

**MILLSTONE TOWNSHIP COMMITTEE MEETING MINUTES FOR FEBRUARY 16, 2022**

Mayor Ferro calls the meeting to order 7:05p.m.

**STATEMENT OF NOTICE AS REQUIRED BY P.L. 1975, C231 IS READ.**

I hereby announce that pursuant to the Open Public Meeting Act, adequate notice of this meeting has been provided in the Annual Meeting Notice which was mailed to the Asbury Park Press and the Trenton Times, posted on the public announcements bulletin board in Town Hall and filed in the Office of the Township Clerk on December 20, 2021.

**ROLL CALL:** Committeeman Eric Davis - present, Deputy Mayor Chris Morris – present, Committeeman Michael McLaughlin – present, Committeeman Tara Zabrosky – present and Mayor Al Ferro - present. Also, in attendance: Brian Chabarek, Esq. - Township Attorney and Kathleen Hart - Municipal Clerk.

Motion to adopt Resolution 22-67 was moved by C/McLaughlin; second by DM/Morris.

Municipal Clerk read Resolution 22-67 Authorizing the Holding of an Executive Session, at Which the Public Shall be Excluded

**ROLL CALL VOTE:**

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

Motion to adjourn Executive Session was moved by DM/Morris; second by C/Zabrosky. All in Favor.

Time In: 7:08 p.m.; Time Out: 7:58 p.m.

Mayor Ferro calls the regular meeting to order at 8:01 p.m. followed by a flag salute and a moment of silence.

All attendees and participants agree to conduct themselves in a manner appropriate for public gathering. Individual speakers should be advised that no right of privacy protects a person’s public comments made in a public forum. Accordingly, all participants bear responsibility for their own statements and commentary.

**RESOLUTION:**

22-68 Resolution Acknowledging Receipt and Review of Planning Board Consistency Report For Ordinance 22-01

Motion to adopt Resolution 22-68 was moved by DM/Morris; second by C/McLaughlin.

**ROLL CALL VOTE:**

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

**ORDINANCE:**

**SECOND READING/PUBLIC HEARING**

ORDINANCE 22-01 AN ORDINANCE AMENDING CHAPTER 35 (LAND USE AND DEVELOPMENT), ARTICLE 5 (ZONING DISTRICTS REGULATIONS) OF THE REVISED GENERAL CODE OF THE TOWNSHIP OF MILLSTONE, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY

**EXPLANATORY STATEMENT:** This Ordinance revision provides for amendments to the Official Zoning Map and the RC Recreation Camp zoning district to expand the boundaries of the RC zoning district and allow for the continuation of retail uses along the Stage Coach Road frontage.

Affidavit of Publication Presented

Township Planner McKinley Mertz and Township Engineer Matt Shafai were in attendance. Township Planner gives a history and background of this ordinance. The owners of Black Bear Day Camp approached the Township several years ago requesting a rezoning of several properties that they currently own. These properties are in the Neighborhood Commercial Zone and the R80 Residential Zone and to bring them into the Recreation Camp Zone. They are the former Clarksburg Inn Tavern, the residential house south of the Tavern on the corner of Red Valley Road and the property southwest on Red Valley Road that has the trampoline facility on it. Several meetings were held between Black Bear and the Planning Board to discuss their request. In addition to adding these properties to the Recreation Camp Zone, the proposed ordinance will also be amending some of the bulk standards. The maximum height will go from 30 feet to 35 feet and continue to be capped at a single story. The maximum lot coverage (impervious surfaces) will go from 10% of the overall property to 30% of the overall property. The maximum building coverage will go from 5% to 10%. The former property of the Clarksburg Inn Tavern would also include retail trade establishments that would set back 125 feet off of Stage Coach Road. Township Engineer Matt Shafai states that this ordinance does not give Black Bear permits as they will need to file an application with the Planning Board for approval. The current property of the former Clarksburg Inn Tavern is currently zoned neighborhood commercial and already permits a 35-foot building and 70% lot coverage. This proposed ordinance decreases the lot coverage to 30%. Mayor Ferro asks if this is consistent with the Master Plan. McKinley Mertz states that this ordinance did go to the Planning Board on February 9, 2022 and they found that various goals and objectives in the Township Master Plan does support this proposed ordinance and recommends to the Township Committee to find this ordinance consistency with the Master Plan goals and objectives.

