

**March 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 March 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 Township Clerk Christine Gatti.

**Approval of Agenda**

Mayor Miggins asked for a motion to approve the agenda, the motion was offered by Mr. Cohen and seconded by Mr. Vinayak. Vote: All Ayes

**Minutes**

Mr. Maraziti advised that the minutes from the end of last year had not yet been approved due to ensuring there was a majority of Township Committee members present to vote on them. Due to the fact that new members Mr. Cohen and Ms. Romano were present at the 2022 meetings, they signed certifications and would be eligible to vote on passing those minutes.\*

*\*Exhibit A – Certifications are enclosed at the end of the minutes*

Mayor Miggins asked for a motion to approve the October 18, 2022 Regular Township Committee meeting minutes. The motion was made by Ms. Prupis and seconded by Mr. Vinayak.

Vote: All Ayes with the exception of Mr. Cohen and Ms. Romano who abstained.

Mayor Miggins asked for a motion to approve the November 14, 2022 Regular Township Committee meeting minutes. The motion was made by Mr. Vinayak and seconded by Mr. Cohen.

Vote: All Ayes with the exception of Ms. Prupis and Ms. Romano who abstained.

Mayor Miggins asked for a motion to approve the December 6, 2022 Regular Township Committee meeting minutes. The motion was made by Ms. Prupis and seconded by Mr. Cohen.

Vote: All Ayes with the exception of Mr. Vinayak who abstained.

Mayor Miggins asked for a motion to approve the December 16, 2022 Special Township Committee meeting minutes. The motion was made by Ms. Prupis and seconded by Ms. Romano.

Vote: All Ayes

**Millburn Township Committee Meeting Minutes**

Mayor Miggins asked for a motion to approve the December 20, 2022 Regular Township Committee meeting minutes. The motion was made by Ms. Romano and seconded by Mr. Vinayak.

Vote: All Ayes with the exception of Ms. Prupis who abstained.

Mayor Miggins asked for a motion to approve the December 21, 2022 Special Township Committee meeting minutes. The motion was made by Ms. Prupis and seconded by Ms. Romano.

Vote: All Ayes

**Proclamation**

Mr. Cohen presented a Proclamation for Arbor Day to Township Forester Stacie Phelps.

**Reports**

Ms. Prupis reported on the Two-Way Traffic Sub-Committee last meeting and asked if Mr. McDonald had followed up to see what was in the scope of the proposed concept plan. Mr. McDonald stated that he was working on it and also going back to the members who were not in attendance to allow them to look at the study and comment. He added that the next step would be to develop a base conceptual plan of the intersections and then come back to the Township Committee and then the public. Ms. Prupis noted this would be out to the public by the end of April and Mr. McDonald confirmed.

Mr. Cohen announced upcoming Library events.

Mr. Vinayak reported on the last PSAB meeting and that the meeting schedule would be monthly on the second Tuesday through June. He encouraged residents to use the SDL portal to report any concerns on pedestrian safety. He reported on the Flood Mitigation Advisory Committee meeting and noted that the next meeting next week would include a public session and details could be found on their website. He reviewed the Finance Sub-Committee discussion on 2022 actuals and reviewed his thoughts on the upcoming 2023 budget and the goal of lowering costs and expenses.

Ms. Romano reported on upcoming Explore Millburn Short Hills activities and events. She noted the full schedule could be found on the Explore webpage. She stated that she sat on the Senior Citizen Advisory Committee and applauded Jaime Hawkins on all she does for the seniors including activities, events, trips, transportation and much more. For more information for the seniors, please contact Ms. Hawkins. She reported on the Local Assistance Board and thanked the residents for their generous donations to the food pantry and thanked Ana Millan, Social Worker, for all the assistance she gave to the residents in need.

Mr. McDonald provided an update on the Mayor's Rahway River Coalition and announced that the agreement between the DEP and the Army Corp of Engineers had been signed and provided upcoming meeting details for April with the Army Corp Engineer and the Mayors of participating towns. He reported that PSE&G would be working on gas line replacement in the Martindale/Fairfield area toward the end of April in preparation of upcoming milling and paving. He announced the pool was still looking for lifeguards. He stated that he would like to bring to the public's attention that last week the Borough of New Providence voted to exit the Mountain Valley Emergency Communications Center at the end of 2023. Millburn and Summit would be discussing their next steps and would keep everyone apprised.

