

RESOLUTION NO. 20-313
MEETING DATE: 10-21-2020

RESOLUTION AUTHORIZING THE HOLDING OF AN EXECUTIVE SESSION, AT WHICH THE PUBLIC SHALL BE EXCLUDED

DM/Grbelja offered the following Resolution and moved its adoption, which was second by **C/Ferro**.

WHEREAS, N.J.S.A. 10:4-13 of the Open Public Meetings Act permits the exclusion of the public from meetings of public bodies in certain circumstances which are set forth in N.J.S.A. 10:4-12(b); and

WHEREAS, the Township Committee of the Township of Millstone is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millstone as follows:

1. The public shall be excluded for the discussion of any action upon the here in after specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 1. Items Falling Under Attorney/Client Privilege
 2. Contracts

It is anticipated at this time that the above stated subject matter will be made public in approximately six months or at such time as any litigation discussed is resolved.

3. This Resolution shall take effect immediately.

ROLL CALL:

AYES: C/Dorfman, C/Ferro, DM/Grbelja, C/Kuczinski, M/Masci
NAYS: None
ABSTAIN: None
ABSENT: None

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Township Committee of the Township of Millstone on October 21, 2020.

Kathleen Hart, RMC
Municipal Clerk

RESOLUTION NO. 20-314

SCHEDULE 20-10-B S

CONSOLIDATED BILL LIST

TOWNSHIP OF MILLSTONE VOUCHERS FOR PAYMENT PRESENTED TO
THE TOWNSHIP COMMITTEE AT A MEETING
HELD ON October 21, 2020

SEE SCHEDULE 20-10-B ATTACHED

A resolution was passed by the Township Committee for the payment of the vouchers listed on Schedule 20-10-B attached.

Fiore Masci, Mayor

Nancy Grbelja, Deputy Mayor

Gary Dorfman, Committeeman

Albert Ferro, Committeeman

Michael Kuczinski, Committeeman

Attest: _____
Kathleen Hart
Municipal Clerk

**TOWNSHIP OF MILLSTONE
RESOLUTION NO. 20-314
October 21, 2020**

BE IT RESOLVED by the Township Committee of the Township of Millstone that the vouchers listed on Schedule 20-10-B, October 21, 2020, Consolidated Bill List, and the vouchers listed below as Schedule 20-10-B S, Supplement to Consolidated Bill List, as presented by the Township Treasurer, Amanda Salerno, to be paid from existing appropriations.

CURRENT FUND

TOTAL CURRENT FUND: \$ 102,053.51

SCHEDULE 20-10-B S

PAYROLL FUND

TOTAL PAYROLL TRUST FUND \$ 4,990.18

GENERAL CAPITAL FUND

TOTAL GENERAL CAPITAL FUND \$ 8,506.95

GRANT FUND

TOTAL GRANT FUND \$ 2,420.35

RESERVE TRUST FUND

TOTAL RESERVE TRUST FUND \$ 0.00

BASIN MAINTENANCE TRUST

TOTAL BASIN MAINTENANCE TRUST \$ 118.06

SHADE TREE TRUST

TOTAL SHADE TREE TRUST \$ 0.00

COAH TRUST FUND

TOTAL COAH TRUST FUND \$ 708.48

OPEN SPACE FARMLAND TRUST FUND

TOTAL OPEN SPACE FARMLAND TRUST FUND \$ 102,752.11

MUNICIPAL DRUG ALLIANCE FUND

TOTAL MUNICIPAL DRUG ALLIANCE FUND \$ 2.50

VET MEMORIAL FUND

TOTAL VET MEMORIAL FUND \$ 0.00

RECREATION TRUST FUND (DEDICATION BY RIDER)