Mayor Ferro opens the public hearing at 8:15 p.m.

Many residents voiced their concerns regarding the proposed changes. They are concerned about the building size, tax increases, traffic, parking, lighting, noise, hours of operations and if it can end up being a warehouse. Many state traffic concerns as there are already a significant amount of traffic when Great Adventure is open and concern with the new construction of Adventure Crossing in Jackson this will only increase the traffic. Also, there are concerned about Black Bear not following what they would propose.

Township Planner and Township Engineer states that this ordinance would only change the zoning. There are currently no applications submitted to the Planning Board of Zoning Board of Adjustment and you would receive a notice of public hearing for development involving property located within 200 feet.

M/Ferro states that the existing use is neighborhood commercial and this proposed ordinance is changing it to recreation camp which reduces what they are allowed to do at this property. Many residents state that they would like to leave the property as is. Township Engineer Matt Shafai states currently it is zoned neighborhood commercial for a 100,000 sq. ft. of retail space.

Mayor Ferro closes the public hearing at 9:05 p.m.

Township Committee asks questions about traffic, parking and potential of combining all the lots. McKinley Mertz states that there are national standards for traffic and parking. A 6,000 sq. ft. retail space would require 40 parking spots and the camp parking has different standards. All applications are required to go to the Planning Board for a site plan approval.

Motion to table Ordinance 22-01 until the March 16, 2022 Township Committee meeting was moved by C/McLaughlin; second by C/Davis.

ROLL CALL VOTE:

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

Municipal Clerk states that their will be no additional notice sent out.

**ORDINANCE:**

FIRST READING

ORDINANCE 22-03

AN ORDINANCE AMENDING CHAPTER III (POLICE REGULATIONS), SECTION 3-1.6 (LITTERING FROM VEHICLES) AND SECTION 3-1.7 (TRUCK LOADS CAUSING LITTER) OF THE REVISED ORDINANCES OF THE TOWNSHIP OF MILLSTONE, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY

**EXPLANATORY STATEMENT:** This Ordinance repeals Code Sections 3-1.6 and 3-1.7 which are preempted by, and duplicative of, Title 39 provisions addressing such litter.

Motion to adopt Ordinance 22-03 on first reading was moved by DM/Morris; second by C/McLaughlin.

ROLL CALL VOTE:

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

NAYS: None

ABSTAIN: None

ABSENT: None

Second reading and Public Hearing to be held on March 2, 2022 at 8:00 p.m. at the Millstone Township Meeting Room, 215 Millstone Road, Perrineville, New Jersey.

**RESOLUTION:**

22-69 Resolution to Adopt Temporary Emergency Appropriations #1

Motion to adopt Resolution 22-69 was moved by C/McLaughlin; second DM/Morris.

ROLL CALL VOTE:

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

NAYS: None

ABSTAIN: None

ABSENT: None

**RESOLUTIONS: CONSENT RESOLUTION POSTED ON BULLETIN BOARD.**

**ALL MATTERS LISTED UNDER ITEM "CONSENT AGENDA" ARE CONSIDERED ROUTINE BY THE TOWNSHIP COMMITTEE AND WILL BE ENACTED BY ONE (1) MOTION IN THE FORM LISTED BELOW. THERE WILL BE NO SEPARATE DISCUSSION ON THESE ITEMS, IF DISCUSSION IS DESIRED OF ANY ITEM, THAT ITEM WILL BE CONSIDERED SEPARATELY.**

22-70 Payment of Vouchers – February 16, 2022

22-71 Resolution Authorizing Governor's Council On Alcoholism And Drug Abuse Fiscal Grant Cycle July 2020 - June 2025 Form 1B

