### RESOLUTION NO. 22-177 MEETING DATE: 09-07-2022

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

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

**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. Litigation

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/McLaughlin, DM/Morris, C/Zabrosky, M/FerroNAYS:NoneABSTAIN:NoneABSENT:C/Davis

**I HEREBY CERTIFY** the foregoing to be a true copy of the Resolution adopted by the Township Committee of the Township of Millstone on September 7, 2022.

### **RESOLUTION NO. 22-178**

#### SCHEDULE 22-09 S

#### CONSOLIDATED BILL LIST

# TOWNSHIP OF MILLSTONE VOUCHERS FOR PAYMENT PRESENTED TO THE TOWNSHIP COMMITTEE AT A MEETING HELD ON September 7, 2022

# SEE SCHEDULE 22-09 ATTACHED

A resolution was passed by the Township Committee for the payment of the vouchers listed on Schedule 22-09 attached.

Al Ferro, Mayor

Chris Morris, Deputy Mayor

Eric Davis, Committeeman

Michael McLaughlin, Committeeman

Tara Zabrosky, Committeewoman

Attest:

# TOWNSHIP OF MILLSTONE RESOLUTION NO. 22-178

September 07, 2022

BE IT RESOLVED by the Township Committee of the Township of Millstone that the vouchers listed on Schedule 22-09, September 7, 2022, Consolidated Bill List, and the vouchers listed below as Schedule 22-09 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:		203,917.94			
SCHEDULE 22-09 S					
PAYROLL FUND					
TOTAL PAYROLL TRUST FUND	\$	5,483.39			
<b>GENERAL CAPITAL FUND</b>					
TOTAL GENERAL CAPITAL FUND	\$	21,772.50			
<u>GRANT FUND</u>					
TOTAL GRANT FUND	\$	959.54			
RESERVE TRUST FUND					
TOTAL RESERVE TRUST FUND	\$	0.00			
BASIN MAINTENANCE TRUST					
TOTAL BASIN MAINTENANCE TRUST	\$	44.38			
SHADE TREE TRUST					
TOTAL SHADE TREE TRUST	\$	0.00			
COAH TRUST FUND					
TOTAL COAH TRUST FUND	\$	17,299.25			
<b>OPEN SPACE FARMLAND TRUST FUND</b>					
TOTAL OPEN SPACE FARMLAND TRUST FUND	\$	181,067.38			

MUNICIPAL DRUG ALLIANCE FUND					
TOTAL MUNICIPAL DRUG ALLIANCE FUND		0.00			
VETERAN'S MEMORIAL TRUST FUND					
TOTAL VET MEMORIAL TRUST FUND	\$	0.00			
<b>RECREATION TRUST FUND (DEDICATION BY RIDER)</b>					
TOTAL RECREATION TRUST FUND	\$	3,292.31			
ANIMAL CONTROL TRUST FUND					
TOTAL DOG TRUST FUND	\$	2,250.64			
TOTAL FOR ALL FUNDS	<u>\$</u>	436,087.33			
<b>ESCROW</b>					
<b>DEVELOPERS ESCROW ACCOUNT UNDER \$5,000</b>					
TOTAL DEVELOPERS ESCROW UNDER \$5,000		6,046.25			
<b>DEVELOPERS ESCROW ACCOUNT OVER \$5,000</b>					
TOTAL DEVELOPERS ESCROW OVER \$5,000		74,297.05			
TOTAL FOR ESCROW		80,343.30			
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/Zabrosky, C/McLaughlin, DM/Morris, M/Ferro NAYS: None					

ABSTAIN: None

ABSENT: C/Davis

# RESOLUTION NO.: 22-179 ADOPTION DATE: 09-07-2022

# RESOLUTION OF SUPPORT FROM MILLSTONE TOWNSHIP AUTHORIZING THE SUSTAINABLE JERSEY GRANT FUNDED BY PSEG

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

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, Millstone Township strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, Millstone Township is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants funded by PSEG.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Millstone has determined that Millstone Township should apply for the aforementioned Grant.

BE IT FURTHER RESOLVED that the Township Committee of the Township of Millstone, State of New Jersey, authorizes the submission of the aforementioned Sustainable Jersey Grant funded by PSEG.