TOTAL RECREATION TRUST FUND \$ 8,175.06

ANIMAL TRUST FUND

TOTAL DOG TRUST FUND \$ 1,963.50

TOTAL FOR ALL FUNDS \$ 231,690.70

ESCROW

DEVELOPERS ESCROW ACCOUNT UNDER \$5,000

TOTAL DEVELOPERS ESCROW UNDER \$5,000 \$ 4,001.25

DEVELOPERS ESCROW ACCOUNT OVER \$5,000

TOTAL DEVELOPERS ESCROW OVER \$5,000 \$ 6,135.25

TOTAL FOR ESCROW \$ 10,136.50

RESOLUTION WAS OFFERED BY COMMITTEEPERSON GRBELJA
AND MOVED ITS ADOPTION;
MOTION WAS SECOND BY COMMITTEEPERSON FERRO
RESOLUTION WAS ADOPTED ON THE FOLLOWING ROLL CALL VOTES:

AYES: DM/GRBELJA, C/KUCZINSKI, C/DORFMAN, C/FERRO, M/MASCI

NAYS: NONE

ABSTAIN: NONE

ABSENT: NONE

RESOLUTION NO. 20-315
ADOPTION DATE: 10-21-2020

**RESOLUTION AUTHORIZING DEFENSE OF LITIGATION IN THE MATTER OF
DAN MURPHY, ET AL V. TOWNSHIP OF MILLSTONE ET AL, AS TO COUNT VIII
OF THE COMPLAINT AND PUNITIVE DAMAGES ONLY**

DM/Grbelja offered the following Resolution and moved its adoption which was seconded by C/Ferro.

WHEREAS, Dan Murphy filed a Complaint in the United States District Court of New Jersey, bearing Case No.3:20-CV-10397-MAS-TJB, against the Township of Millstone; and

WHEREAS, the Township Committee is of the opinion that it has certain defenses to the action; and

WHEREAS, the Township is generally represented by a carrier, except as to punitive damages on all Counts, declaratory judgment and the injunctive relief in Count VIII.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millstone that the Township Attorney is hereby authorized to take any and all action he deems reasonable and necessary to defend the Township as to Count VIII of the Complaint and punitive damages only, execute any and all documents on behalf of the Township and to assert such claims as he deems reasonable and necessary in this action.

BE IT FURTHER RESOLVED that a copy of this Resolution, certified by the Township Clerk to be a true copy, be forwarded to the Township Attorney.

ROLL CALL:

AYES: DM/Grbelja, C/Kuczinski, C/Dorfman, C/Ferro, M/Masci
NAYS: None
ABSTAIN: None
ABSENT: None

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Township Committee of the Township of Millstone at its regular meeting held on October 21, 2020.

KATHLEEN HART, RMC
Township Clerk

RESOLUTION NO. 20-316
ADOPTION DATE: 10-21-2020

**RESOLUTION AUTHORIZING MODIFICATION OF RIVERSIDE MAINTENANCE
AGREEMENT**

DM/Grbelja offered the following Resolution and moved its adoption which was seconded by C/Ferro.

WHEREAS, the Township, XXXIII Associates/Riverside Center, LLC (hereinafter referred to as “XXXIII”) and Riverside Center Property Owners’ Association, Inc. (hereinafter referred to as the “Association”) entered into a Drainage, Utilities and Appurtenances Maintenance Agreement dated November 9, 2018 and recorded in the Monmouth County Clerk’s Office on December 26, 2018 as Instrument Number 2018122464 in Book OR-9328, Page 2568 (“Agreement”); and

WHEREAS, the Township, XXXIII and Association wish to modify certain terms and conditions of the Agreement relating to the obligations of XXXIII and the Association to maintain and provide general public liability insurance coverage with respect to the sections of Farrington Boulevard and DeBaun Road, both being public roadways, that are located within the Township of Millstone as more specifically described in Exhibit “A” attached hereto; and

WHEREAS, the Township’s insurance representatives, engineer and attorney’s office have reviewed the proposed modification which is to the benefit of all parties.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Clerk are hereby authorized to execute the Modification to the Agreement in substantially the form attached to this Resolution as Exhibit “A”.

