

February 21, 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 21, 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 and Maggee Miggins

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

Absent: Sanjeev Vinayak

Approval of Agenda

Mayor Miggins made a motion to remove the October 18, 2022 and November 14, 2022 regular meeting minutes and the December 16, 2022 special meeting minutes from the agenda and place them on for the March 7, 2023 meeting for consideration which was seconded by Ms. Prupis. Vote: All Ayes

Mr. Maraziti advised that there was not a majority of Committee members in attendance from these meetings and they were researching the appropriate way to approve them.

Police Promotions

Chief Gilfedder provided a background on the two promotions.

Mayor Miggins asked for a motion to approve Resolution 23-069. Ms. Prupis made a motion to approve Resolution 23-069 which was seconded by Mr. Cohen.

Roll Call Vote: All Ayes

**RESOLUTION 23-069
CONFIRM POLICE DEPARTMENT PROMOTIONS**

WHEREAS, the Township of Millburn is in need of an additional Police Lieutenant; and

WHEREAS, Lorenzo Graham met the criteria set-down for Police Lieutenant and has gone through the appropriate selection process;

WHEREAS, the Township of Millburn is in need of additional Police Sergeant; and

WHEREAS, Socrates Barbosa has met the criteria set-down for Police Sergeant and has gone through the appropriate selection process;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millburn, that confirmation is given to the promotions of Lorenzo Graham and Socrates Barbosa.

Ms. Gatti administered Oaths of Office to Socrates Barbosa and Lorenzo Graham.

Reports

Ms. Prupis reported that the Two-Way Traffic Subcommittee would meet on Monday, February 27th with Colliers to go over their report on Essex Street and Spring Street.

Mr. Cohen reported on CEDA and their upcoming activities and events. He announced the Arboretum Committee met and had opened the signups for the children's camps.

Ms. Romano reported on upcoming activities and events for Explore Millburn Short Hills.

Mr. McDonald reported on the PSAB meeting that had taken place last week and noted future meetings which would be held on the second Tuesday of each month through June. He provided an update on the Mayor's Rahway Coalition meeting and noted that they were working with the Army Corp of Engineer making plans to move forward with the Raritan River Flood Risk Study. He reviewed the public safety town hall meeting that was held on February 9th with the police to discuss car thefts and the public had many good suggestions including a neighborhood watch. He reported on the 2023 proposed budget and made everyone aware that the budget was proposed to be introduced on March 21st and adopted on April 18th with a public session to be held in between these dates. He noted that they are working on getting a fair share housing public meeting together with the professionals and he would let the public know once it was scheduled.

Mayor Miggins reminded everyone that the Memorial Day Parade would be held on May 29th and it would start at Millburn High School and end at Taylor Park. She noted that the Chinese American Association would be having their Lunar New Year festival on March 5th and reviewed the proposed road closures.

Public Comment

Mayor Miggins made the following statement: "When invited to speak, please come to the lectern, clearly state your name and whether you are a Millburn resident and/or business owner, and speak loudly so that your comments may be understood by all and properly recorded. Please do not provide your whole address as our meetings are recorded and readily available to the public. For the convenience of our community there was a remote option available. If you called in and would like to comment, please press *6 now and if you are attending by computer or electronic device, please do click the raise hand button. All members of the public wishing to speak would be put into the queue to address the Committee. 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. 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.

Lea Cruz, resident, recently used the SDL system to report graffiti in town and suggested an explanation of the SDL system and how to use it.

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Jeffrey Feld, resident, and counsel for various matters before the township, commended the township on the appointment of a new auditor. He questioned why there was no discussion on the meeting regarding commercial garbage pickup and reviewed some matters he felt were of importance. He voiced his comments on Resolution 23-074 regarding remote public platforms and voiced his thoughts and concerns on fair share housing and affordable housing compliance. He questioned various other subjects which included whether the Par 3 public forum scheduled for next week would be available virtually and the change to the format of the tax resolution.

Mr. McDonald noted that the changes made to the public comment was due to a new law passed called Daniel's Law.

Ogres Koka, resident and a volunteer of the Millburn Soccer Club, provided a background on the club and the service provided to local children. He voiced his concerns over the lack of fields in Millburn and voiced his support of more fields in town. He stated that the Soccer Club was in need of more access to fields.

Tony Wolk, resident, thanked the Township Committee and the Police for everything. He noted that he was a concerned resident and had attended the safety meeting last week and felt there were many good and innovative ideas discussed that could possibly abate some of the issues in the town. He voiced his thoughts on continuing a private/public dialogue to help find solutions to crime in town.

Greg Berman, resident, spoke of the need for more fields in the township and how the unmet need hurts the kids. He stated that the schools do not share their fields and asked the Township Committee to help open communication with the schools to share fields.