Mayor Miggins reminded everyone of the upcoming Memorial Day Parade on Monday, May 29th. She reported that she and Mr. McDonald would be meeting with the Mayor and Business Administrator of Orange regarding the Flood Mitigation Committee. She announced various vacancies on boards and Committee. Ms. Gatti noted anyone interested should contact the Township Clerk's office.

**Millburn Township Committee Meeting Minutes**

Mayor Miggins advised that there had been an uptick in car thefts and burglaries and reminded residents to keep cars and homes locked. She provided an update on the fair share housing compliance hearing that had been canceled due to the weather. She added that Mr. Kantor had requested a new date from the court and stated that she would make everyone aware once they had the new date.

**Special Report**

Mr. Moehlman provided an overview on the SDL portal, how to input a complaint or concern and where the link could be found on the township homepage. Mr. McDonald reiterated how to use SDL and how easy it was to use system. Mr. Vinayak reviewed the benefits of using the SDL system.

**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](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.

Jeffrey Feld, resident, applauded citizens for attending various public meetings. He voiced his comments on the bill list, increased retainers of professionals and Daniel’s Law in regard to the removal of residents’ names on tax resolutions. He reviewed his concerns on Resolution 23-085 and suggested the Township Committee pause on this resolution. He voiced his feelings on OPRA.

Jay Morreale, resident, thanked the Township Committee, Mr. McDonald and Recreation for providing the residents a chance to speak regarding the sports fields and the Par 3. He voiced his thoughts on the need for more fields, the options of turfing already existing fields and the possibilities of purchasing additional property to develop sports fields.

Jean Pasternak, resident, reviewed land use agenda changes and reviewed her thoughts on being informed of these changes at the last minute. She asked for more information on the process to participate in the Memorial Day parade. She voiced her questions on the RFP publication for engineering services for the relocation of various public works assets and commented on possible tax increases in the future. She noted that she would like to see a fair share housing public forum held. She stated that she would like to hear more views from the Township Committee members on the recreation fields matter.

Christine Best, resident, thanked the Township Committee and everyone who worked so hard for the town. She reviewed what she had received from a recent OPRA. She reviewed the contracts and voiced her concerns with 5G and the township consultant Hoplite and Mr. Lupo.

**March 7, 2023**

**Millburn Township Committee Meeting Minutes**

Jerry Kung, resident, questioned a payment on the bills list. He reviewed his thoughts on the public forum held regarding the Par 3 and sports fields and would like to see a similar public forum take place for fair share housing because there were a lot of questions regarding the settlement agreement.

Frank Saccomandi, resident, questioned if there were any laws that require residents to address the Mayor formally, as “Mayor.”

Raj Singh, resident, inquired on documents regarding the Canoe Brook section of town.

Perri Urso, resident, asked for an update on the commercial solid waste collection matter and asked whether commercial property owners will be entitled to a reduction in taxes for a service that would no longer be provided. She wondered what the Township Committees position was on the state’s insurance registration and voiced questions on pedestrian safety in lot 14 and she requested pedestrian safety crossing signs be installed. She questioned where the SID tax assessments were being deposited. She questioned the purpose of the purchase of 161 Spring Street in 2008 and voiced comments on water billing.

Mayor Miggins closed the public comment period.

Mr. McDonald addressed the RFP regarding the movement of the DPW assets and and stated that his office had authorized this in order to move forward with the movement of part of the DPW. He responded to the inquiry on Hoplite and reviewed the contract with the township and made everyone aware that he had previously reached out to other towns who had been extremely happy with his work. He stated that Mr. Lupo is working on drafting ordinances for 4G and 5G to protect the towns right-of-ways. He advised that he believed the original purpose for the purchase of 161 Spring Street was to move town hall.

Mr. Vinayak reviewed the amount of the attorney retainer was increased last year and the reason for the change of the amount. He reviewed the 100% affordable housing property sale amount and asked Mr. McDonald to further explain. Mr. McDonald reviewed the process of selling the property to the developer and how the price of the sale would affect the affordable housing deficit.

Mr. Vinayak attended the Par 3 and sport fields forum and voiced his opposition of changing the Par 3 to sports fields and reviewed other options for fields.