BE IT FURTHER RESOLVED that a copy of the Resolution certified by the Township Clerk to be a true copy be forwarded to the following:

- a. Township Engineer.
- b. Peter Licata, Esq., attorney for XXXIII and the Association.
- c. Sean Kelly, Township’s Insurance Consultant.
- d. Edward Cooney, MBA, V.P., Account Executive and Underwriting Manager,
Conner, Strong & Buckalew, 9 Campus Drive, Suite 216, Parsippany, New
Jersey 07054.
- e. Township Attorney.

ROLL CALL:

AYES: DM/Grbelja, C/Kuczinski, C/Dorfman, C/Ferro, M/Masci
NAYS: None
ABSTAIN: None
ABSENT: None

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Millstone Township Committee at its meeting of October 21, 2020.

KATHLEEN HART, RMC
Township Clerk

EXHIBIT "A"

RECORD AND RETURN TO:

Sonnenblick, Parker & Selvers, PC
3 Monument Street
Freehold, New Jersey 07728
Attn: Peter G. Licata, Esq.

**MODIFICATION
OF
ROAD., DRAINAGE, UTILITIES
AND
APPURTENANCES MAINTENANCE AGREEMENT**

Cross Index to that certain ROAD., DRAINAGE, UTILITIES AND APPURTENANCES MAINTENANCE AGREEMENT dated November 9, 2018 and recorded in the Monmouth County Clerk's Office on December 26, 2018 as Instrument Number 2018122464 in Book OR-9328 Page 2568 (the "Agreement").

This Modification to Road., Drainage, Utilities and Appurtenances Maintenance Agreement (this "Modification") is made effective as of _____, 20____ between and among the **TOWNSHIP OF MILLSTONE**, a municipal public body corporate, with principal offices at 470 Stage Coach Road, Millstone Township, New Jersey 08510, (hereinafter referred to as the "Township"); **XXXIII ASSOCIATES/RIVERSIDE CENTER, LLC**, a New Jersey Limited Liability Company, with principal offices at 3499 Route 9 North, Suite 1-E, Freehold, New Jersey 07728, (hereinafter referred to as "XXXIII"); and **RIVERSIDE CENTER PROPERTY OWNERS' ASSOCIATION, INC.**, a New Jersey Non-Profit Corporation, with principal offices at 3499 Route 9 North, Suite 1-E, Freehold, New Jersey 07728, (hereinafter referred to as the "Association").

RECITALS:

WHEREAS, the Township, XXXIII and Association wish to modify certain terms and conditions of the Agreement relating to the obligations of XXXIII and the Association to maintain and provide general public liability insurance coverage with respect to the sections of Farrington Boulevard and DeBaun Road, both being public roadways, that are located within the Township of Millstone as more specifically recited below.

NOW THEREFORE, in consideration of the mutual intentions of the parties set forth herein, the parties do hereby agree as follows:

1. MODIFICATION.

The parties have reviewed the Agreement and have determined that existing Paragraph 4 of the Agreement shall hereby be deleted in its entirety and replaced with the following new paragraph:

4. In lieu of XXXIII and the Association obtaining, providing to the Township, and maintaining (as a supplement to the general public liability insurance that the Township maintains on all of the Township's roads) its own general public liability insurance coverage for the roads and their appurtenances, naming the Township as an additional insured; XXXIII and/or the Association shall pay the Township the aggregate sum of Fifty Thousand and 00/100 (\$50,000.00) Dollars in two (2) equal installments of Twenty Five Thousand and 00/100 (\$25,000.00) Dollars each which shall be due and payable to the Township at the execution of this Modification and on June 1, 2021. Said payments shall represent and constitute XXXIII's and the Association's full and aggregate contribution toward the Township's cost of supplementing the Township's own general public liability insurance that the Township maintains on all of the Township's roads in order to cover and include Farrington Boulevard and DeBaun Road in Millstone Township. Additionally, XXXIII and the Association agree that: (a) any professional designing any changes to Farrington Boulevard and/or DeBaun Road in Millstone Township must name the Township as an additional insured on its professional liability policy; (b) any contractor employed to effect any work or doing any maintenance (including, but not limited to, snow plowing) in Farrington Boulevard and/or DeBaun Road in Millstone Township must maintain liability insurance naming the Township as an added insured, for the period of time that the contract for the work is in effect and the work is being undertaken; (c) with respect to any work that may potentially impact environmentally sensitive areas, such as drainage work within the public right of way, any contractor performing such work must maintain appropriate environmental liability insurance as may reasonably be determined by the Township. The Township, XXXIII, and the Association agree that the types and amounts of liability coverage for the insurance requirements recited above for items (a) and (b) are set forth on the certificate of insurance, or its equivalent, which is attached hereto and made a part hereof by reference as Schedule A.

