

RESOLUTION NO. 23-153
MEETING DATE: 07-05-2023

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

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

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
 3. Litigation
 4. Potential 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/Davis, DM/Morris, C/Zabrosky, M/Ferro

NAYS: None

ABSTAIN: None

ABSENT: C/McLaughlin

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Township Committee of the Township of Millstone on July 5, 2023.

Kathleen Hart, RMC
Municipal Clerk

RESOLUTION NO. 23-154

SCHEDULE 23-07 S

CONSOLIDATED BILL LIST

TOWNSHIP OF MILLSTONE VOUCHERS FOR PAYMENT PRESENTED TO
THE TOWNSHIP COMMITTEE AT A MEETING
HELD ON July 5, 2023

SEE SCHEDULE 23-07 ATTACHED

A resolution was passed by the Township Committee for the payment of the vouchers listed on Schedule 23-07 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. 23-154**

July 5, 2023

BE IT RESOLVED by the Township Committee of the Township of Millstone that the vouchers listed on Schedule 23-07, July 5, 2023, Consolidated Bill List, and the vouchers listed below as Schedule 23-07 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: \$ 194,058.04

SCHEDULE 23-07 S

PAYROLL FUND

TOTAL PAYROLL TRUST FUND \$ 440.79

GENERAL CAPITAL FUND

TOTAL GENERAL CAPITAL FUND \$ 250.00

GRANT FUND

TOTAL GRANT FUND \$ 2,059.00

RESERVE TRUST FUND

TOTAL RESERVE TRUST FUND \$ 915.18

BASIN MAINTENANCE TRUST

TOTAL BASIN MAINTENANCE TRUST \$ 144.00

SHADE TREE TRUST

TOTAL SHADE TREE TRUST \$ 0.00

COAH TRUST FUND

TOTAL COAH TRUST FUND \$ 8,304.50

OPEN SPACE FARMLAND TRUST FUND

TOTAL OPEN SPACE FARMLAND TRUST FUND \$ 160,545.78

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 \$ 19,304.95

ANIMAL CONTROL TRUST FUND

TOTAL DOG TRUST FUND \$ 245.19

TOTAL FOR ALL FUNDS \$ 386,267.43

ESCROW

DEVELOPERS ESCROW ACCOUNT UNDER \$5,000

TOTAL DEVELOPERS ESCROW UNDER \$5,000 \$ 3,330.00

DEVELOPERS ESCROW ACCOUNT OVER \$5,000

TOTAL DEVELOPERS ESCROW OVER \$5,000 \$ 59,100.30

TOTAL FOR ESCROW \$ 62,430.30

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

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

NAYS: None

ABSTAIN: None

ABSENT: C/McLaughlin

RESOLUTION NO. 23-155
MEETING DATE: 07-05-2023

**RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN
THE TOWNSHIP OF MILLSTONE AND MONMOUTH CONSERVATION
FOUNDATION FOR OPEN SPACE AND FARMLAND PRESERVATION**

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

BE IT RESOLVED by the Township Committee of the Township of Millstone that the attached Agreement is hereby approved and the Mayor and Township Administrator/Clerk are hereby authorized to execute said Agreement, not to exceed \$10,000.00 for the two (2) year period commencing on the date of this agreement and ending on the same date two years later.

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. Monmouth Conservation Foundation
- c. Township Attorney
- d. Township Administrator
- e. Finance Department

ROLL CALL:

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

NAYS: None

ABSTAIN: None

ABSENT: C/McLaughlin

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Millstone Township Committee at its meeting of July 5, 2023.

Kathleen Hart, RMC
Municipal Clerk

**MONMOUTH CONSERVATION FOUNDATION AND MILLSTONE TOWNSHIP
OPEN SPACE AND FARMLAND PRESERVATION CONSULTING SERVICES
AGREEMENT**

This Open Space and Farmland Preservation Consulting Services Agreement, (“Agreement”) made the _____ day of _____, 2023 between Millstone Township, Monmouth County, New Jersey, a municipal corporation of the State of New Jersey with offices located at 470 Stagecoach Road, Millstone, New Jersey 08510, (“Millstone”) and Monmouth Conservation Foundation, a non-profit corporation of the State of New Jersey with offices located at 628 Middletown-Lincroft Road, Lincroft, New Jersey 07738 and whose mailing address is P.O. Box 4150, Middletown, New Jersey 07748-4150 (“MCF”).

