBURN AVENUE	\$1,688.81

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801	10	25 TAYLOR STREET	\$861.02
801	12	75 MAIN STREET	\$4,155.35
801	15	59 MAIN STREET	\$995.49
801	16	55 MAIN STREET	\$1,003.51
802	1	81 MAIN STREET	\$0.00
802	2	4 TAYLOR STREET	\$714.42
802	3	8 TAYLOR STREET	\$0.00
802	27	109 MAIN STREET	\$121.84
802	28	105 MAIN STREET	\$382.69
802	29	103 MAIN STREET	\$0.00
802	30	97 MAIN STREET	\$0.00
802	31	95 MAIN STREET	\$144.88
802	32	93 MAIN STREET	\$603.50
804	7	304 MILLBURN AVENUE	\$447.61
804	8	306 MILLBURN AVENUE	\$367.95
804	9	308 MILLBURN AVENUE	\$692.25
804	11	318 MILLBURN AVENUE	\$928.25
804	12	320 MILLBURN AVENUE	\$509.78
		322-324 MILLBURN	
804	13	AVENUE	\$498.31
804	14	326 MILLBURN AVENUE	\$0.00
804	15	330 MILLBURN AVENUE	\$835.61
804	16	340 MILLBURN AVENUE	\$1,453.80
804	16	340 MILLBURN AVENUE	\$247.29
804	17	64 MAIN STREET	\$1,207.00
805	1	290 MILLBURN AVENUE	\$2,926.41
805	2	296 MILLBURN AVENUE	\$962.05
805	4	300 MILLBURN AVENUE	\$0.00
906	28	1 EAST WILLOW STREET	\$3,890.52
1004	10	238 MAIN STREET	\$584.12
1207	3	425 ESSEX STREET	\$549.04
1207	4	421 ESSEX STREET	\$311.97
1207	5	407 ESSEX STREET	\$243.39
1207	6	397 ESSEX STREET	\$0.00
1207	7	379-391 ESSEX STREET	\$0.00
1207	10	335 ESSEX STREET	\$152.60
1207	11	291 ESSEX STREET	\$296.97
1207	12	281 ESSEX STREET	\$392.69
1207	13	271 ESSEX STREET	\$427.28
1207	14	257 ESSEX STREET	\$344.00
1207	15	251 ESSEX STREET	\$0.00
1207	16	27 MAIN STREET	\$744.15
1207	17	21 MAIN STREET	\$0.00
1207	18	11 MAIN STREET	\$0.00
1211	2	393 MILLBURN AVENUE	\$164.88
1211	3	391 MILLBURN AVENUE	\$540.45
		389 1/2 MILLBURN	
1211	4	AVENUE	\$399.94
1211	5	389 MILLBURN AVENUE	\$308.32
1211	6	156 SPRING STREET	\$390.93
1212	1	387 MILLBURN AVENUE	\$490.23
1212	2	383 MILLBURN AVENUE	\$0.00
1212	3	381 MILLBURN AVENUE	\$0.00
1212	5	363 MILLBURN AVENUE	\$484.72
1212	6	357 MILLBURN AVENUE	\$235.87