Ms. Prupis requested a public forum be scheduled prior to the compliance hearing for affordable housing for residents. Mr. McDonald stated that he would work on getting a date for a forum.

Ms. Prupis confirmed if June 1st was still the deadline for the change to commercial trash pickup. Mr. McDonald confirmed, but added that there were some things that needed to happen before then.

Mr. Cohen noted that there were no plans for an open space tax. He discussed the Par 3 and sports fields forum and stated that one good thing to come from the meeting was there should be better cooperation from the Board of Education allowing recreation to use school fields.

Ms. Romano was happy with the progress made at the Par 3 and sports fields forum last week and asked Mr. Graham Petto, the Township Planner, to please discuss future plans with open space and the Master Plan.

Mr. Maraziti reviewed the previous discussion about the dollar payment for township property and explained different ways the property could be transferred for affordable housing development

according to the law. He explained Daniel’s Law and the amount of confusion it had caused and what had to be done to protect the name and identity of those on this list. He addressed a court ruling that was passed down in Massachusetts today and that it had no relevance on the way things are done in Millburn and he had no recommendations on changing the way the meetings are being conducted. He clarified a previous statement he made regarding the DPW site and contamination. He noted that the only law he was aware of on how to address someone was the law of common courtesy. He voiced his opposition to holding SID funds in a separate account.

Mayor Miggins addressed Mr. Feld’s many email requests including those to meet with the Township Committee and advised that he was suing the township and would like to know what process would need to be followed if anyone was in favor of meeting with him. Mr. Maraziti advised that counsel would need to be present if any litigation would be discussed. Mayor Miggins noted that the township had spent over \$128,000 responding to Mr. Feld’s countless emails and requests.

Mayor Miggins answered Mr. Morreale’s inquiries on certain properties for sale.

**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 23-081 and Mr. McDonald advised that the Recreation Department was looking for improvements to the Bauer Center Assembly Room and that this was part of their capital from last year. Mayor Miggins asked for a motion to approve the items on the consent agenda including Resolutions 23-076 through 23-084. Ms. Prupis made a motion to approve the consent agenda which was seconded by Mr. Cohen.

Roll Call Vote: All Ayes

**RESOLUTION 23-076  
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 March 7, 2023, in the following accounts:

General Fund	\$	744,236.50
Capital Fund		23,731.00
Parking Utility - Operating Fund		1,952.63
Dog Fund Trust		4,725.00
Escrow Trust Fund		3,193.75
Police Off Duty Trust Fund		605.00
SUI Trust Fund		4,504.75
Waste Recycling Trust		1,175.00

**RESOLUTION 23-077  
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>
Property Owner Block 801 Lot 2	Tax Appeal 2021 Taxes	\$6,589.20

**RESOLUTION 23-078**

Millburn Township Committee Meeting Minutes

**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
4503	1		2018-2022	\$13,626.43
503	19		2020-2022	\$3,745.04

**RESOLUTION 23-079  
AUTHORIZATION TO CANCEL CAPITAL APPROPRIATION  
BALANCES OF COMPLETED PROJECTS PURSUANT  
TO N.J.S.A. 5:30-4.1 ET. SEQ.**

**WHEREAS**, Certain general capital improvement appropriation balances remain dedicated to projects now complete; and

**WHEREAS**, it is necessary to formally cancel said balances so that the unexpended balance and unused debt authorization may be cancelled;

**NOW, BE IT RESOLVED**, by the Township Committee of the Township of Millburn that the Chief Financial Officer shall and is hereby authorized to cancel the following unexpended and dedicated General Capital appropriations:

ORDINANCE	PURPOSE	CANCELLATION FUNDED	CANCELLATION UNFUNDED
2407-13	Hartshorn Drive	\$0.02	
2425-14	Police Equipment	\$0.21	
2445-15	Building Improvements	\$0.24	
2461-16	General Improvements	\$1,021.95	
2461-16	Police Equipment	\$0.01	
2533-19	Fire Equipment	\$4,498.63	
2558-20	Cypress Street		\$60,557.35
2574-21	Recreation Improvements	\$195.00	
2579-21	Full Ordinance	\$90,250.00	\$764,750.00
		\$95,966.06	825,307.35