Justin Tichauer, resident, voiced his support of more fields in town. He reviewed issues with not having fields available in town, specifically for one middle school girls' softball team.

Scott Barishaw, resident and former President of the Soccer Club, voiced his support of more fields in town and his concern of how this affects the children. He voiced his support of the safety meeting last week and would like to see progress on public/private dialogue.

Dianne Thall Eglow, resident, voiced her opposition of using the Par 3 Golf Course for more sports fields and noted that other options were available including the use of school fields and the installation of turf at the high school. She advised of her support of updating municipal facilities.

Frank Saccomandi, resident, agreed with Ms. Thall Eglow's remarks to preserve the Par 3 Golf Course. He voiced his comments on fair share housing and the DPW site being used to meet the unmet portion of the settlement agreement. He asked for an explanation of why a 100 percent affordable housing project was being used to meet the unmet portion instead of zoning overlays and reviewed other various questions.

Jay Morreale, resident, thanked the Township Committee for reinstating remote meetings and having a public safety meeting. He voiced his thoughts and recommendations on proposed zoning changes that would be quality of life changes for township residents especially on commercial zones.

Pat Morreale, resident, continued Mr. Morreale's and her thoughts on proposed zoning changes and noted her recommended changes to the noise ordinance.

Scott Redler, resident, thanked the Township Committee for all they do for the township. He voiced his concerns on the lack of fields in town and stated that something needed to be done to have proper fields for the community and facilities for all ages.

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David Cosgrove, resident, reviewed previous discussions on having a citizen committee on fair share issues and changes to the noise ordinance and requested an update. He agreed with the Morreale's comments.

Jason Miller, resident, voiced his support of the need for more fields in town. He felt there are ways to improve and utilize existing land.

Don Abraham, resident, voiced his feeling on the need for more fields in town. He questioned what are the priorities of the town and felt the children are the priority as the future leaders.

Christine Best, resident, discussed her thoughts and concerns on cell phone radiation and cell towers and the frequencies that come from them. She reviewed her personal readings she measured in certain areas of the town. She questioned if it was required to disclose these readings when a house was being sold.

Jerry Kung, resident, wondered if anyone could name any other towns that were building 100 percent affordable housing developments as large as 75 units as part of the unmet need. He voiced his questions on the Annie Sez project and the traffic study report that had been posted for the public.

Jean Pasternak, resident, read and submitted the following statement: "I want to laud Mr Abraham for his comments. At the last meeting I called for a strategic planning and long range planning effort for the township and he gave you an objective professional explanation as to why this is critical. I'd like to ask you, Mayor, would you please form a subcommittee on strategic planning for the town, and include residents with relevant experience like Mr Abraham. 2. Will there be an option for our land use board to do zoom virtual meetings to allow for more resident participation? 3. Regarding the Par 3 meeting - will it be virtual on March 1st or is there going to be a separate zoom session? Are both sessions going to be recorded for later viewing? 4. I am in support of preserving the Par 3, but I also agree that the township needs to recognize and address the need to support our children as so many people here stated tonight. There needs to be a comprehensive research and feasibility study done about all the possible options, their costs and benefits and a statistically valid survey of residents as to their preferences. This is the logical next step before moving forward with the par 3 town halls that will be based on a single presentation and choice presented by the Department of Recreation. 5. As you liaise with the BOE, and as they are contemplating a referendum this year, perhaps the Township Committee can suggest that they allocate money to fix the field problems. 6. Fair share Judge Santomauro invited the concerned Millburn residents to intervene in the case and it is my understanding the Judge is waiting for the town to respond, can you let us know when that response is expected. 7. On the Bill list, I noticed the town is paying for transcription of Township Committee meetings. Why do we need to do this? Is it required by law? 8. I listened to the SID meeting about the commercial solid waste collection and am wondering if there will be an ordinance? If this is implemented, I was wondering if residents who live in the buildings that are going to be assessed, have to pay for their garbage, are they going to have the right to sue for reimbursement because they are being treated differently than other residents. 9. The Par 3 - can we have data that backs up the presentation? How can residents validate the presentation without the data and be able to substantiate those conclusions? 10. I learned from a friend who lives at the Upton that there is a drag racing problem occurring around the buildings. How is the township addressing this and ensuring the safety of Upton and all residents who traverse Fineran Way, next to the mall."

Charles Dwyer, resident, voiced his feeling on the lack of fields in the town being an issue. He felt using the term "Dump project" was stigmatizing anyone who may live there in the future.

Mayor Miggins closed the public comment period.

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Mr. McDonald announced that the field public information meeting was scheduled for March 2nd at the Library and there would be a second meeting that would be partially remote in town hall. He addressed the outsourcing of the transcription of the Township Committee meeting minutes. Mr. McDonald appreciated Mr. Kung's comments on Annie Sez and felt his comments would be better addressed by the Planning Board.