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1212	7	355 MILLBURN AVENUE	\$299.49
1212	8	353 MILLBURN AVENUE	\$146.29
1212	9	351 MILLBURN AVENUE	\$881.89
1212	10	343 MILLBURN AVENUE	\$3,660.55
1212	11	41 MAIN STREET	\$248.65
1212	12	35 MAIN STREET	\$1,011.75
1212	15	266 ESSEX STREET	\$431.61
1212	16	276 ESSEX STREET	\$317.37
1212	17	286 ESSEX STREET	\$323.96
1212	18	290 ESSEX STREET	\$0.00
1212	19	300 ESSEX STREET	\$0.00
1212	20	304 ESSEX STREET	\$0.00
1212	21	310 ESSEX STREET	\$0.00
1212	24	368 ESSEX STREET	\$323.19
1212	25	380 ESSEX STREET	\$0.00
1212	26	161 SPRING STREET	\$0.00
1212	27	155 SPRING STREET	\$0.00
1706	1	545 MILLBURN AVENUE	\$1,800.49
1706	2	535 MILLBURN AVENUE	\$803.79
1706	3	533 MILLBURN AVENUE	\$621.25
1706	4	531 MILLBURN AVENUE	\$997.34
1706	5	529 MILLBURN AVENUE	\$824.38
1706	6	525 MILLBURN AVENUE	\$535.84
1707	1	521 MILLBURN AVENUE	\$297.35
1707	2	519 MILLBURN AVENUE	\$667.76
1707	3	517 MILLBURN AVENUE	\$173.45
1707	4	515 MILLBURN AVENUE	\$667.76
1707	5	511 MILLBURN AVENUE	\$1,032.62
1708	1	1 SHORT HILLS AVENUE	\$319.50
1708	2	7 SHORT HILLS AVENUE	\$399.16
1708	3	11 SHORT HILLS AVENUE	\$396.89
1708	4	15 SHORT HILLS AVENUE	\$308.21
1708	6	500 MILLBURN AVENUE	\$759.42
1708	7	504 MILLBURN AVENUE	\$455.04
1708	8	506 MILLBURN AVENUE	\$310.63
1708	9	508 MILLBURN AVENUE	\$635.45
1708	10	510 MILLBURN AVENUE	\$0.00
1708	11	514 MILLBURN AVENUE	\$369.20
1708	12	516 MILLBURN AVENUE	\$544.07
1708	13	518 MILLBURN AVENUE	\$1,340.76
1708	14	MILLBURN AVENUE	\$0.00
1708	15	MILLBURN AVENUE	\$0.00
		507-509 MILLBURN	
1709	1	AVENUE	\$734.57
1709	2	505 MILLBURN AVENUE	\$1,625.33
1801	1	704 MORRIS TURNPIKE	\$1,041.22
1801	2	688 MORRIS TURNPIKE	\$2,160.53
1801	3	682 MORRIS TURNPIKE	\$486.14
1801	4	680 MORRIS TURNPIKE	\$981.29
		658-666 MORRIS	
1801	5	TURNPIKE	\$1,507.05
1801	7	652 MORRIS TURNPIKE	\$0.00
1801	8	636 MORRIS TURNPIKE	\$4,179.63
1801	12	622 MORRIS TURNPIKE	\$593.56
1801	13	40 FARLEY PLACE	\$390.50

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1801	14	36 FARLEY PLACE	\$194.26
1801	15	34 FARLEY PLACE	\$404.98
1801	16	30 FARLEY PLACE	\$263.06
1801	17	28 FARLEY PLACE	\$375.38
1801	18	24 FARLEY PLACE	\$0.00
1801	19	20 FARLEY PLACE	\$0.00
1801	20	16 FARLEY PLACE	\$0.00
1801	22	10 FARLEY PLACE	\$305.55
1801	23	569 MILLBURN AVENUE	\$877.70
1801	25	565 MILLBURN AVENUE	\$923.00
1801	35	555 MILLBURN AVENUE	\$812.81
1801	36	551 MILLBURN AVENUE	\$745.71
1801	37	549 MILLBURN AVENUE	\$442.54
1802	1	587 MILLBURN AVENUE	\$3,090.42
1812	9	30 CHATHAM ROAD	\$0.00
1812	10	36 CHATHAM ROAD	\$2,108.13
1812	11	44 CHATHAM ROAD	\$349.60
1813	1	MILLBURN AVENUE	\$0.00
1813	2	MILLBURN AVENUE	\$0.00
1813	3	MILLBURN AVENUE	\$0.00
1813	4	MILLBURN AVENUE	\$0.00
1813	5	MILLBURN AVENUE	\$0.00
1813	6	MILLBURN AVENUE	\$0.00
1813	8	MILLBURN AVENUE	\$0.00
1813	9	MILLBURN AVENUE	\$0.00
1813	10	MILLBURN AVENUE	\$0.00
1904	1	764 MORRIS TURNPIKE	\$964.89
1904	17	752 MORRIS TURNPIKE	\$1,914.09
1904	18	760 MORRIS TURNPIKE	\$514.75
1904	19	758 MORRIS TURNPIKE	\$293.66
			\$12,238.6
1904	20	720 MORRIS TURNPIKE	3
1904	104	780 MORRIS TURNPIKE	\$2,867.19
			\$14,200.0
1904	105	800 MORRIS TURNPIKE	0
2002	23	840 MORRIS TURNPIKE	\$1,797.37
			\$10,067.7
2002	24	830 MORRIS TURNPIKE	3
2002	25	820 MORRIS TURNPIKE	\$6,089.32
2106	2	91 CHATHAM ROAD	\$0.00
2107	2	69 CHATHAM ROAD	\$0.00

