

**RESOLUTION NO. 22-89**  
**MEETING DATE: 04-06-2022**

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

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

**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. Property Acquisitions
  2. Litigation
  3. Potential Litigation
  4. 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/Davis, C/McLaughlin, DM/Morris, C/Zabrosky, M/Ferro  
**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 April 6, 2022.

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Kathleen Hart, RMC  
Municipal Clerk

**RESOLUTION NO. 22-90**  
**MEETING DATE: 04-06-2022**

**RESOLUTION TO ADOPT TEMPORARY EMERGENCY**  
**APPROPRIATIONS #2**

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C/Davis offered the following Resolution and moved its adoption, which was seconded by C/McLaughlin.

**WHEREAS**, N.J.S.A. 40A: 4-20 provides that an addition to temporary appropriations necessary for the period prior to the adoption of the budget and regular appropriations, the Governing Body may, by resolution adopted by 2/3 vote of the full membership thereof, make emergency temporary appropriations for any purpose for which the appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year.

**WHEREAS**, the total emergency temporary resolutions adopted in the year 2022 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A: 4-20) including this resolution total **\$1,104,516.00**.

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Township of Millstone, that in accordance with the provisions of N.J.S.A. 40A: 4-20, the Chief Financial Officer be authorized to make the following emergency temporary budget appropriations in the 2022 current fund temporary budget and that said amounts be included under the correct headings in the municipal budget as adopted.

**BE IT FURTHER RESOLVED** that one certified copy of this resolution be filed with the Director of Local Government Services and one certified copy with the Chief Financial Officer.

<u>DEPARTMENT</u>	<u>S&amp;W</u>	<u>OE</u>
General Administration	\$ 27,000	
Mayor	9,000	
Clerk	11,000	
Finance	23,000	
Tax Collector	7,500	
Tax Assessor	4,000	
Construction	15,200	30,000
Historic	600	
Open Space	9,500	
Planning Board	5,000	
Board of Adjustment	5,000	
Code Enforcement	6,000	
Construction	53,500	
Streets & Roads	105,000	
Sanitation	4,200	
Buildings & Grounds	5,000	5,000
Environmental Commission	400	
Recreation	9,500	200
Street Lighting	17,500	
Telephone	4,700	
Natural Gas	6,300	

Court	13,500	
Legal		25,000
Veterans		500
General Liability		70,500
Workmen's Comp		37,000
Health Benefits		91,500
Sanitation		43,000
Gasoline		15,000
Social Security		11,000
Unemployment Insurance		1,000
DCRP		2,000

Sub-Total      \$342,400      \$331,700

**TOTAL                      \$674,100**

**ROLL CALL:**

**AYES:                      C/Davis, C/McLaughlin, DM/Morris, C/Zabrosky, M/Ferro**

**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 April 6, 2022.

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Kathleen Hart, RMC  
Municipal Clerk

**RESOLUTION NO. 22-91**  
**MEETING DATE: 04-06-2022**

**A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION  
BY RIDER FOR ACCUMULATED ABSENCES LIABILITY TRUST FUND  
REQUIRED BY (NJAC 5:30-15)**

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

**WHEREAS**, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

**WHEREAS**, (NJAC 5:30-15) provides for receipt of Accumulated Absences Funds by the municipality to provide for the operating costs to administer this act; and

**WHEREAS**, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Accumulated Absences Liability Trust Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Township of Millstone, County Monmouth, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Accumulated Absences Liability Trust Fund (NJAC 5:30-15).
2. The Clerk of the Township of Millstone, County of Monmouth is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

**ROLL CALL:**

**AYES:** C/McLaughlin, DM/Morris, C/Zabrosky, C/Davis, M/Ferro  
**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 April 6, 2022.