Ms. Prupis noted that she would like a presentation at the next meeting on the SDL system. Mr. McDonald reviewed how to use SDL and advised another presentation can be offered. Ms. Prupis questioned the path of commercial solid waste and Mr. McDonald advised that they had met with the commercial property owners on February 16th and were putting together changes to bring to the Township Committee. Ms. Prupis stated that she wondered if the field at JFK had been discussed with the Recreation Department and the possibility of moving forward with this field and asked if there were any other options realistically available sooner rather than later. Mr. McDonald stated that this should all be part of the planned discussion. Ms. Prupis would like residents to be able to submit comments and questions prior to the meeting and would like the BOE invited; Mayor Miggins concurred.

Ms. Romano agreed with Ms. Pasternak that a feasibility study should be done on all available property. Mr. McDonald reviewed the township's Master Plan and the process of updating it. He pointed out the Recreation and Open Space Element of the Master Plan had not been updated since 1991.

Mr. Maraziti addressed the question regarding an admission against interest with respect to the Whispering Woods hearing and advised how the lawsuit gave rise to the requirements in cases involving settlements of municipal land use matters. He clarified that the dump site would not be the phrase used once there was construction of a residential building on that site. It again advised that it would be illegal to build on a site that did not meet the requirements of the NJDEP and were contaminated.

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 why a different auditor was chosen in reference to Resolution 23-073 and Mr. McDonald reviewed the process of recommending a new auditor. Mayor Miggins asked for a motion to approve the items on the consent agenda including Resolutions 23-070 through 23-073. Ms. Prupis made a motion to approve the consent agenda which was seconded by Mr. Cohen.

Roll Call Vote: All Ayes

**RESOLUTION 23-070
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 21, 2023, in the following accounts:

General Fund	\$ 714,140.35
Capital Fund	44,301.49
Parking Utility - Operating Fund	14,300.75
Dog Fund Trust	888.00
Escrow Trust Fund	490.00
SUI Trust Fund	30.94

**RESOLUTION 23-071
 AUTHORIZE TAX APPEAL CREDITS**

NOW, THEREFORE BE IT RESOLVED that the pursuant to the tax appeal stipulations the following appeal credits shall be applied to taxes;

BLOCK	LOT	QUAL	YEARS	Amount
3606	15		2019-2022	\$9,949.46
3502	7		2018-2020	\$2,959.37
4304	2		2022	\$ 715.02

**RESOLUTION 23-072
 AUTHORIZING AND AWARDED A PROFESSIONAL SERVICES CONTRACT WITH FRENCH & PARRELLO ASSOCIATES FOR PERFORMANCE OF ENGINEERING SERVICES**

WHEREAS, the Township of Millburn requires the performance of engineering services for engineering design, construction management and inspection services related to 2023 Millburn Township road improvement projects; and

WHEREAS, French & Parrello Associates (FPA) is qualified in training and experience to perform such services; and

WHEREAS, French & Parrello Associates (FPA) has provided the Business Entity Disclosure Certification in accordance with the N.J.S.A. 19:44A-20.8 and completed Political Contribution Disclosure Form; and

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

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

1. The Mayor and the Municipal Clerk are hereby authorized and directed to execute a contract, in a form subject to the approval of the Township Attorney, with French & Parrello Associates (FPA), 1085 Raymond Blvd., Suite 601, Newark, New Jersey 07102 for on professional Engineering Consultant Services related to engineering design, construction management and inspection services related to 2023 Millburn Township road improvement projects; as detailed in their submitted proposal dated January 31, 2023 (revised February 13, 2023) for 2023, in an amount not to exceed \$64,918.80.
2. That this contract is made without competitive bidding as “professional services” under the provisions of the Local Public Contracts Law of the qualitative nature of the services to be performed.
3. That a notice of this resolution shall be published in The Item of Millburn and Short Hills as required by law.

**RESOLUTION 23-073
 AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT WITH PKF O’CONNOR DAVIES, LLP FOR AUDITING AND ACCOUNTING SERVICES**

WHEREAS, there exists a need in 2023 for the performance of the statutory Annual Audit and other related work for the year 2022 for the Township of Millburn, in the County of Essex, New Jersey; and

WHEREAS, the Qualified Purchasing Agent has fully complied with the “fair and open” process set forth under N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, the Township Committee has selected a professional through a competitive fair and open process and has determined that PKF O’Connor Davies, LLP shall serve the township and provide Accounting and Auditing Services from February 22, 2023 through December 31, 2023;

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

1. That the Mayor and Municipal Clerk are hereby authorized and directed to execute an agreement, in a form subject to the approval of the Township Attorney, in the amount of \$60,500.00 as per the proposal dated January 13, 2023 with David Gannon, CPA, RMA, PSA, of PKF O’Connor Davies, LLP, to be retained as Auditor (Registered Municipal Accountant) of the Township of Millburn to complete and timely file the Annual Audit with the Division of Local Government Services, perform review of the financial statements of the Deferred Compensation Plan and to perform additional services as specified.
2. That a notice of this resolution shall be published in The Item of Millburn and Short Hills as required by law within ten days of its passage.