2. The amount of said special assessments shall be due and payable in one installment. The installment of the Special Improvement District Tax is due to the township by April 1, 2023 with a seven-day grace period and shall draw interest imposed upon arrearages of taxes in said Township and shall be collected as provided by law and that the fees billed shall become a lien on each parcel and thus subject to tax sale for prior year delinquencies.

3. A duplicate copy of said approved Assessment roll, duly certified by the Township Clerk, be delivered to the Essex County Tax Board and the Millburn Tax Collector, together with a copy of this resolution.

4. The Tax Collector shall forthwith proceed to collect the amounts due on the approved Assessment Roll according to law.

5. This resolution shall take effect immediately.

**ORDINANCE / INTRODUCTION**

**Ordinance 2631-23**

Ms. Prupis brought forth Ordinance 2631-23 for introduction. Mr. McDonald provided a brief explanation of the ordinance. Mr. Vinayak clarified this was not the township flood mitigation and Mr. McDonald confirmed. Ms. Prupis moved the ordinance to be taken up and passed on first reading noting that the public hearing would take place on March 7, 2023, Mr. Cohen seconded the motion. Mayor Miggins requested a roll call vote.

Roll Call Vote: All Ayes

**ORDINANCE NO. 2631-23**

**BOND ORDINANCE PROVIDING FOR PHASES II(b), III(b), IV, V and VI OF THE TOWNSHIP'S ALLOCABLE SHARE OF THE FLOOD MITIGATION FACILITIES PROJECT OF THE JOINT MEETING OF ESSEX AND UNION COUNTIES, APPROPRIATING \$3,440,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,440,000 BONDS OR NOTES TO FINANCE THE COST THEREOF**

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

SECTION 1. The improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Joint Meeting of Essex and Union Counties (the "Joint Meeting") on behalf of the Township of Millburn, in the County of Essex, State of New Jersey (the "Township") as general improvements. For the said improvements stated in Section 3, there is hereby appropriated the amount of \$3,440,000. Pursuant to the provisions of N.J.S.A. 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.*, as amended and supplemented (the "Local Bond Law"), no down payment is required as this bond ordinance authorizes obligations for environmental infrastructure projects which are funded by loans from the New Jersey Infrastructure Bank (the "I-Bank") and the State of New Jersey, acting by or through the Department of Environmental Protection.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the \$3,440,000 appropriation, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$3,440,000 pursuant to, and within all limitations prescribed by, the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$3,440,000 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, said Local Bond Law.

SECTION 3. The improvements hereby authorized and purposes for the financing of which said debt obligations are to be issued are for the Township's allocable share of capital improvement projects being undertaken by the Joint Meeting for (a) the unfunded portion of Phase II of the Flood Mitigation Facilities Project (Co-Generation Upgrade) consisting of (i) upgrades to the existing Co-Generation Facility to power an Effluent Pumping Station, two stormwater pumping stations, and the Sludge Dewatering Facility, (ii) the acquisition and installation of two engine generator sets and associated equipment including all required electrical and instrumentational connections to integrate the new engines