OBJECTIVE:

MCF, a non-profit county-based land trust, proposes to assist Millstone in their efforts to preserve open space, farmland, and create parks. MCF will work cooperatively with Millstone to advance the land preservation goals outlined in both Millstone’s master and Millstone’s open space and farmland preservation plans through this Open Space and Farmland Preservation Consulting Services Agreement.

As part of its role as a land trust, MCF provides consulting services to local governments and other organizations on a fee basis. MCF offers these services for several reasons including, but not limited to the fact that these groups appreciate the guidance and support of working in conjunction with an established non-profit land trust. MCF has experience throughout Monmouth County (“County”) and State of New Jersey (“State”) with the land preservation process. Using an autonomous, non-profit organization as a third-party negotiator is also beneficial in many cases because some landowners are hesitant to work with government or government representatives.

SCOPE OF SERVICE:

MCF will work with Millstone to assist with all aspects of their farmland and open space preservation goals under the following terms and conditions:

1. Contact landowners whose properties are a priority for preservation, explaining the process and alternatives possible through land preservation. (The exact methods and programs to be applied to each property will be determined by Millstone.)
2. Lead, direct or assist in the negotiation of farmland and open space preservation projects.
3. Review and/or provide the technical and legal documentation required for the preservation of land.
4. Coordinate with State and County agencies to assemble various funding partners to leverage Millstone’s preservation fund.
5. Coordinate due diligence by obtaining professional services, e.g., appraisals, survey, title work, environmental assessments, and the like to assist Millstone.
6. Review due diligence documents as needed and provide technical assistance for the submission and approval to the State and County.

The preceding list of services is provided to facilitate the preservation process. It is not intended to be a comprehensive list, and it can be tailored to meet the needs of Millstone as agreed to by both parties. No preservation-related actions will be taken on any identified property without consent from Millstone.

TERMS OF AGREEMENT:

As a part of this Agreement, quarterly updates shall be provided to Millstone to identify progress. In addition, MCF and Millstone may meet periodically to review the direction of efforts and make refinements or changes, as necessary and as mutually agreed upon. Additional verbal updates will be provided as needed.

To ensure efficient communication, one liaison between MCF and Millstone will be established. An MCF staff member will act as liaison and attend relevant meetings.

MCF is not obligated to advance any funds with regard to same, but if it is mutually agreed upon that appraisals, surveys, title searches, environmental assessments, and/or other technical documentation are needed to complete an acquisition, MCF may order such items. If legal expertise or documentation is required, MCF can provide an attorney upon request. These costs can be billed directly to Millstone or MCF can advance the necessary funds and bill Millstone for reimbursement.

MCF billing shall be submitted to Millstone along with an itemized description of the work performed. Millstone payment shall be received within thirty (30) days from the date of the invoice.

Either party can terminate the Agreement with thirty (30) days' written notification to the other party. At that time, Millstone shall pay all outstanding MCF invoices and fees in full.

PROCEDURES:

See attached Schedule A – Due Diligence Cost Procedures for Green Acres Open Space Preservation Projects.

COMPENSATION:

MCF offers Millstone a competitive hourly billing rate for services under this Agreement. The fee for service will be assessed on a time basis at \$55.00/per hour. This fee will be billed monthly on the last business day of the month and does not include expenses such as mileage, photocopies, maps, and other relevant materials that will be billed at cost. Billable hours are capped at a maximum of ten (10) hours per week and a maximum of one hundred (100) hours per project unless amended by mutual agreement. Any service involving the review or preparation of legal documentation shall be at a separate hourly rate plus attorney disbursement (e.g., telephone and copy charges) as billed by MCF's attorney and as agreed to by the parties.

EXCLUSIONS:

Any land preservation relationship or cooperative efforts previously established between MCF, and Millstone are not subject to fee under this Agreement.

OWNERSHIP OF RECORDS:

All original records, maps, data, and plans pertaining to this Agreement and any Millstone open space and farmland issues that develop or are utilized by this Agreement shall be surrendered to Millstone at the expiration or termination of this and Agreement.