**RESOLUTION 23-080  
AUTHORIZING THE TOWNSHIP OF MILLBURN TO ACCEPT A SUBGRANT AWARD OF THE FEDERAL  
FISCAL YEAR 2022 OF EMERGENCY MANAGEMENT PERFORMANCE GRANT AND EMERGENCY  
MANAGEMENT AGENCY ASSISTANCE**

**WHEREAS**, the Township of Millburn Office of Emergency Management has been awarded State Homeland Security Grant Program Sub-grant AFN #97.042, Subgrant Award #FY22-EMPG-EMAA-0712 from the New Jersey Department of Law and Public Safety, Office of the Attorney General. The subgrant, consisting of \$10,000.00 Federal Award is for the purpose of enhancing the City’s ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

**WHEREAS**, the Township of Millburn will use these funds to enhance our Emergency Management Program and that the funds will be used for Emergency Management purposes; and

**WHEREAS**, the award period is from July 1, 2022 to June 30, 2023; and

**WHEREAS**, the subgrant award incorporates all conditions and representations contained or made in application and notice of award; and

**WHEREAS**, the Township of Millburn Office Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, has submitted an Application for Subgrant Award that has been required by the said New Jersey State Office of Emergency Management.

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

1. That the Township Committee accepts the award of the FFY22 Emergency Management Performance Grant Program (EMPG), Emergency Management Agency Assistance Subgrant (EMAA) in the amount of up to \$10,000.00 Federal Funds from the New Jersey State Police, Office of Emergency Management.
2. That the Chief Financial Officer and Director of Emergency Management are authorized to sign the appropriate subgrant award documents.
3. That copies of this resolutions shall be forwarded to the New Jersey State Police, County Division of Emergency Management and Office of Treasury.

**RESOLUTION 23-081**  
**AUTHORIZING AND AWARDED A PROFESSIONAL SERVICES CONTRACT WITH ARCAI + IOVINO ARCHITECTS, PC FOR PERFORMANCE OF ARCHITECTURAL SERVICES**

**WHEREAS**, the Township of Millburn requires the performance of architectural design, specifications, and construction administration for improvements to the Bauer Center Assembly Room; and

**WHEREAS**, Arcai + Iovino Architects, PC are qualified in training and experience to perform such services; and

**WHEREAS**, Arcai + Iovino Architects, PC has provided the Business Entity Disclosure Certification in accordance with the N.J.S.A. 19:44A-20.8 and completed Political Contribution Disclosure Form; and

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

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

1. 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 Arcai + Iovino Architects, PC, One Katherine Street, Little Ferry, New Jersey 07643 for professional architectural design, specifications, and construction administration for improvements to the Bauer Center Assembly Room; as detailed in their submitted proposal dated February 15, 2023, in an amount not to exceed \$18,875.00.
2. That this contract is made without competitive bidding as “professional services” under the provisions of the Local Public Contracts Law of the qualitative nature of the services to be performed.
3. That a notice of this resolution shall be published in The Item of Millburn and Short Hills as required by law.

**RESOLUTION 23-082**  
**AUTHORIZING EXECUTION OF CONTRACT FOR MUNICIPAL POOL FOOD CONCESSION – CLARK CONCESSION OPERATIONS, LLC**

Millburn Township Committee Meeting Minutes

**WHEREAS**, on February 17, 2023, the Township Clerk received one (1) bid proposal for the Municipal Pool Food Concession, the bidder was as follows:

1. Clark Concession Operations, LLC  
Bid for 2023 & 2024 Season: \$12,200.00\*  
(\*\$6,100.00 for 2023 and \$6,100.00 for 2024 with two one year options, at the discretion of the township for 2025 & 2026)

**WHEREAS**, the bidder Clark Concession Operations, LLC complied with the specifications and the Township Recreation Director has recommended that the contract be awarded;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Millburn that the proper Township Officials are authorized and directed to execute a contract with Clark Concession Operations, LLC, having a business address of 75 Victoria Dive, Clark, NJ 07066 on a form approved by the Township Attorney and pursuant to the proposal, the amount of the payment to the Township as set forth in the contract shall be as follows: \$12,200.00 (\$6,100.00 for 2023 and \$6,100.00 for 2024 with two one year options, at the discretion of the township, for 2025 & 2026);

**BE IT FURTHER RESOLVED** that in the event that the township in its discretion chooses to extend the contract not to exceed two one year extensions (2025 & 2026) any price change included as part of the extension shall be based on the bid price, adjusted on an annual basis, but not adjusted to exceed the change in the index rate for the twelve months preceding the most recent quarterly calculation available at the time the contract is renewed.