into the existing systems, (iii) the acquisition and installation of digester gas and natural gas piping to the new engines, (iv) construction of a new substation at the Sludge Dewatering Facility, and (v) the installation of medium voltage connections to the Co-Generation grid ("Phase II(b)"); (b) the unfunded portion of Phase III of the Flood Mitigation Facilities Project (Main Treatment Plant Walls) consisting of, but not limited to, the construction of reinforced concrete flood protection walls around the Main Treatment Plant site including, but not limited to, the installation of four (4) flood protection swing gates, the demolition of the existing guard house and the construction of a new guard house, the construction of five (5) storm sewer isolation chambers with sluice gates and electric actuators, the realignment and repaving of various treatment plant roadways, the construction of a new emergency access roadway, the relocation and protection of existing utilities, and associated grading and site restoration ("Phase III(b)"); (c) Phase IV of the Flood Mitigation Facilities Project (Stormwater Pumping Station) consisting of the rehabilitation of the existing Army Corps of Engineers (ACOE) Stormwater Pumping Station including the removal of existing equipment, modifications to the existing pumping station structure, installation of three (3) new storm water pumps and discharge piping, replacement of two (2) existing sluice gates, installation of two (2) new sluice gates, modifications to the existing storm water piping influent to the pumping station, replacement of storm water inlet gratings, installation of a new seal water service to the pumping station, installation of new electrical power to the pumping station, and site restoration ("Phase IV"); (d) Phase V of the Flood Mitigation Facilities Project (Biosolids Site Wall) consisting of the construction of reinforced concrete flood walls on piles with steel sheeting subsurface cut-off walls around the four (4) sides of the Biosolids Facilities Site including installation of flood gates for vehicular access, modifications to the existing entrance roadways, construction of stormwater facilities to redirect on-site stormwater to the proposed Biosolids Stormwater Pumping Station, and coordination with and/or relocation of various utilities within the project area ("Phase V"); and (e) Phase VI of the Flood Mitigation Facilities Project (Biosolids Stormwater Pumping Station) consisting of a below ground reinforced concrete stormwater pumping station for the Biosolids Facilities Site including modifications to the site stormwater collection system to redirect the flow of on-site stormwater into the pumping station, installation of submersible stormwater pumps and associated piping, valves, electrical and instrumentation equipment, and site restoration ("Phase VI" and together with Phase II(b), Phase III(b), Phase IV, and Phase V, the "Project").

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

b. The aggregate estimated maximum amount of bonds or notes to be issued by the Township for said improvements or purposes is \$3,440,000.

c. The aggregate estimated cost of said improvements or purposes to be paid by the Township is \$3,440,000.



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

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no bond anticipation note shall mature later than one (1) year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with the provisions of the New Jersey Infrastructure Trust Act, N.J.S.A. 58:11B-1 ("NJIT Act"). The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Township shall determine all matters in connection with the bond anticipation notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time in accordance with the provisions of Section 8.1 of the Local Bond Law and, as applicable, the provisions of the NJIT Act. The Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale at not less than par and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the bond anticipation notes so sold, the price obtained and the name of the purchaser.

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

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

and stated:

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

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

c. Notwithstanding N.J.S.A. 40:63-134, the supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Township Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services within the Department of Community Affairs of the State of New Jersey, and such statement shows that, while the net debt of the Township determined as provided in said Local Bond Law is not increased by this bond ordinance, the gross debt of the Township, as defined in the Local Bond Law, is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$3,440,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

d. An aggregate amount not exceeding \$775,583 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements hereinbefore described.

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

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

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

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

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

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

**Ordinance 2632-23**

Mayor Miggins brought forth Ordinance 2632-23 for introduction. Mayor Miggins and Mr. McDonald provided a brief explanation of the ordinance. Mayor Miggins moved the ordinance to be taken up and passed on first reading noting that the public hearing would take place on March 7, 2023, Ms. Romano seconded the motion. Mayor Miggins requested a roll call vote.