ROLL CALL:

AYES:C/Zabrosky, C/McLaughlin, DM/Morris, M/FerroNAYS:NoneABSTAIN:NoneABSENT:C/Davis

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Millstone Township Committee at its meeting of September 7, 2022.

KATHLEEN HART, RMC Township Clerk

#### RESOLUTION NO. 22-180 MEETING DATE: 09-07-2022

# RESOLUTION OF REAPPOINTMENT OF MUNICIPAL CLERK AND REGISTRAR OF VITAL STATISTICS

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

**WHEREAS**, pursuant to <u>N.J.S.A.</u> 40A:9-133(a), in every municipality there shall be a Municipal Clerk appointed for a three-year term by the governing body of the municipality; and

**WHEREAS**, pursuant to <u>N.J.S.A.</u> 26:8-11(c), the governing body of each registration district shall also appoint a Local Registrar; and

**WHEREAS**, pursuant to <u>N.J.S.A.</u> 26:8-13, if the Local Registrar is the Municipal Clerk, the term of office as Local Registrar shall be concurrent with the term of Office of Municipal Clerk; and

**WHEREAS,** by way of Resolution Number 19-200, duly adopted on September 4, 2019, Kathleen Hart was appointed to the position of Municipal Clerk and Registrar of Vital Statistics for a three (3) year term, effective September 4, 2019; and

WHEREAS, there exists a need for the reappointment of a Municipal Clerk and a Local Registrar for the Township of Millstone, County of Monmouth, State of New Jersey, as mandated by the statutory law described herein, for the purpose of providing the Township with the duties, tasks and services proscribed at <u>N.J.S.A.</u> 40A:9-133(e)(1)-(7) and <u>N.J.S.A.</u> 26:8-25; and

WHEREAS, the reappointment has occurred within sixty (60) days of the expiration of three year term identified above.

**NOW THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Millstone, County of Monmouth, State of New Jersey, that Kathleen Hart be and is hereby reappointed to the positions of Municipal Clerk and Local Registrar of the Township of Millstone, effective September 5, 2022.

#### **ROLL CALL**:

AYES:	C/Zabrosky, C/McLaughlin, DM/Morris, M/Ferro
NAYS:	None
<b>ABSTAIN:</b>	None
<b>ABSENT:</b>	C/Davis

**I HEREBY CERTIFY** the foregoing to be a true copy of the Resolution adopted by the Township Committee of the Township of Millstone on September 7, 2022.

#### RESOLUTION NO.: 22-181 MEETING DATE: 09-07-2022

### RESOLUTION GENERAL COMMENTS & RECOMMENDATIONS TO THE 2021 ANNUAL AUDIT

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

WHEREAS, <u>N.J.S.A.</u> 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS**, the Annual Report of Audit for the year 2021 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to <u>N.J.S.A.</u> 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, <u>R.S.</u> 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, the Local Finance Board has promulgated <u>N.J.A.C.</u> 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to <u>N.J.A.C.</u> 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of <u>R.S.</u> 52:27BB-52, to wit:

<u>R.S.</u> 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

**NOW, THEREFORE BE IT RESOLVED**, that the Township Committee of the Township of Millstone, hereby states that it has complied with <u>N.J.A.C.</u> 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

**BE IT FURTHER RESOLVED** that a certified copy of the within Resolution be forwarded to:

- a. Division of Local Government Services
- b. Township Auditor
- c. Township Administrator
- d. Township Chief Financial Officer

#### **ROLL CALL**:

AYES:C/Zabrosky, C/McLaughlin, DM/Morris, M/FerroNAYS:NoneABSTAIN:NoneABSENT:C/Davis

**I HEREBY CERTIFY** that this is a true copy of a resolution passed at a meeting held on September 7, 2022.

#### STATE OF NEW JERSEY COUNTY OF MONMOUTH

We, members of the governing body of the Township of Millstone, County of Monmouth, being duly sworn according to law, upon our oath depose and say:

- 1. We are duly elected members of the Township Committee of the Township of Millstone, County of Monmouth;
- 2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Deputy Township Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2021;
- 3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

(L.S.)	Al Ferro, Mayor
(L.S.)	Chris Morris, Deputy Mayor
(L.S.)	Eric Davis, Committeeman
(L.S.)	Michael McLaughlin, Committeeman
(L.S.)	Tara Zabrosky, Committeeman

Kathleen Hart, Municipal Clerk

Sworn to and subscribed before me this \_\_\_\_\_ Day of \_\_\_\_\_

Notary Public of New Jersey

The Municipal Clerk shall set forth the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be sent to the Bureau of Financial Regulation and Assistance, Division of Local Government Services, P.O. Box 803, Trenton, New Jersey 08625.