**RESOLUTION 23-083**

**AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWNSHIP OF MILLBURN AND THE COUNTY OF ESSEX FOR THE INSTALLATION AND MAINTENCE OF SURVEILLANCE CAMERAS AND EQUIPMENT ON TRAFFIC SIGNALS AND ESSEX COUNTY RIGHTS OF WAY**

**WHEREAS**, the Township of Millburn (the "Township") wishes to install and maintain surveillance cameras and equipment on the traffic signals within Essex County rights of way; and

**WHEREAS**, Essex County requires that the Township of Millburn submit a certified copy of a resolution approved by the Millburn Township Committee indicating that the Township will hold Essex County harmless from any claims or actions at law directly resulting from the installation and maintenance of said surveillance cameras and equipment; and

**NOW THEREFORE, BE IT RESOLVED**, by the Governing Body of the Township of Millburn, County of Essex, State of New Jersey as follows:

1. The Millburn Township Committee supports the efforts of the Millburn Township Police Department and authorized contractors to install and maintain surveillance cameras and equipment on traffic signals and within Essex County rights of way.
2. The Mayor, Township Administrator and Police Chief/Officer-in-Charge are hereby authorized to execute on behalf of the Township of Millburn a Memorandum of Understanding including a Hold Harmless and Indemnification Agreement with Essex County providing for indemnification of Essex County for any claims directly arising from Township's use of Essex County traffic signals and Essex County rights of way for the purpose of installing and maintaining surveillance cameras and equipment.
3. A copy of this Resolution and executed Memorandum of Understanding with Hold Harmless and Indemnification Agreement shall be filed in the Office of the Township Clerk and the Police Chief/Officer-in-Charge.



Millburn Township Committee Meeting Minutes

4. This Resolution shall take effect immediately upon final passage according to law.

**RESOLUTION 23-084  
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:

Glenwood School PTO

Mayor Miggins asked if any of the Committee members had any questions or concerns regarding Resolution 23-085. Mr. Petto, Township Planner, reviewed the proposal to submit a redevelopment plan at 9 Main Street and explained the process. Mr. Vinayak added with this the developer would be able to seek funding from the state through grants. Mr. Maraziti added that the township’s financial consultant had advised the township on this in regard to the new ASPIRE program. Mayor Miggins asked for a motion to approve Resolution 23-085. Ms. Romano made a motion to approve the resolution which was seconded by Mr. Cohen.

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

**RESOLUTION 23-085  
AUTHORIZING AMENDMENT TO THE  
PROFESSIONAL AGREEMENT FOR PROFESSIONAL PLANNING SERVICES  
[TOPOLOGY NJ, LLC]**

**WHEREAS**, the Township of Millburn entered into a professional service contract by Resolution 23-026 approved by the Millburn Township Committee on January 3, 2023 with Topology NJ, LLC, 60 Union Street, Suite 1N, Newark, New Jersey 07105, for Professional Planning Services for the Township of Millburn; and

**WHEREAS**, the Township Committee wishes to add to the original scope of services, for professional planning services related to the 9 Main Street Redevelopment Plan, and the original contract was in the total not to exceed amount of \$75,000.00 and is being proposed to include additional services in the additional amount of not too exceed \$16,000.00; and

**WHEREAS**, the Township continues to reserve 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 Millburn Township Committee hereby authorizes the amendment to the contract of January 3, 2023 to include additional Professional Planning Services for the Township of Millburn in the additional amount of \$16,000.00 for a total amount not to exceed \$91,000.00 for 2023 with Topology NJ, LLC;

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

1. The Mayor and the Municipal Clerk are hereby authorized and directed to execute the amendment to this agreement, in a form subject to the approval of the Township Attorney, with Topology NJ, LLC, 60 Union Street, Suite 1N, Newark, New Jersey 07105 for this professional service.