Roll Call Vote: All Ayes

**ORDINANCE NO. 2632-23  
 ORDINANCE AMENDING RECREATION FEES IN CHAPTER 8,  
 "PARKS AND RECREATIONAL AREAS", OF THE REVISED  
 GENERAL ORDINANCES OF THE TOWNSHIP OF MILLBURN**

**Statement of Purpose:** *The purpose of this Ordinance is for the Township to revise fees for Millburn Township Recreation Department programs.*

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

**Section 1.** Subsection 8-11, Recreation Fees, of the Code of the Township of Millburn, New Jersey, is hereby amended to read in its entirety as follows:

"8-11 RECREATION FEES.

The fees to be charged by the Recreation Department for annual permits, guests, activities, etc. shall be as follows:

	<b><u>Fee or Fee Range</u></b>
<i>Pool Memberships:</i>	
Family	\$326.00 – \$341.00
Individual	\$175.00 – \$183.00
Senior Citizen (Over 62)	\$88.00 – \$92.00
Associate	\$184.00 – \$194.00
Child Care	\$143.00 – \$150.00
<i>Pool Guest Fees:</i>	
Weekdays, per person	\$8.00 – \$12.00
Saturdays, Sundays & Holidays, each	\$10.00 – \$14.00
Pool Accessory Sales	\$1.00 – \$25.00
Pool, Golf, Tennis/Pickleball Replacement Cards	\$10.00 - \$15.00

*Tennis/Pickleball Memberships:*

Age 22+	\$70.00 – \$75.00
Age 18-21	\$50.00 – \$55.00
Age 8-17	\$25.00 – \$30.00

*Golf Resident Membership, Par 3:*

Resident Age 22+	\$99.00 – \$115.00
Resident Age 13-21	\$55.00– \$60.00
Resident Age 8-12	\$30.00 – \$38.00

*Golf Non-Resident Membership, Par 3:*

Non-Resident Age 18+, Limited	\$99.00 – \$120.00
Non-Resident Age 18+, Unlimited	\$180.00 – \$200.00
Non-Resident Age 13-17	\$99.00 – \$120.00
Non-Resident Employed in Township of Millburn	\$140.00 – \$170.00

*Golf Green Fees, Par 3:*

	<i>Resident</i>	<i>Nonresident</i>
Weekdays	\$3.00 – \$5.00	\$6.00 – \$8.00
Saturdays, Sundays & Holidays	\$6.00 – \$8.00	\$9.00 – \$11.00

*Golf Guest Fees, Par 3:*

Weekdays	\$11.00 – \$15.00
Saturday, Sunday & Holidays	\$14.00 – \$18.00
Additional Consecutive Rounds	\$3.00 – \$5.00
Pull-Cart Rental	\$3.00 – \$5.00

*Youth Activities:*

General Youth Activities	\$2.00 – \$260.00
All-Star Teams – Various Sports	\$75.00 – \$200.00
Baseball – T-Ball	\$90.00 – \$110.00
Basketball – Bidy	\$105.00 – \$120.00
Basketball – Youth	\$95.00 – \$115.00
Basketball – Travel	\$205.00 – \$305.00
Basketball – High School – Intramural	\$10.00 – \$50.00
Cheerleading	\$90.00 – \$110.00
Chess	\$90.00 – \$110.00
Clinics – Various Sports, Clinics/Camps, etc.	\$25.00 – \$265.00
Cross Country – Youth	\$15.00 – \$135.00
Cross Country – Travel	\$35.00 – \$55.00
Equipment Deposit	\$50.00 – \$150.00
Field Hockey – Youth	\$90.00 – \$250.00
Football - Flag	\$90.00 – \$200.00
Football – Tackle	\$175.00 – \$450.00
Kickball – Youth	\$50.00 – \$110.00
Roller/Street Hockey	\$90.00 – \$110.00
Soccer – Youth/In-Town	\$90.00 – \$110.00
Soccer – Travel/In-Town	\$90.00 – \$150.00
Softball – Youth/In-Town	\$90.00 – \$110.00
Softball – Travel/In-Town	\$80.00 – \$150.00
Softball – Suburban Travel	\$140.00 – \$300.00
Softball – High School Intramural	\$10.00 – \$50.00
Special Needs Programs	\$80.00 – \$150.00
Summer Camp, Mini-Camp – 3 wks	\$330.00 – \$390.00 plus \$30 – \$50 spec event fee
Summer Camp, Junior Camp 3 wks	\$210.00 – \$220.00 plus \$30 – \$50 spec event fee
Summer Camp, Playground Camp 3 wks	\$435.00 – \$475.00 plus \$80 – \$100 spec event fee
Summer Camp, TGIS Camp – 3 wks	\$230.00 – \$250.00 plus \$110 – \$120 spec event fee
Swimming Team	\$90.00 – \$110.00