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Kathleen Hart, RMC  
Municipal Clerk

**RESOLUTION NO. 22-92**  
**ADOPTION DATE: 04-06-2022**

**RESOLUTION SUPPORTING IMPROVEMENTS TO COUNTY ROUTE 537  
(MONMOUTH ROAD) BETWEEN COUNTY ROUTE 526/571 (TRENTON-  
LAKEWOOD ROAD) AND INTERSTATE I-195 IN THE TOWNSHIPS OF  
MILLSTONE AND JACKSON**

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

WHEREAS, the County of Monmouth is applying for federal funding under NJTPA's Fiscal Year 2022 Local Safety Program and High Risk Rural Roads Program for the improvements to County Route 537 (Monmouth Road) between County Route 526/571 (Trenton-Lakewood Road) and Interstate I-195 in the Township of Millstone, Monmouth County and the Township of Jackson, Ocean County; and

WHEREAS, the intent of this Project is to address safety concerns along the County Route 537 (Monmouth Road) corridor; and

WHEREAS, the proposed improvements include prohibiting left turn at Anderson Road/Burnt Tavern Road and replacing the existing traffic signal at the Jackson Premium Outlets with a two-lane roundabout; and

WHEREAS, this roundabout will allow for full access to the Jackson Premium Outlets and will serve as a U-turn facility for Anderson Road traffic to travel west to Interstate I-195; and

WHEREAS, additional project improvements will include a second westbound through lane on County Route 537 (Monmouth Road) from County Route 526/571 (Trenton-Lakewood Road) to the Jackson Premium Outlets entrance; and

WHEREAS, the Township Committee of the Township of Millstone has reviewed the improvement concept plan provide by the Monmouth County Engineer's Office; and

WHEREAS, the Township Committee of the Township of Millstone believes that the planned improvements would greatly reduce traffic congestion and benefit motorist safety for the citizens of Monmouth County, Ocean County, and the general traveling public.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Millstone herein expresses its full support of the County of Monmouth's project for the improvements to County Route 537 (Monmouth Road) between County Route 526/571 (Trenton-Lakewood Road) and Interstate I-195, and believes it to be vital to reducing congestion and improving motorist safety within said project area.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to: Monmouth County Clerk of the Board of County Commissioners and Monmouth County Engineer.

ROLL CALL:

AYES: C/McLaughlin, DM/Morris, C/Zabrosky, C/Davis, M/Ferro

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 April 6, 2022.

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KATHLEEN HART, RMC  
Township Clerk

**RESOLUTION NO. 22-93**  
**MEETING DATE: 04-06-2022**

**RESOLUTION AUTHORIZING THE PURCHASE OF A BILLY GOAT STAND ON BLOWER**

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

**WHEREAS**, the Department of Public Works of the Township of Millstone wishes to purchase a Billy Goat Stand On Blower, from an authorized vendor under the ESCNJ Co-Op Program; and

**WHEREAS**, the purchase of goods and services by local contracting units is authorized by Local Contracts Law, 40A: 11-12; and

**WHEREAS**, Power Place, Inc. is under the ESCNJ Co-Op Number 65MCESCCPS – ESCNJ 18/19-25; and

**WHEREAS**, the Qualified Purchasing Agent recommends the utilization of this contract on the grounds that they can provide the quality of product at the most reasonable price; and

**WHEREAS**, the cost for the purchase is not to exceed \$10,630.00; and

**WHEREAS**, the Chief Financial Officer has certified the availability of funds for this contract are available in the line-item number C-04-55-975-904.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Township Committee that the purchase of a Billy Goat Stand On Blower, using 65MCESCCPS – ESCNJ 18/19-25 be and is ratified.

**ROLL CALL:**

**AYES:** C/McLaughlin, DM/Morris, C/Zabrosky, C/Davis, M/Ferro

**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 April 6, 2022.

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Kathleen Hart, RMC  
Municipal Clerk

**RESOLUTION NO. 22-94**  
**MEETING DATE: 04-06-2022**

**RESOLUTION AUTHORIZING THE PURCHASE OF A PKA LIFT AS PER ESCNJ  
CO-OP**

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

**WHEREAS**, the Department of Public Works of the Township of Millstone wishes to purchase a PKA Lift, from an authorized vendor under the ESCNJ Co-Op Program; and

**WHEREAS**, the purchase of goods and services by local contracting units is authorized by Local Contracts Law, 40A: 11-12; and

**WHEREAS**, First Choice Auto Equipment, Inc. is under the ESCNJ Co-Op Number 65MCECCPS – ESCNJ 21/22-17; and

**WHEREAS**, the Qualified Purchasing Agent recommends the utilization of this contract on the grounds that they can provide the quality of product at the most reasonable price; and

**WHEREAS**, the cost for the purchase is not to exceed \$17,820; and

**WHEREAS**, the Chief Financial Officer has certified the availability of funds for this contract are available in the line-item number C-04-55-975-904.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Township Committee that the purchase of a PKA Lift, using 65MCECCPS – ESCNJ 21/22-17 be and is ratified.