2. This contract is made without competitive bidding as a “professional service” under the provisions of the Local Public Contracts Law because of the qualitative nature of the service provided.
3. Fees for all services are authorized and funds certified in an amount not to exceed \$91,000.00 for 2023.
4. A copy of this resolution shall be published in The Item of Millburn Short Hills as required by law, within ten (10) days of its passage.

**ORDINANCE / INTRODUCTION**

Ordinance 2634-23

Mayor Miggins brought forth Ordinance 2634-23 for introduction and provided a brief explanation of the ordinance. Mr. Vinayak clarified this ordinance had previously been brought before the Township Committee and now it was just for multi-family homes. Mayor Miggins moved the ordinance to be taken up and passed on first reading noting that the public hearing would take place on April 4, 2023. Ms. Romano seconded the motion. Mayor Miggins requested a roll call vote.

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

**ORDINANCE 2634-23**

**AN ORDINANCE TO AMEND AND SUPPLEMENT THE DEVELOPMENT REGULATIONS AND ZONING ORDINANCES OF THE TOWNSHIP OF MILLBURN, CHAPTER 6, SUBSECTION 609, ENTITLED “SUPPLEMENTARY REGULATIONS”**

**STATEMENT OF PURPOSE:** *the purpose of this ordinance is to amend the Township of Millburn’s zoning code to include a prohibition of rooftop decks, platforms, terraces and similar features on the roof of a building for use as a common amenity space. Such spaces are not characteristic in the Township. This supplementary regulation would apply to multifamily, mixed-use, and non-residential buildings.*

**WHEREAS**, the Township Committee of the Township of Millburn wishes to revise the zoning ordinances of the Township to prohibit the use of rooftop deck amenities as a common amenity space for building occupants of multifamily and non-residential buildings and;

**WHEREAS**, Goal #1 of the 2018 Master Plan Reexamination and Update for the Township of Millburn, seeks to “Encourage appropriate land uses that promote the character of the Township as a small suburb of the highest quality.”

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

**Section 1. Article 6 “Zoning Provisions”, Subsection 609 “Supplementary Regulations” is hereby amended and supplemented by deleting existing text as per the strike throughs and adding new text as underlined below**  
**609 Supplementary regulations**

**609.13 Prohibition of roof-top amenity space. In order to protect the health, safety, welfare and residential character of the Township, the placement of any decks, platforms, terraces or similar features on the roof of a multifamily, mixed-use or non-residential building, for use as an amenity space for building occupants and/or guests, shall be prohibited. For purpose of this section, a roof shall mean the exterior covering of a building that bridges the space between exterior walls. Interior, open-air courtyard areas that are completely screened by exterior building walls shall not be considered roof-top amenity spaces.**

Ordinance 2635-23

Mr. Cohen brought forth Ordinance 2635-23 for introduction and provided a brief explanation of the ordinance. Mr. Vinayak would like to consider reducing this as it had not been used in the past multiple years. Mr. Cohen moved the ordinance to be taken up and passed on first reading noting that the public hearing would take place on April 4, 2023, Ms. Romano seconded the motion. Mayor Miggins requested a roll call vote.

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

**ORDINANCE NO. 2635-23**  
**CALENDAR YEAR 2023**  
**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS**  
**AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4 45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 1% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Governing Body of the Township of Millburn, in the County of Essex, finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Township Committee hereby determines that a 3.5% increase in the budget for said year, is estimated to be \$486,859.34 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

**WHEREAS**, the Governing Body hereby determines that any amount authorized hereinabove that is not appropriated, as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Township of Millburn, in the County of Essex, a majority of the full authorized of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Township of Millburn shall, in accordance with this ordinance and N.J.S.A. 40: 45.14, be increased by 3.5%, amounting to \$1,704,007.68 and that the CY 2023 municipal budget for the Township of Millburn be approved and adopt accordance with ordinance; and,

**BE IF FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, with the that a Director certified copy of this ordinance as of the Division of Local Government Services within 5 days of introduction; and,

**BE IF FURTHER ORDAINED** that a certified copy adoption, with the recorded vote included thereon be within 5 days after such adoption of this ordinance upon field with said Director.