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Track & Field – Youth	\$90.00 – \$110.00
Volleyball – In-Town	\$90.00 – \$110.00
Volleyball – Travel	\$130.00 – \$270.00
Volleyball – High School Intramural	\$10.00 – \$50.00
Wrestling – Youth	\$95.00 – \$115.00
Wrestling – Travel	\$155.00 – \$255.00

*Adult Activities:*

Individual & Team Activities	\$10.00 – \$150.00
Seniors – Crafts, Exercise and Other Programs	\$10.00 – \$150.00
Badminton – Open Play Adult	\$20.00 – \$50.00
Basketball – Open Gym Adult, Weekdays	\$20.00 – \$35.00
Basketball – Open Gym Adult, Weekends	\$40.00 – \$50.00
Pickleball – Open Play Adult	\$40.00 – \$50.00
Softball – Adult Leagues	\$10.00 – \$150.00
Swim Programs – Lap Swim, etc.	\$90.00 – \$110.00
Volleyball – Open Gym Adult, Weekdays	\$20.00 – \$35.00
Volleyball – Open Gym Adult, Weekends	\$40.00 – \$50.00

*Other (Special Activities):*

Special Events – Four Miler, Fishing Derby, etc.	\$0.00 – \$30.00
Skiing – Multi-Day	\$335.00 – \$550.00
Skiing – Weekend	\$450.00 – \$600.00

*Lessons:*

Golf Lessons – Group	\$25.00 – \$40.00 per ½ hr
Golf Lessons – Individual	\$35.00 – \$65.00 per ½ hr
Swim Lessons – Group	\$30.00 – \$125.00 per session
Swim Lessons – Individual	\$27.00 – \$40.00 per ½ hr
Tennis Lessons – Group	\$10.00 – \$30.00 per hr
Tennis Lessons – Individual	\$40.00 – \$70.00 per hr

*Building Rental Fees (per hour)*

<b>Bauer Community Center</b>	
Assembly Room – Weekdays	\$20.00 – \$50.00
Assembly Room – Weekends	\$35.00 – \$75.00
Kitchen – Weekdays (per event)	\$15.00 – \$25.00
Kitchen – Weekends (per event)	\$20.00 – \$30.00
Other Rooms – Weekdays	\$17.00 – \$30.00
Other Rooms – Weekends	\$20.00 – \$60.00

<b>Gero Recreations Center Meeting Room</b>	
Weekdays	\$17.00 – \$30.00
Weekends	\$20.00 – \$60.00

Facility Rental Deposit - Cleaning Charge/Assessment	\$50.00 – \$150.00
Facility Rental – Picnic Area / Special Events Permit	\$40.00 – \$400.00
Facility Rental – Equipment / Other (per event)	\$10.00 – \$100.00
Facility Rental – Restrooms	\$15.00 – \$25.00
Field Rental (per hour)	\$30.00 – \$100.00
Field Rental Lights (per hour)	\$25.00 – \$75.00
Field Rental Lights – Turn-On Fee (per rental)	\$0.00 – \$50.00

Refund Processing Fee 15%\*

\*Refunds only issued if requested in writing prior to the deadline indicated on the program flyer

**Section 2.** This ordinance shall take effect upon final passage and publication pursuant to law.

**Ordinance 2633-23**

Mayor Miggins left the room and recused herself from voting on Ordinance 2633-23 due to conflict.