CONFLICT OF INTEREST:

Millstone acknowledges the fact that MCF is an active organization and that a conflict of interest may arise in which MCF in its sole determination may be unable to assist Millstone concerning certain real property located in Millstone.

NON-EXCLUSIVITY:

This is a non-exclusive agreement, and nothing contained herein shall be construed to preclude MCF from providing similar services to any other entities or persons.

NON-AUTHORITY TOWARD THE TOWNSHIP:

MCF has no authority to enter into contracts or agreements on behalf of Millstone. This Proposal and Agreement between the parties does not and shall not be construed to create a partnership, joint venture, agency, or other relationship between the parties, except as specifically established herein.

TERM:

The term of this Agreement shall be for a two (2) year period commencing on the date of this Agreement and ending on the same date two years later.

IN WITNESS THEREOF, the parties hereto have executed this Agreement on this the _____ day of _____, 2023.

WITNESS:

Kathleen Hart, Municipal Clerk

WITNESS:

TOWNSHIP OF MILLSTONE

By: _____
Al Ferro, Mayor

MONMOUTH CONSERVATION
FOUNDATION

By: _____
William D. Kastning, Executive Director

Schedule A

Due Diligence Cost Procedures for Green Acres Preservation Projects

In accordance with the “Open Space and Farmland Preservation Consulting Services Agreement”, MCF proposes to work with Millstone to facilitate all aspects of Green Acres funded open space preservation projects on an as needed basis. Certain circumstances require MCF to contract directly with professional service providers on behalf of Millstone for deliverables required to facilitate preservation projects. This includes, but is not limited to, the hiring and paying of appraisers, surveyors, environmental firms, attorneys, etc. Both parties recognize that the Green Acres Program provides reimbursement to the funding entity for a portion of certain due diligence costs with the submission of proper documentation after closing.

Millstone and MCF agree that all professional services agreed upon in the procurement of professional services providers for Green Acres funded acquisition projects shall comply with all applicable laws, including, but not limited to, Green Acres rules and regulations (N.J.A.C. 7:36 et seq. and N.J.S.A. 13:8C-1 et seq.).

The following procedures have been mutually agreed upon to remain transparent with the Green Acres Program allow Millstone to remain eligible for reimbursement for due diligence items procured in accordance with the Green Acres rules and regulations (N.J.A.C. 7:36 et seq.), that have been paid by Millstone through MCF.

When Millstone requests MCF to order due diligence documents on behalf of Millstone, the process, outlined in the steps below, shall be followed:

- Millstone works directly with MCF to recognize due diligence items that are necessary for a specific open space preservation project.
- Working together, Millstone and MCF identify the appropriate contractors from the Green Acres approved list and solicit proposals from those chosen. The proposals are solicited by MCF.
- Following the receipt of the requested proposals, Millstone and MCF discuss and select which contractor will be hired. Based on guidance from Millstone, MCF will hire the chosen contractor to complete the work to the required specifications.
- Millstone and MCF shall prepare any products and shall provide documentation required by the contractor and shall conduct any necessary meetings and/or site visits with the contractor, and/or Green Acres representatives, as appropriate, to discuss the project and deliverables.
- After completion, the contractor shall provide MCF both the deliverable and invoice. The deliverable will state that the work was performed for MCF on behalf of Millstone. The invoice must identify the services provided and the property by block and lot and/or address. MCF will provide the deliverable and invoice to Millstone for review and approval.