2. NO OTHER AMENDMENTS.

Except as expressly amended hereby, all other representations, warranties, terms, covenants and conditions of the Agreement shall remain unamended and shall continue to be in full force and effect.

[No further text on this page.]

IN WITNESS WHEREOF, the undersigned parties have executed this Modification on the date first above written.

ATTEST: TOWNSHIP OF MILLSTONE, a municipal public body corporate

Kathleen Hart, Township Clerk

By: _____
Fiore Masci, Mayor

WITNESS:

XXXIII ASSOCIATES/RIVERSIDE CENTER, LLC, a New Jersey limited liability company

Name:

By: _____
Eugene Landy, Co-Managing Member

Name:

By: _____
Christopher Kaempffer, Co-Managing Member

ATTEST:

RIVERSIDE CENTER PROPERTY OWNERS' ASSOCIATION, Inc., a New Jersey non-profit corporation

Michael M. McCloskey, Secretary

By: _____
Christopher Kaempffer, President

STATE OF NEW JERSEY :
: SS
COUNTY OF MONMOUTH:

I CERTIFY that on this _____ day of _____, 20____, **Christopher Kaempffer** personally came before me and acknowledged under oath, to my satisfaction, that:

- (a) he is a duly authorized Co-Managing Member of XXXIII ASSOCIATES/RIVERSIDE CENTER, LLC, a New Jersey limited liability company, said limited liability company executing this instrument; and
- (b) he signed, sealed and delivered this document as the voluntarily and duly authorized act and deed of said limited liability company.

NOTARY PUBLIC

STATE OF NEW JERSEY :
: SS
COUNTY OF MONMOUTH:

I CERTIFY that on this _____ day of _____, 20____, **Eugene Landy** personally came before me and acknowledged under oath, to my satisfaction, that:

- (c) (a) he is a duly authorized Co-Managing Member of XXXIII ASSOCIATES/RIVERSIDE CENTER, LLC, a New Jersey limited liability company, said limited liability company executing this instrument; and
- (d) he signed, sealed and delivered this document as the voluntarily and duly authorized act and deed of the limited liability company.

NOTARY PUBLIC

RESOLUTION NO. 20-317
ADOPTION DATE: 10-21-2020

**RESOLUTION IN SUPPORT OF THE AFFORDABLE HOUSING ALLIANCE TRUST
FUND APPLICATION WITH THE NEW JERSEY DEPARTMENT OF COMMUNITY
AFFAIRS, NEW JERSEY AFFORDABLE HOUSING TRUST FUND PROGRAM**

DM/Grbelja offered the following Resolution and moved its adoption which was seconded by C/Ferro.

WHEREAS, Affordable Housing Alliance, the Developer, desires to apply for and obtain funds from the New Jersey Department of Community Affairs, New Jersey Affordable Housing Trust Fund Program for an amount not to exceed the maximum amount allowed in accordance with N.J.A.C 5:43-1.1 et seq. for the purpose of developing approximately ten (10) units of low (5) and moderate (5) income affordable housing in the Allen House 2 (“Project”).

WHEREAS, the Municipality has determined that the housing project referenced above, will meet part of the Municipality’s low and moderate housing obligation in its Housing Element and Fair Share Plan; and

BE IT RESOLVED, that the Township of Millstone, the Municipality, does hereby support this application for such funds to the New Jersey Department of Community Affairs, New Jersey Affordable Housing Trust Fund Program and acknowledge that the Project is located in an eligible municipality in accordance with N.J.A.C. 5:43-1.3(a). The municipality also asks the Affordable Housing Alliance, the Developer, as permitted under N.J.A.C. 5:43-1.3(a), to contract only for this project, directly with the Department of Community Affairs.