**ORDINANCES PUBLIC HEARING/ADOPTION**

Ordinance 2631-23

Ms. Prupis brought forth Ordinance 2631-23 for public hearing. Mayor Miggins opened the hearing to the public and no one wished to be heard. Ms. Prupis moved that the public hearing be closed and the ordinance to be taken up and passed on second reading, 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 public hearing. Mayor Miggins reviewed the ordinance and opened the hearing to the public. Mayor Miggins moved that the public hearing be closed and the ordinance to be taken up and passed on second reading, Ms. Prupis 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><i>Fee or Fee Range</i></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



Millburn Township Committee Meeting Minutes

Pool, Golf, Tennis/Pickleball Replacement Cards	\$10.00 - \$15.00	
<i>Tennis/Pickleball Memberships:</i>		
Age 22+	\$70.00 – \$75.00	
Age 18-21	\$50.00 – \$55.00	
Age 8-17	\$25.00 – \$30.00	
 <i>Golf Resident Membership, Par 3:</i>		
Resident Age 22+	\$99.00 – \$115.00	
Resident Age 13-21	\$55.00– \$60.00	
Resident Age 8-12	\$30.00 – \$38.00	
 <i>Golf Non-Resident Membership, Par 3:</i>		
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	
 <i>Golf Green Fees, Par 3:</i>		
	<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
 <i>Golf Guest Fees, Par 3:</i>		
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	
 <i>Youth Activities:</i>		
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	

Millburn Township Committee Meeting Minutes

Swimming Team	\$90.00 – \$110.00
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 after explaining there had been confusion on the overlay zone and save the Canoe Brook Reservoir being two separate matters. She noted that on May 11th the Watershed Property Review Board would be reviewing whether or not they would allow the purchase of the conservation land by a developer. Mr. Vinayak brought forth Ordinance 2633-23 for public hearing and opened the hearing to the public.

Jeffrey Feld, resident, asked to pause consideration of this ordinance and for it to be postponed until after a public forum was held. He voiced his thoughts and concerns on the matter.

Jean Pasternak, resident, agreed with Mr. Feld and would like the public to be given the opportunity to be heard and to hear the details of the fair share housing settlement agreement.

Ellie Jennings, resident, voiced her concern that only residents within 200 feet were notified and felt everyone should have been notified.

Christine Best, resident, voiced her opposition to the ordinance and felt everyone should be notified whenever something like this was being considered.

An unidentified resident voiced her opposition to the ordinance and would like this to be postponed for consideration.

Frank Saccomandi, resident, stated it was unfortunate that many residents were not aware of what was happening and would like this to be postponed.

Raj Singh, resident, stated he had not received the letter.

Richard Seibert, resident, questioned what the rush was for.

An unidentified resident stated that they lived adjacent to the country club and noted she received a letter from the country club and the town and would like to know what happened at the property and what was going on.

Jay Morreale, resident, reiterates his past comments to increase notifications to residents.

Jerry Kung, resident, reviewed overlay zones in town and wondered how many property owners were not aware that their property butted up to overlay zones. He felt more information should be provided to residents on the happenings in the town and suggested maybe a pamphlet be sent out with tax bills to update the residents. He reviewed fair share housing and development in town and added a public forum was needed in the township.

Perri Urso, resident, asked for a legal opinion from Mr. Maraziti if her video needed to be on for public comment. She voiced her feelings and concerns on the lack of public information with the overlay zones.

Mr. Vinayak closed the public comment and reviewed the process for public comment.

Mr. McDonald commented that Township Planner Graham Petto would be able to help explain the overlay zones and Canoe Brook. He confirmed there would be public forums set up in the future and

stressed there had been public forums and discussions in the past to inform the residents regarding fair share housing and added that there was also a dedicated website to affordable housing.

Mr. Maraziti advised that the township had special counsel for affordable housing and reviewed his responsibility. He reviewed why there was a need to pass this ordinance, due to the signed settlement agreement, and that had things that needed to be done under timelines. He reminded everyone that there was a compliance hearing coming up very soon. He reviewed the issue of whether or not there had been a violation of the law with the settlement agreement and he confirmed there had not been a violation and the settlement agreement was approved by resolution which does not require a public comment like the adoption of an ordinance.

Mr. Vinayak reiterated this was not a new matter and reviewed the history on affordable housing.