#### RESOLUTION NO. 22-182 MEETING DATE: 09-07-2022

# **RESOLUTION AUTHORIZING ELECTRONIC TAX SALE IN-LIEU OF COSTS**

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

WHEREAS, N.J.S.A. 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services; and

**WHEREAS**, the rules and regulations require a municipality to send two (2) notices of tax sale to all properties included in said sale; and

**WHEREAS**, the rules and regulations allow said municipality to charge a fee of \$25.00 per notice for the creation, printing and mailing of said notice; and

WHEREAS, in an effort to more fairly assign greater fiscal responsibility to delinquent taxpayers, the Township of Millstone wishes to charge \$25.00 per notice mailed which will be assessed specifically to the delinquent accounts that are causing the need for a tax sale and not to the general tax base.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Millstone that a fee of \$25.00 per notice be established and is hereby authorized and directed to be charged for each notice of tax sale that is sent in conjunction with the 2022 electronic tax sale.

**BE IT FURTHER RESOLVED** by the Township Committee of the Township of Millstone that the Township Clerk is hereby authorized to forward a certified copy of the within Resolution to the Tax Collector and Treasurer.

### **ROLL CALL:**

AYES:C/Zabrosky, C/McLaughlin, DM/Morris, M/FerroNAYS:NoneABSTAIN:NoneABSENT:C/Davis

**I HEREBY CERTIFY** the foregoing to be a true copy of the Resolution adopted by the Millstone Township Committee at its meeting of September 7, 2022.

Kathleen Hart, RMC Township Clerk

### RESOLUTION NO. 22-183 MEETING DATE: 09-07-2022

# **RESOLUTION AUTHORIZING ELECTRONIC TAX SALE**

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

**WHEREAS**, N.J.S.A. 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services; and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for electronic tax sales; and

**WHEREAS**, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct electronic tax sales; and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process; and

WHEREAS, the municipality of the Township of Millstone wishes to participate in an electronic tax sale.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Millstone, that the Tax Collector is hereby authorized to participate in an electronic tax sale and submit same to the Director of the Division of Local Government Services if necessary.

**BE IT FURTHER RESOLVED** by the Township Committee of the Township of Millstone that the Township Clerk is hereby authorized to forward a certified copy of the within Resolution to the Tax Collector and Treasurer.

### **ROLL CALL:**

AYES:C/Zabrosky, C/McLaughlin, DM/Morris, M/FerroNAYS:NoneABSTAIN:NoneABSENT:C/Davis

**I HEREBY CERTIFY** the foregoing to be a true copy of the Resolution adopted by the Millstone Township Committee at its meeting of September 7, 2022.

Kathleen Hart, RMC Township Clerk

#### RESOLUTION NO. 22-184 ADOPTION DATE: 09-07-2022

### RESOLUTION AUTHORIZING EXECUTION OF ESTOPPEL CERTIFICATE IN CONNECTION WITH A LEASE AGREEMENT DATED MAY 19, 2015 BETWEEN THE TOWNSHIP OF MILLSTONE AND GAELIC COMMUNICATIONS, LLC

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

WHEREAS, Millstone Township and Gaelic Communications, LLC entered into a Lease Agreement dated May 19, 2015 (hereafter Ground Lease) for property owned by the Township of Millstone and located at 237 Woodville Road (hereafter Property); and

WHEREAS, SBA Towers X, LLC or an affiliate (hereafter SBA) may take an assignment of the Ground Lease and purchase certain of Tenant's assets located on the Property including the communications tower; and

WHEREAS, as part of SBA's due diligence in determining whether to proceed with the transaction, it has asked the Township of Millstone to execute an Estoppel Certificate as to the terms and conditions of the Ground Lease; and

WHEREAS, the Township Attorney has reviewed and approved the Estoppel Certificate dated July 6, 2022 attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millstone that the Township Administrator be and is hereby authorized to execute the attached Estoppel Certificate. BE IT FURTHER RESOLVED that the Township Administrator be and is hereby authorized to undertake such acts as are reasonable and necessary to accomplish the purposes 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 each of the following:

- (a) Township Attorney
- (b) SBA Towers X, LLC, 8051 Congress Avenue Boca Raton, FL 33487-1307
- (c) Gaelic Communications
  65 Mechanic Street, Suite 201
  Red Bank, NJ 07701

ROLL CALL:

- AYES: C/Zabrosky, C/McLaughlin, DM/Morris, M/Ferro
- NAYS: None
- ABSTAIN: None
- ABSENT: C/Davis

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 September 7, 2022.