**ROLL CALL:**

**AYES:** C/McLaughlin, DM/Morris, C/Zabrosky, C/Davis, M/Ferro  
**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 April 6, 2022.

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Kathleen Hart, RMC  
Municipal Clerk



**RESOLUTION NO. 22-95**  
**ADOPTION DATE: 04-06-2022**

**RESOLUTION AWARDING CONTRACT FOR ADA PLAYGROUND  
IMPROVEMENTS AT MILLSTONE PARK IN THE TOWNSHIP OF MILLSTONE**

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

WHEREAS, on Thursday, March 10, 2022 at 10:00 a.m., the Township Engineer accepted bids for ADA Playground Improvements at Millstone Park; and

WHEREAS, the following bids were received:

<u>Bidder's Name</u>	<u>Base Bid Items 1-7</u>	<u>Alternate Bid Items A1-A4</u>	<u>Total</u>
Thor Construction Group, LLC	\$225,000.00	\$74,600.00	\$299,600.00
Cypreco Industries, Inc.	No Bid		
Whirl Construction, Inc.	\$295,105.00	\$69,560.00	\$364,665.00
Down to Earth Landscaping	No Bid; and		

WHEREAS, the Township Engineer has recommended awarding the Contract to the lowest bidder, Thor Construction Group, LLC, in the amount of \$225,000 for Base Bid Items 1-7 and \$74,600.00 for Alternate Bid Items A1-A4, for a total amount of \$299,600.00; and

WHEREAS, the Township Chief Financial Officer has certified funds are available in account T-16-56-100-025.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Millstone hereby awards a Contract to Thor Construction Group, LLC for ADA Playground Improvements at Millstone Park for Base Bid Items 1-7, in the amount of

\$225,000.00 and Alternate Bid Items A1-A4 in the amount of \$74,600.00, for a total amount of \$299,600.00.

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 Engineer, Thor Construction Group, LLC and to the unsuccessful bidder(s), together with the return of their bid security.

ROLL CALL:

AYES: C/McLaughlin, DM/Morris, C/Zabrosky, C/Davis, M/Ferro

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 April 6, 2022.

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KATHLEEN HART, RMC  
Township Clerk

RESOLUTION NO. 22-96

SCHEDULE 22-04 S

CONSOLIDATED BILL LIST

TOWNSHIP OF MILLSTONE VOUCHERS FOR PAYMENT PRESENTED TO  
THE TOWNSHIP COMMITTEE AT A MEETING  
HELD ON April 6, 2022

SEE SCHEDULE 22-04 ATTACHED

A resolution was passed by the Township Committee for the payment of the vouchers listed on Schedule 22-04 attached.

\_\_\_\_\_  
Al Ferro, Mayor

\_\_\_\_\_  
Chris Morris, Deputy Mayor

\_\_\_\_\_  
Eric Davis, Committeeman

\_\_\_\_\_  
Michael McLaughlin, Committeeman

\_\_\_\_\_  
Tara Zabrosky, Committeewoman

Attest: \_\_\_\_\_  
Kathleen Hart  
Municipal Clerk

**TOWNSHIP OF MILLSTONE**  
**RESOLUTION NO. 22-96**  
April 06, 2022

BE IT RESOLVED by the Township Committee of the Township of Millstone that the vouchers listed on Schedule 22-04, April 06, 2022, Consolidated Bill List, and the vouchers listed below as Schedule 22-04 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: \$ 314,976.45