ROLL CALL:

AYES: DM/Grbelja, C/Kuczinski, C/Dorfman, C/Ferro, M/Masci
NAYS: None
ABSTAIN: None
ABSENT: None

I HEREBY CERTIFY the foregoing to be a true copy of the resolution adopted by the Millstone Township Committee at its meeting of October 21, 2020.

Kathleen Hart, RMC
Township Clerk

RESOLUTION NO. 20-318
ADOPTION DATE: 10-21-2020

RESOLUTION ADOPTING REMOTE MEETING STANDARD PROCEDURES AND
REQUIREMENTS

DM/Grbelja offered the following Resolution and moved its adoption which was seconded by C/Ferro.

WHEREAS, the Division of Local Government Services has promulgated emergency regulations addressing requirements for remote meetings held during a state of emergency in response to the restrictions necessitated by COVID-19; and

WHEREAS, the Township Committee of the Township of Millstone wishes to adopt its standard procedures and requirements governing the conduct of remote access to its meetings in accordance with the aforementioned regulations.

NOW, THEREFORE, BE IT RESOLVED, by the Township of Millstone that the following standard procedures and requirements shall govern remote access to public meetings of the Township Committee:

1. Submission of written public comment in advance of the remote meeting.
 - a. Public comments may be submitted in writing to the Township Clerk in advance of a remote Township Committee meeting to be read aloud and addressed during the public portion of the meeting.
 - b. Written public comments may be submitted by email to k-hart@millstonenj.gov with the subject line "Written Public Comment", or by regular mail to:

Municipal Clerk, Township of Millstone
470 Stage Coach Road
Millstone Township, NJ 08510

- c. All written public comments must be received at least twenty-four (24) hours prior to the beginning of the Township Committee meeting to be read aloud. Comments received after that deadline shall be read at the following Township Committee meeting.

- d. A time limit of three (3) minutes shall be allotted to the reading of each written public comment to ensure that all public comments have a fair opportunity to be heard.
 - e. Written public comments that are duplicative of previously-submitted comments shall be noted for the record and their content shall be summarized rather than read in full.
2. Members of the public participating by remote internet access or telephonic access shall be allotted up to three (3) minutes.
 3. Muting of disruptive members of the public
 - a. Members of the public that are disruptive during a remote public meeting may be muted and/or removed from the meeting. For purposes of this section, “disruptive conduct” includes sustained inappropriate behaviors such as, but not necessarily limited to, shouting, interruption, and use of profanity.
 - b. Once a member of the public exhibits disruptive conduct, the member may be initially muted and warned that continue disruption may result in their being prevented from speaking during the meeting or removed from the remote meeting. The disruptive member will then be unmuted.
 - c. If the disruptive member continues to exhibit disruptive conduct, they may be muted without further warning while other members of the public are allowed to proceed with their questions or comments.
 - d. If time permits, the muted disruptive member shall be allowed to speak after all other members of the public have been given the opportunity to make comment, subject to the time limits set forth above.
 - e. If the member exhibits disruptive conduct again, they shall be muted for the remainder and/or removed from the meeting.

ROLL CALL:

AYES: DM/Grbelja, C/Kuczinski, C/Dorfman, C/Ferro, M/Masci

NAYS: None

ABSTAIN: None

ABSENT: None

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Millstone Township Committee at its meeting of October 21, 2020.