> KATHLEEN HART, RMC Township Clerk

#### RESOLUTION NO. 22-185 ADOPTION DATE: 09-07-2022

RESOLUTION AUTHORIZING EXECUTION OF A DEVELOPER'S AGREEMENT FOR VJS HOLDINGS, LLC, BLOCK 16, LOT 9.10, SITE PLAN NO. PB 21-09

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

WHEREAS, on December 8, 2021, VJS Holdings, LLC (hereafter Developer) received site plan approval from the Millstone Township Planning Board for Block 16, Lot 9.10, located at 1700 Rike Drive, bearing application No. PB 21-09; and

WHEREAS, in accordance with its Planning Board approval, the Developer is required to enter into a Developer's Agreement with the Township of Millstone; and

WHEREAS, the Township Attorney has prepared a Developer's Agreement for this subdivision.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Millstone that the Mayor is hereby authorized to execute and the Township Clerk to attest the Developer's Agreement between the Township of Millstone and the Developer in accordance with the approval granted by the Millstone Township Planning Board. BE IT FURTHER RESOLVED that a certified copy of this Resolution be provided by the Township Clerk to each of the following: Township Engineer, Township Attorney, Township Planning Board, Township Construction Official and the Developer.

#### ROLL CALL:

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

NAYS: None

ABSTAIN: None

ABSENT: C/Davis

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Millstone Township Committee at its regular meeting of September 7, 2022.

> KATHLEEN HART, RMC Township Clerk

# RESOLUTION NO. 22-186 MEETING DATE: 09-07-2022

# **RESOLUTION APPROVING CHANGE ORDER NO. 1 FOR 2021 ROADWAY IMPROVEMENT PROJECT**

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

WHEREAS, the Township entered into a contract with P & A Construction, Inc. in the original amount of \$1,071,136.94 for a project known as "2021 Roadway Improvement Program" and

WHEREAS, the Township Engineer has requested as built quantities along with increase in fuel and asphalt price and additional drainage; and

**WHEREAS,** the changes resulted in a decrease of \$4,693.89 as detailed on the attached Changer Order No.1; and

WHEREAS, the new contract amount is now \$1,066,443.05.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Millstone that the Change Order No. 1, resulting in a decrease in the contract in the amount of \$4,693.89 is hereby approved and the Mayor, Township Administrator or Clerk are hereby authorized to execute this Change Order.

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

- a. Township Engineer
- b. P & A Construction, Inc.
- c. Township Attorney
- d. Township Administrator
- e. Township CFO
- f. Township Treasurer

### **ROLL CALL:**

AYES:C/Zabrosky, C/McLaughlin, DM/Morris, M/FerroNAYS:NoneABSTAIN:NoneABSENT:C/Davis

**I HEREBY CERTIFY** the foregoing to be a true copy of the Resolution adopted by the Millstone Township Committee at its meeting of September 7, 2022.

Kathleen Hart, RMC Township Clerk

### RESOLUTION NO. 22-187 MEETING DATE: 09-07-2022

# RESOLUTION AUTHORIZING THE PURCHASE OF A JOHN DEERE Z994R DIESEL COMMERCIAL ZTRAK

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 John Deere Z994R Diesel Commercial ZTrak, 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, Deere & Company. 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 \$16,561.19; and

**WHEREAS**, the Chief Financial Officer has certified the availability of funds for this contract are available in the line-item number C-04-55-976-901.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Township Committee that the purchase of a John Deere Z994R Diesel Commercial ZTrak using 65MCESCCPS – ESCNJ 18/19-25 and is ratified.

**ROLL CALL:** 

AYES:C/Zabrosky, C/McLaughlin, DM/Morris, M/FerroNAYS:NoneABSTAIN:NoneABSENT:C/Davis

**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 September 7, 2022.