- Following the review and approval of the contractor’s deliverable and invoice by MCF and Millstone, the following shall occur:
 - a. The deliverables are submitted to the Green Acres Program for review and approval.
 - b. MCF shall release 75% of the contractor’s required fee, issuing a check directly to the contractor for their services. The check will identify the service performed and the property for which it was performed.
- Following MCF’s payment to the contractor, an MCF invoice shall be prepared and submitted to Millstone for 75% of the required fee (**no other fees will be included within the invoice**). MCF’s invoice will be accompanied by a copy of MCF’s cancelled check (front and back) issued to the contractor and the original invoice from the contractor and will identify the property and service provided.
- After receipt and approval of MCF’s invoice by Millstone, Millstone will issue a check to MCF for 75% of the cost, identifying the service provided and the property the service was performed for. **No other costs will be covered in this check.**
- Following the review and approval by the Green Acres Program of the deliverable, Millstone will give MCF approval to pay the remaining 25% of the contractor’s fee. Subsequently, the same procedure as above will be followed.
- Following the successful closing of the Green Acres preservation project, Millstone will submit to the Green Acres Program all the applicable paperwork created to support these “pass through” reimbursements. The above paper trail, in addition to Millstone’s cancelled checks to MCF, including MCF’s invoices, will be submitted in an organized fashion to Green Acres Program for reimbursement of applicable costs associated with the open space acquisition.
- MCF will not be eligible for any reimbursement from the Green Acres Program for the due diligence items required for the open space preservation project if MCF was previously reimbursed by Millstone for the work.
- Millstone is only eligible for Green Acres reimbursements if its Green Acres funds are available. MCF’s hourly staff rate is not reimbursable by Green Acres Program.
- All invoices containing work done by contractors will be billed separately to MCF to create a clear paper trail of the payment procedure.

RESOLUTION NO: 23-156
MEETING DATE: 07-05-2023

RESOLUTION APPOINTING FULL-TIME DPW LABORER WITHOUT CDL – I

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

WHEREAS, Millstone Township's has a full-time opening for a DPW Laborer Without CDL - i; and

WHEREAS, the Public Works Coordinator has interviewed potential candidates and has indicated that Tiffany Turcotte is the applicant whom best meets the needs for this position and must successfully complete the pre-employment protocols outlined in the job offer letter, dated June 20, 2023; and

WHEREAS, the Township Committee of the Township of Millstone hereby appoints Tiffany Turcotte, as DPW Laborer Without CDL - i, effective July 3, 2023 at an hourly rate of \$20.00, 40 hours per week.

BE IT FURTHER RESOLVED that a copy of this resolution, certified by the Township Clerk to be a true copy be forwarded to Tiffany Turcotte, Public Works Coordinator, Township Administrator, Township CFO, Treasurer and Municipal Clerk.

ROLL CALL:

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

NAYS: None

ABSTAIN: None

ABSENT: C/McLaughlin

I HEREBY CERTIFY the foregoing to be a true copy of the resolution adopted by the Millstone Township Committee at its meeting of July 5, 2023.

Kathleen Hart, RMC
Municipal Clerk

RESOLUTION NO. 23-157
MEETING DATE: 07-05-2023

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
MILLSTONE ENDORSING THE 2023 HOUSING ELEMENT AND FAIR SHARE PLAN**

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

WHEREAS, the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., confers upon the local Planning Board jurisdiction to prepare, adopt and amend a Master Plan with a component or the components thereof, pursuant to N.J.S.A. 40:55D-28; and

WHEREAS, Southern Burlington County NAACP v. Tp. of Mount Laurel, 92 N.J. 158 (1983) (hereinafter “Mount Laurel I”), the Fair Housing Act, N.J.S.A. 52:27D301, et seq., the regulations adopted by the Council On Affordable Housing (hereinafter “COAH”), and other applicable laws require all New Jersey municipalities to create a realistic opportunity for the provision of low and moderate income housing (hereinafter “affordable housing”); and

WHEREAS, pursuant to N.J.S.A. 40:55D-28 and N.J.S.A. 52:27D-310 the Master Plan shall include a municipal housing element designed to achieve the goal of access to affordable housing to meet present and prospective needs, with particular attention to low- and moderate-income housing; and

WHEREAS, it has been determined that the Municipality must address its obligation of its affordable housing Fair Share Plan, meaning the Municipality must provide a realistic opportunity for the creation of units affordable to low- and moderate-income households and conforming to the regulations of COAH and the Uniform Housing Affordability Controls (“UHAC”); and

WHEREAS, pursuant to In Re N.J.A.C. 5:96 and 5:97, 221, N.J. 1 (2015) (“Mount Laurel IV”), on July 2, 2015, the Township of Millstone filed a declaratory judgment action, entitled In the Matter of the Application of the Township of Millstone and the Planning Board of the Township of Millstone, Docket No. MON-L-2501-15 seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan satisfies its “fair share” of the regional need for low and moderate income housing pursuant to the Mount Laurel Doctrine; and