**SCHEDULE 22-04 S**

**PAYROLL FUND**

TOTAL PAYROLL TRUST FUND \$ 4,793.09

**GENERAL CAPITAL FUND**

TOTAL GENERAL CAPITAL FUND \$ 4,992.50

**GRANT FUND**

TOTAL GRANT FUND \$ 1,630.82

**RESERVE TRUST FUND**

TOTAL RESERVE TRUST FUND \$ 854.20

**BASIN MAINTENANCE TRUST**

TOTAL BASIN MAINTENANCE TRUST \$ 0.00

**SHADE TREE TRUST**

TOTAL SHADE TREE TRUST \$ 0.00

**COAH TRUST FUND**

TOTAL COAH TRUST FUND \$ 1,874.25

**OPEN SPACE FARMLAND TRUST FUND**

TOTAL OPEN SPACE FARMLAND TRUST FUND \$ 12,995.00

**MUNICIPAL DRUG ALLIANCE FUND**

TOTAL MUNICIPAL DRUG ALLIANCE FUND \$ 0.00

**VETERAN'S MEMORIAL TRUST FUND**

TOTAL VET MEMORIAL TRUST FUND \$ 0.00

**RECREATION TRUST FUND (DEDICATION BY RIDER)**

TOTAL RECREATION TRUST FUND \$ 8,187.85

**ANIMAL CONTROL TRUST FUND**

TOTAL DOG TRUST FUND \$ 898.24

**TOTAL FOR ALL FUNDS \$ 351,202.40**

**ESCROW**

**DEVELOPERS ESCROW ACCOUNT UNDER \$5,000**

TOTAL DEVELOPERS ESCROW UNDER \$5,000 \$ 10,989.00

**DEVELOPERS ESCROW ACCOUNT OVER \$5,000**

TOTAL DEVELOPERS ESCROW OVER \$5,000 \$ 28,404.38

**TOTAL FOR ESCROW \$ 39,393.38**

RESOLUTION WAS OFFERED BY COMMITTEEPERSON MCLAUGHLIN  
AND MOVED ITS ADOPTION;  
MOTION WAS SECOND BY COMMITTEEPERSON DEPUTY MAYOR MORRIS  
RESOLUTION WAS ADOPTED ON THE FOLLOWING ROLL CALL VOTES:

AYES: C/McLaughlin, DM/Morris, C/Zabrosky, C/Davis, M/Ferro

NAYS: None

ABSTAIN: None

ABSENT: None

**RESOLUTION NO. 22-97**  
**ADOPTION DATE: 04-06-2022**

**RESOLUTION INCREASING CONTRACT AMOUNT FOR SPECIAL COUNSEL  
WITH REGARD TO LITIGATION**

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

WHEREAS, on November 4, 2020, the Township Committee of the Township of Millstone adopted Resolution No. 20-332 retaining Richard J. Shaklee, Esq. as Special Counsel to appear and act for Dan Specht in the matter of Onsite Landscape Management EEMM, LLC and Dan Murphy v. Millstone Township for claims of punitive damages; and

WHEREAS, Richard J. Shaklee, Esq. was awarded a non-fair and open Contract to provide professional legal services for an amount not to exceed \$5,000.00; and

WHEREAS, this litigation is still pending in the US District Court, Trenton Vicinage, and

WHEREAS, there exists a need to increase the Contract amount to an amount not to exceed \$10,000.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in 2-01-20-155-127 account.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millstone that the Contract awarded to Richard J. Shaklee, Esq. to provide professional legal services with regard to the aforementioned litigation matter pending in the US District Court, Trenton Vicinage, be and is hereby increased to an amount not to exceed \$10,000.00.

BE IT FURTHER RESOLVED that notice of this award will be published as required by law within ten (10) days of the passage of this Resolution.

BE IT FURTHER RESOLVED that a copy of this Resolution certified by the Township Clerk to be a true copy be forwarded to Richard J. Shaklee, Esq., the Township Administrator and the Township Chief Financial Officer.

ROLL CALL:

AYES: C/McLaughlin, DM/Morris, C/Zabrosky, C/Davis, M/Ferro

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 April 6, 2022.

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KATHLEEN HART, RMC  
Township Clerk