KATHLEEN HART, RMC
Township Clerk

RESOLUTION NO. 20-319
MEETING DATE: 10-21-2020

**RESOLUTION DIRECTING TAX COLLECTOR TO CANCEL
REAL ESTATES TAXES ON BLOCK 39.01, LOT 16.11**

DM/Grbelja offered the following Resolution and moved its adoption, which was seconded by **C/Ferro**:

WHEREAS, pursuant to N.J.S.A. 54:4-3.30 et seq.: L.1948, c.259 as amended, Property Tax Exemption on Dwelling House of Disabled Veteran or Surviving Spouse, Sarah Rees is 100% totally and permanently disabled, as declared by the Department of Veterans Affairs; and

WHEREAS, Sarah Rees previously owned 1/3rd of 17 Halka Way and now owns one half of 17 Halka Way, Millstone Township;

WHEREAS, in accordance with Resolution 20-122, 1/3rd of the property taxes for the 4th quarter of 2020 were cancelled in the amount of \$1,089.82, and as of October 1, 2020, an additional \$544.92 will be cancelled for 4th quarter totaling \$1,634.74, pursuant to the above provision;

WHEREAS, one half of the 2021 preliminary taxes should also be cancelled in the amount that will be entered in the 2020 Extended Tax Duplicate; and

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Millstone that the Tax Collector is hereby authorized to cancel one half of the real estate taxes on Block 39.01, Lot 16.11, 17 Halka Way, Millstone, NJ; and

BE IT FURTHER RESOLVED a copy of this Resolution certified by the Township Clerk to be a true copy be forwarded to the Tax Collector, the Tax Assessor, the Chief Financial Officer, and the Monmouth County Board of Taxation.

ROLL CALL:

AYES: DM/Grbelja, C/Kuczinski, C/Dorfman, C/Ferro, M/Masci
NAYS: None
ABSTAIN: None
ABSENT: None

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Millstone Township Committee at its meeting of October 21, 2020.

Kathleen Hart, RMC
Township Clerk

RESOLUTION NO: 20-320
MEETING DATE: 10-21-2020

RESOLUTION APPPOINTING TEMPORARY BUILDING INSPECTOR

DM/Grbelja offered the following resolution and moved its adoption, which was seconded by **C/Ferro**.

WHEREAS, Millstone Township's Construction Department has a need to fill a temporary position;

WHEREAS, the Administrator and the Construction Official are in agreement that James Wishbow should be offered the position of Temporary Building Inspector at an hourly rate of \$37.00, for a maximum of 17 hours per week.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Millstone that James Wishbow is appointed the Temporary Building Inspector effective October 26th, 2020.

BE IT FURTHER RESOLVED that a copy of this resolution, certified by the Municipal Clerk to be a true copy shall be forwarded to each of the following:

- (1) New Jersey Department of Community Affairs
- (2) Kevin Abernethy – Business Administrator/CFO
- (3) Dennis Gibson – Construction Official
- (4) Amanda Salerno – Treasurer
- (5) James Wishbow – Appointee

ROLL CALL:

AYES: DM/Grbelja, C/Kuczinski, C/Dorfman, C/Ferro, M/Masci

NAYS: None

ABSTAIN: None

ABSENT: None

I HEREBY CERTIFY the foregoing to be a true copy of the resolution adopted by the Millstone Township Committee at its regular meeting of October 21, 2020.

Kathleen Hart, RMC
Township Clerk

**RESOLUTION NO. 20-321
MEETING DATE 10-21-20 20**

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND
APPROPRIATION NJS 40A:4-87**

DM/Grbelja offered the following Resolution and moved its adoption, which was seconded by C/Ferro.

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Millstone, in the County of Monmouth, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an additional item of revenue in the budget of the year 2020, which represents the additional grant money received in 2020, in the sum of \$469.00, which is now being appropriated for the 2020 Municipal Alliance Grant, in the additional amount of \$469.00.

BE IT FURTHER RESOLVED, that the above is the result of funds from The Alliance to Prevent Alcoholism and Drug Abuse in the amount of \$469.00.

Jan 1 – Sept 30
DEDR \$469.00

ROLL CALL:

AYES: DM/Grbelja, C/Kuczinski, C/Dorfman, C/Ferro, M/Masci

NAYS: None

ABSTAIN: None

ABSENT: None

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Township Committee of the Township of Millstone at its regular meeting held on October 21, 2020.

Kathleen Hart, RMC
Township Clerk