Resolution

Mayor Miggins asked if any of the Committee members had any questions or concerns regarding Resolution 23-074. Mayor Miggins asked for a motion to approve Resolution 23-074. Ms. Prupis made a motion to approve Resolution 23-074 which was seconded by Ms. Romano.

Roll Call Vote: All Ayes

RESOLUTION 23-074
AUTHORIZING REMOTE PUBLIC PLATFORMS AND POLICIES FOR
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETINGS

WHEREAS, the Governing Body of the Township of Millburn supports the statement under the legislative findings and declaration from the Open Public Meetings Act N.J.S.A. 10:4-7 that “the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies, is vital to the enhancement and proper functioning of the democratic process”; and

WHEREAS, all public business meetings of the Township Committee of the Township of Millburn will be held fully in person at the Municipal Building, 375 Millburn Avenue, Millburn, New Jersey at 7:00 p.m. prevailing time as adequately noticed and required by the Open Public Meetings Act N.J.S.A. 10:4-7; and

WHEREAS, the Township Committee of the Township of Millburn desires to expand upon the requirements of the Open Public Meetings Act and permit remote platforms for the convenience of the public; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Millburn, County of Essex, State of New Jersey, hereby authorize the following remote public platforms and policies for public Township Committee business meetings as follows:

- 1.) Remote platforms are provided by the Millburn Township Committee as a convenience to the public. The Millburn Township Committee meetings are not hybrid public business meetings and are full in person public business meetings. If there are technological issues and/or members of the public that are not able to comment through the remote platform for any reason at a public business meeting the meeting will continue in person as adequately noticed. If a member of the

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public would like to ensure they are provided an opportunity to comment or observe the public meeting they should attend the public meeting in person as adequately noticed, in order to avoid technical issues with the remote platform.

- 2.) YouTube and ZOOM remote platforms will be utilized by the Township of Millburn and the ZOOM remote platform will allow for public comment with the same terms and conditions as governed by applicable law including as outlined by the Township Committee approved Rules of Order or otherwise approved by the Township Committee at its meeting.
- 3.) For those who utilize the YouTube platform, this platform will be livestreamed and available to the public for future viewing on the Millburn Township Website until such time it is properly destroyed as authorized by state law. There will be no public comment period function through the YouTube platform.
- 4.) For those who utilize the ZOOM remote platform and wish to make public comment during the appropriate public comment period(s), shall keep their video on and show their face the entire time, while commenting before the Township Committee. Screen sharing will not be authorized by those offering public comment before the Township Committee.
- 5.) For those who utilize the ZOOM remote platform and wish to make public comment during the appropriate public comment period(s), shall press the raise hand button for those attending by computer or electronic device or press *6 if you are calling in by telephone. For those members of the public that utilize the telephone call in option shall be aware that their telephone numbers will be displayed to the public and will also be made part of the recording of the meeting which is a record available to the public.
- 6.) For members of the public who wish to attend the meeting through a remote platform the information will be made available on the Millburn Township Website and will also be listed on the bottom of the Township Committee agenda.
- 7.) The Township Committee may at any time alter the policies outlined in this resolution in order to secure the safety, security and efficiency of running their public business meetings.

New Business

National Historic Designation of Short Hills Train Station and Parsil House

Mr. McDonald reviewed the National Historic Designation of Short Hills Train Station and Parsil House and would like to discuss with the Township Committee designating these to the National Historical Registry. He reviewed the cost to maintain these sites in a historical level and designation would afford the township more opportunity for grants to cover the continued upkeep of these buildings. He felt since the sites are on the state historical registry it would be easier for them to be accepted onto the national registry. He stated that it would cost \$25,000 to have the two sites presented to the registry. Ms. Prupis would like the public to be able to give input. Mayor Miggins, Mr. Cohen and Ms. Romano provided a consensus for Mr. McDonald to move forward with soliciting the designation.

Adjournment

Mayor Miggins asked for a motion to adjourn the meeting. Ms. Romano made a motion to adjourn; the motion was seconded by Mr. Cohen to adjourn the meeting at 8:40 PM. Vote: All Ayes.

Christine A. Gatti, RMC
Municipal Clerk

Approved: April 4, 2023