22-72 Resolution Authorizing the Execution of a Memorandum of Settlement in the Matter of Leach v. Millstone Township

22-73 Resolution Opposing Continued Extension of Executive Orders Beyond Public Health Emergency and Supporting Senate Bill No. 1200 Limiting the Governor's Unilateral Emergency Powers

22-74 Resolution Awarding Bid for 2021 Roadway Improvement Program in the Township of Millstone

Motion to adopt Consent Agenda Resolutions 22-70 through 22-74 was moved by C/Zabrosky; second by C/McLaughlin.

ROLL CALL VOTE:

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

M/Ferro read into the record Resolution 22-73.

**RESOLUTION OPPOSING CONTINUED EXTENSION OF EXECUTIVE ORDERS BEYOND PUBLIC HEALTH EMERGENCY AND SUPPORTING SENATE BILL NO. 1200 LIMITING THE GOVERNOR'S UNILATERAL EMERGENCY POWERS**

WHEREAS, nearly two years ago, on March 9, 2020, Governor Murphy unilaterally declared a public health emergency by executive order; and

WHEREAS, the Governor's temporary emergency powers at the outset served the purpose of managing the COVID-19 pandemic at the time when the virus was spreading rapidly, vaccines and treatments were unavailable, and our healthcare system was being overwhelmed; and

WHEREAS, despite these conditions subsiding through the development of vaccines, therapies and a better understanding of the science behind the virus, the Governor has unilaterally renewed this Public Health Emergency every 30 days thereafter until June 2021; and

WHEREAS, on June 4, 2021, Governor Murphy signed legislation and an Executive Order ending the Public Health Emergency; and

WHEREAS, at that time, Legislature granted the Governor the authority to continue certain emergency powers with respect to 14 Executive Orders only until January 11, 2022, thereafter, requiring that the Governor request an extension of these powers for up to 90 days; and

WHEREAS, Governor made a request for a 90-day extension of these emergency powers and the Legislature refused to extend the Governor's emergency powers, but the Governor ignored the will of the Legislature and announced on January 12 2022, that he was reinstating a statewide Public Health Emergency, thereby allowing himself the ability to continue statewide mandates without the proper checks and balances required under State Constitution; and

WHEREAS, to date, Governor Murphy has unilaterally issued over 200 Executive Orders relating to the pandemic; and

WHEREAS, on January 31, 2022, Senator Declan O'Scanlon introduced Senate Bill No. 1200, which limits the duration of states of emergency and public health emergencies declared by the Governor to 60 days unless an extension is authorized by the Legislature; and

WHEREAS, Senator Vin Gopal has joined Senator O'Scanlon as a prime sponsor of Senate Bill No. 1200, demonstrating bipartisan agreement that the Governor is abusing his emergency powers without legislative oversight; and

WHEREAS, the Township Committee of the Township of Millstone in the County of Monmouth, State of New Jersey believes that it is well past time to return to the regular order of government in the State of New Jersey.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Millstone in the County of Monmouth, State of New Jersey that it hereby opposes Governor Murphy's continuing unilateral declarations of a Public Health Emergency and supports the enactment of Senate Bill No. 1200 to restore legislative oversight of the Governor's emergency powers.

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BE IT FURTHER RESOLVED that the Municipal Clerk shall forward certified copies of this Resolution to the Office of the Governor, the members of Monmouth County’s Legislative Delegation, the Monmouth County Board of Commissioners, and the New Jersey League of Municipalities.

**REPORTS FROM VARIOUS DEPARTMENTS FOR JANUARY 2022:**

Tax Collector	\$7,481,061.91
Clerks Report	\$ 3,641.00
Dog License	\$ 3,380.60
Building Department	\$ 39,833.00
COAH	\$ 6,449.00
Municipal Court	\$ 14,015.67
Recreation	\$ 9,840.72
2022 Interest Revenue	

**TOWNSHIP COMMITTEE MINUTES: NONE**

**APPOINTMENT TO BE MADE BY THE MAYOR**

BE IT RESOLVED, by the Mayor of the Township of Millstone that Mary Beckish is hereby appointed as an Alternate II Member to the Millstone Township Board of Adjustment to fulfil the unexpired term of Tara Zabrosky, term expiring December 31, 2022.