Mr. Vinayak brought forth Ordinance 2633-23 for introduction. Mr. McDonald provided an explanation of the ordinance. Mr. Vinayak moved the ordinance to be taken up and passed on first reading noting that the public hearing would take place on March 7, 2023, Ms. Romano seconded the motion. Mr. Vinayak requested a roll call vote.

Roll Call Vote: Ayes: Cohen, Romano, Vinayak  
Nays: Prupis  
Abstained: Miggins

**ORDINANCE NO. 2633-23**

**ORDINANCE AMENDING AND SUPPLEMENTING THE TOWNSHIP OF MILLBURN DEVELOPMENT  
REGULATIONS AND ZONING ORDINANCE**

**WHEREAS**, the Township of Millburn (“the Township”) executed a Settlement Agreement with Fair Share Housing Center on August 17, 2021 that determines the municipality’s affordable housing obligation and the preliminary compliance plan for how the obligation will be addressed; and

**WHEREAS**, the Settlement Agreement called for the Township to satisfy a portion of Millburn’s unmet need obligation by permitting residential development in locations and at densities identified in the Settlement Agreement; and

**WHEREAS**, the Township Committee and the Township desire to adopt a Zoning Ordinance implementing these terms and conditions of the Settlement Agreement.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Township of Millburn, in the County of Essex and State of New Jersey as follows:

Section 1: Zone Boundaries. The following standards shall govern development on Block 5304, Lot 1 as a zoning overlay. Development may use the standards contained herein or those contained in the underlying Conservation-Recreation (C) zone presently governing development of Block 5304, Lot 1.

Section 2: Development Regulations

606.4.5 Residential Multi-Family Affordable Housing RMF – AH5.

- a. Purpose. To provide for potential future development of the Canoe Brook Country Club or portions thereof for residential development.
- b. Permitted Principal Uses
  1. Apartments
- c. Permitted Accessory Uses
  1. Parking and loading areas
  2. Sustainable building and site design features, such as but not limited to roof-mounted solar energy generating facilities, green roof, electric vehicle supply equipment, and stormwater retention systems.
  3. Indoor and outdoor residential amenity space, except for rooftop decks and other rooftop amenities.
  4. Any other use which is subordinate and customarily incidental to multifamily housing developments, and the use of which is limited building occupants and management.
- d. Area and Setback Regulations.
  1. Minimum tract area: 100 acres.
  2. Minimum front setback: 10% lot depth.
  3. Minimum side setback: 10% lot width.
  4. Minimum rear setback: 20% of lot depth.
  5. Minimum distance between principal buildings: 40 feet.

6. Maximum building coverage: 30%
7. Maximum lot coverage: 60%
8. Maximum building height: 40 feet / 3 stories.
9. No parking between the street line and the building.
10. Accessory Structures.
  - a) Minimum Side and Rear Yard Setback: 10 feet.
  - b) Distance from principal buildings: 20 feet.
  - c) Maximum Height: 18 feet.
- e. Development Yield:
  1. Maximum development yield for multifamily housing development shall not exceed a density of 8 dwelling units per acre.
  2. Each apartment building shall not exceed 50,000 square feet of floor area.
  3. All residential developments shall include an on-site affordable housing set-aside of 20% of the total number of units. The affordable housing units shall comply with the Township's affordable housing regulations and the Uniform Housing Affordability Control Rules (N.J.A.C. 5:80-26.1), which shall control in the case of any conflicts with this ordinance, as well as the NJ Fair Housing Act (N.J.S.A. 52:27D-301 et seq). Compliance shall include but is not limited to the following: required bedroom and income distribution, with the sole exception that thirteen percent (13%) of the affordable units within each bedroom distribution shall be required to be for very low income households earning thirty percent (30%) or less of median income pursuant to the Fair Housing Act, affordability controls of at least thirty (30) years, phasing in compliance with N.J.A.C. 5:93-5.6(d), and affirmative marketing including posting of all affordable units on the New Jersey Housing Resource Center website in accordance with P.L. 2020, c. 51. Additionally, the affordable units shall be integrated with the market-rate units. In buildings with multiple dwelling units, the affordable units shall be generally distributed within each building with market units and the affordable units shall not be concentrated in separate building(s) or in separate area(s) or floor(s) from the market-rate units. The residents of the affordable units shall have full and equal access to all of the entryways, amenities, common areas, and recreation areas and facilities as the residents of the market-rate units.
  4. No more than 50% of units may be age-restricted as to both market-rate and affordable housing units.
- f. Other Provisions.
  1. Private outdoor residential amenity space shall be provided at a rate of 100 square feet per unit.
  2. No basement apartment dwelling units shall be permitted.
  3. Dwelling units shall not be utilized for short term rentals pursuant to Section 606.2c3.