Graham Petto, Township Planner, provided a brief overview of the August 2021 settlement agreement regarding Canoe Brook Country Club. He added that the Planning Board adopted the housing element and fair share plan in July 2022. He noted that after the first reading, this ordinance was sent to the Planning Board for review where the Planning Board did not find the ordinance inconsistent with the Master Plan. He reviewed some key points of the ordinance.

Mr. McDonald advised that the overlay zone would be an opportunity for affordable housing to be built but it was not a guarantee. He made everyone aware that Canoe Brook was looking to add a range house.

Mr. Vinayak added that there was a webpage dedicated to fair share housing and the settlement agreement was available to the public on this site. Mr. Moehlman showed the residents where to find the link on the township website.

Ms. Prupis voiced her feeling that the township could do better and needed to find a way to notify the residents of what was going on in town.

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

Roll Call Vote: Ayes: Cohen, Romano, Vinayak  
Nays: Prupis  
Abstained (absent): 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.

Millburn Township Committee Meeting Minutes

**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.

A five-minute break was taken.

### **OLD BUSINESS**

Mayor Miggins returned to the meeting.

#### Recreation Fields Feasibility Study

Ms. Romano asked Mr. Petto to speak about how the Master Plan was revisited.

Mr. Graham Petto, Township Planner, reviewed what the Recreation and Open Space Master Plan from 1991 and suggested an updated Master Plan for Recreation and Open Space be drafted. He reviewed the benefits to the township. He added another benefit to having an updated Master Plan Element would be preparedness when grant opportunities come along. He noted that the Planning Board was the ultimate adopter of the plan but the drafting could be done by anyone, usually a Steering Committee would be set up and the planning would take approximately three to five months. Mayor Miggins asked if the next step would be a consensus.

Mr. Vinayak noted that he was in favor and thought it would be great long term but questioned what could be done now with fields. Mayor Miggins stated that she would like to wait for the updated plan to be developed. Mr. Graham explained the process of creating a Steering Committee and a new updated plan. Ms. Prupis believed this would not be shovel ready until next spring. Mr. Vinayak felt something needed to be done now and did not want to stop the JFK field. Mr. McDonald added that he would like to continue discussions with the Board of Education regarding turf for certain fields and this could be done parallel with the Master Plan review. Mr. Vinayak felt that there were fields that could be utilized without turfing. Mr. McDonald advised that they are actively having conversations regarding turfing fields to get more use out of them and there are going to be limitations at every town site.

All Township Committee members are in favor of updating the Master Plan Element. Mr. Petto reviewed who may be good choices to participate on the steering committee.

### **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 9:35 PM.

Vote: All Ayes

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Christine A. Gatti, RMC  
Municipal Clerk

Approved: April 18, 2023

## Exhibit A

**CERTIFICATION OF MICHAEL H. COHEN,  
MILLBURN TOWNSHIP COMMITTEE MEMBER**

I, Michael H. Cohen, of full age, do hereby certify and state as follows:

1. I am a member of the Township Committee of the Township of Millburn.
2. I was elected on November 8, 2022 and my term began on January 1, 2023.
3. As a member of the public, I attended in person the entire Millburn Township Committee meetings held in the meeting room of the Township Committee on November 14, 2022, December 6, 2022, and December 20, 2022.
4. I have read the minutes of the meetings held on November 14, 2022, December 6, 2022, and December 20, 2022 and they accurately reflect the meetings that I observed.
5. I hereby certify that the foregoing statements made by me are true. I am aware that if the foregoing statements made by me are willfully false, I am subject to punishment.



Dated: March 2, 2023

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Michael H. Cohen,  
Millburn Township Committee Member

**CERTIFICATION OF ANNETTE ROMANO,  
MILLBURN TOWNSHIP COMMITTEE MEMBER**

I, Annette Romano, of full age, do hereby certify and state as follows:

1. I am a member of the Township Committee of the Township of Millburn.
2. I was elected on November 8, 2022 and my term began on January 1, 2023.
3. As a member of the public, I attended in person entire Millburn Township Committee meetings held in the meeting room of the Township Committee on December 6, 2022 and December 20, 2022.
4. I have read the minutes of the meetings held on December 6, 2022 and December 20, 2022 and they accurately reflect the meetings that I observed.
5. I hereby certify that the foregoing statements made by me are true. I am aware that if the foregoing statements made by me are willfully false, I am subject to punishment.