**LIAISON REPORTS:**

Eric Davis states that Shade Tree Commission is planning for Arbor Day which is April 29, 2022. They hope to coordinate a tree planting at the Middle School and Millstone Park. The Shade Tree Commission received an accreditation from the DEP Urban Community Forestry for 2021. The Environmental Commission passed a resolution which he will forward to the Township Committee for their support. This resolution would be in support of the ability of municipalities to amend NJ DEP regulations to add more stringent stormwater regulations. The Environmental Commission is also looking at the Community Energy Grant from the NJ Board of Public Utilizes. The Environmental Commission received a resignation and currently has an opening. Reminder that the Stream Clean Up is on April 9, 2022 and encourage the community to come out.

Tara Zabrosky states that the Planning Board heard the Showplace subdivision, which was granted with stipulations, the funeral home on Route 33 regarding parking spaces and the Ordinance 22-01 Recreation Camp rezoning which was moved back to the Township Committee. At the most recent Board of Education meeting the board discussed the adoption of the Township’s resolution S1200 limiting the emergency powers of the Governor. The school board attorney will draft a resolution of the S1200 for them to discuss at the next board meeting on February 28<sup>th</sup>. The Memorial Day Essay Contest will go out to the 6<sup>th</sup> and 7<sup>th</sup> graders. The contest will be judged and the top three winners will be presented to the Veterans. The top winner will be invited to the Memorial Day Ceremony to read their essay.

DM/Morris states that the Agricultural Board held a joint meeting with Rutgers on manure management. The presentation will be uploaded to the township website.

M/Ferro states that the drone was put out on Rochdale Avenue (County Route 571) and the State Police is monitoring and enforcing.

**NEW BUSINESS: NONE**

**OLD BUSINESS:**

M/Ferro discusses the truck traffic in town and would like to be proactive in coming up with some type of solution. Township Engineer has done some investigation and in 2008 NJDOT gave the municipalities the rights to established stop signs and speed on municipal roads with no NJDOT approval. However, they prohibit

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no trucks traffic signs on local roads. We have no jurisdiction on County roads either. A traffic study would need to be done and submitted to NJDOT for their findings and determinations. The Township Committee discussed their options and the Township Engineer will look into possible time limits on municipal roads.

M/Ferro reminds the residents of the following events:

The Curbside Spring Cleanup is scheduled for April 4, 2022.

The 16<sup>th</sup> Annual Watershed-wide Stream Cleanup is on April 9, 2022.

The Spring Brush Drop Off Dates are on 4/16, 4/23, 4/30, 5/7, 5/14, 5/21.

**COMMENTS FROM THE DAIS:** None

**PRIVILEGE OF THE FLOOR** (Limited to ½ Hour)

Mayor Ferro opens the meeting to the public at 9:45 p.m.

Ana Zielanback, 4 Cheryl Lane asks if the Township Committee has access to how many times the State Police has been dispatched by the school district. M/Ferro will reach out to State Police to find out if that information is available or if an OPRA needs to be done. Also, questions if the school can provide personal information out to another parent. C/Zabrosky will reach out to Dr. Huss for more information about this situation.

Mayor Ferro closes the meeting to the public at 9:53 p.m.

**ADJOURNMENT:**

Motion to adjourn was moved by C/Zabrosky; second by C/McLaughlin. All in Favor.

Time Out 9:53 p.m.

Audio of the meeting is available in the Municipal Clerks Office.

February 16, 2022 Township Committee Regular Meeting Minutes approved at a Township Committee meeting held on April 6, 2022.

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Kathleen Hart, RMC  
Municipal Clerk