### **ORDINANCE / SECOND READING AND CONSIDERATION OF ADOPTION**

Mayor Miggins returned to the meeting.

#### **Ordinance 2629-23**

Mr. Vinayak brought forth Ordinance 2629-23 for public hearing. Mayor Miggins opened the hearing to the public.

Jeffrey Feld, resident, stated he was in favor of this ordinance and commended the CFO and reviewed debt. Mr. Vinayak responded to Mr. Feld's comment on the parking debt and explained that it would be paid off this year and reviewed the financing for the fire truck. Mr. Laracy, CFO, reviewed the parking utility and it not being self-liquidating this year.

Jean Pasternak, resident, was in favor of this ordinance. She questioned how the township prioritized capital expenditures and what the long term strategic plan was.

Jerry Kung, resident, wondered where the fire truck fell on the priority list and he was in favor of the fire truck.

Mr. Vinayak explained the township was in a great financial position and thanked the CFO and the Administration for keeping the township at a AAA rating.

Mayor Miggins moved that the public hearing be closed and the ordinance to be taken up and passed on second reading, Ms. Romano seconded the motion. Mayor Miggins requested a roll call vote.

Roll Call Vote: All Ayes

Mr. McDonald noted at the last Township Committee meeting he explained why this project had been prioritized and reviewed the need.

**ORDINANCE NO. 2629-23**

**BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF A NEW LADDER FIRE TRUCK, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE TOWNSHIP OF MILLBURN, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,500,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

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

Section 1. The Township of Millburn, in the County of Essex, State of New Jersey (the "Township") is hereby authorized to acquire a new ladder fire truck, including original apparatus and equipment, in, by and for the Township. Said improvement shall include all work, materials, appurtenances and equipment necessary and suitable therefor.

Section 2. The sum of \$1,500,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvement shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefitted.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Township, and (2) it is necessary to finance said purpose by the issuance of obligations of said Township pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$1,500,000, and (4) \$825,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$675,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$5,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.



Section 4. It is hereby determined and stated that the sum of \$825,000 in the Township's Capital Reserve for Fire Equipment is now available to serve as the down payment on said purpose. The sum of \$825,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Township of an aggregate principal amount not exceeding \$675,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$675,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

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

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

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$675,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

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

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

Section 12. The Township intends to issue the bonds or notes to finance the cost of the improvement described in Section 1 of this bond ordinance. If the Township incurs such costs prior to the issuance of the bonds or notes, the Township hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

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

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

**Old Business**

Ms. Prupis questioned if they could get cushions for the meeting room for the resident seating.

Ms. Prupis made everyone aware there was a Save Canoe Brook from development petition on Change.org.

Ms. Prupis announced the concerned Millburn resident's forum and formed the concerned Millburn residents group serving all residents of Millburn and Short Hills.

Mr. Vinayak stated that he would like the Recreation Department and the CFO to have two public sessions before there would be a poll on the field matter. Mayor Miggins and Ms. Prupis agreed.

Mayor Miggins added she had residents call who were confused about the save Canoe Brook reservoir and the overlay and explained that it was two different issues.

**Adjournment**

Mayor Miggins asked for a motion to adjourn the meeting. Mr. Vinayak made a motion to adjourn; the motion was seconded by Mr. Cohen to adjourn the meeting at 11:10 PM. Vote: All Ayes.

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Christine A. Gatti, RMC  
Municipal Clerk

Approved: March 21, 2023