WHEREAS, on September 5, 2019, the Township entered into a Settlement Agreement (“Settlement Agreement”) with Fair Share Housing Center (“FSHC”) and Showplace Farms, LLC, which was thereafter approved by the Court on November 12, 2019; and

WHEREAS, on January 29, 2020, the Planning Board adopted a Housing Element and Fair Share Plan, dated January 1, 2020, which had been prepared by the Planning Board, through its professionals, to be consistent with the Settlement Agreement; and

WHEREAS, on or about February 19, 2020, the Township Committee endorsed this Housing Element and Fair Share Plan; and

WHEREAS, on April 27, 2020, the Honorable Linda G. Jones, J.S.C., entered an Order which approved the January 1, 2020 Housing Element and Fair Share Plan and granted the

Township a final Judgment of Compliance and Response with immunity from all exclusionary zoning lawsuits until July 1, 2025; and

WHEREAS, additional funding mechanisms for municipally-sponsored projects have become available as well as additional opportunities to provide affordable housing within the Township; and

WHEREAS, the Township entered into negotiations with FSHC to amend the Settlement Agreement so that the developer of the municipally-sponsored projects could apply for these additional funding mechanisms, which negotiations have resulted in an Amendment to the Settlement Agreement (“Amendment”), attached hereto as Exhibit A; and

WHEREAS, the Township’s Planner prepared an amended Housing Element and Fair Share Plan to implement the changes to the Settlement Agreement which will result from the Amendment; and

WHEREAS, the Planning Board reviewed this amended Housing Element and Fair Share Plan at its June 14, 2023 public hearing and adopted the amended Housing Element and Fair Share Plan; and

WHEREAS, the Township Committee finds that the amended Housing Element and Fair Share Plan addresses the specific terms and changes created by the Amendment to its agreement with FSHC and represents the manner in which the Township plans to satisfy its affordable housing obligations; and

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Millstone, in the County of Monmouth and State of New Jersey on this 5th day of July, 2023:

1. The Mayor or his designee is authorized to sign the Amendment to the September 5, 2019 Settlement Agreement with FSHC, attached hereto as Exhibit A, as may be subject to de-minimus changes the Township deems necessary.
2. The Amended Housing Element and Fair Share Plan, attached hereto as Exhibit B, is hereby endorsed. The Plan and appendices are available on the Township Website at <https://www.millstonenj.gov/departments/affordable-housing> and is also available in the Township Clerk’s Office.

ROLL CALL:

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

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 July 5, 2023.

Kathleen Hart, RMC
Municipal Clerk

EXHIBIT A

**IN THE MATTER OF THE TOWNSHIP OF MILLSTONE,
COUNTY OF MONMOUTH & STATE OF NEW JERSEY
DOCKET NO: MON-L-2501-15**

**FIRST AMENDMENT TO SEPTEMBER 5, 2019 SETTLEMENT AGREEMENT
BETWEEN THE
TOWNSHIP OF MILLSTONE & FAIR SHARE HOUSING CENTER CONCERNING
THE TOWNSHIP'S MT. LAUREL
FAIR SHARE OBLIGATIONS AND THE MEANS
BY WHICH THE TOWNSHIP SHALL SATISFY SAME ¹**

THIS IS THE FIRST AMENDMENT (hereinafter “First Amendment”) TO THE SETTLEMENT AGREEMENT (hereinafter “Agreement”) made on the 5th day of September, 2019 by and between:

TOWNSHIP OF MILLSTONE, a Municipal Corporation of the State of New Jersey, County of Monmouth having an address at 470 Stagecoach Road, Clarksburg, New Jersey 08510-1405 (hereinafter the “Township”)

And

SHOWPLACE FARMS, LLC, having an address of c/o Richard J. Hoff, Jr., Esquire, 25 Chestnut Street, Suite 3, Haddonfield, New Jersey 08033 (hereinafter “Showplace”)

And

FAIR SHARE HOUSING CENTER, having an address at 510 Park Boulevard, Cherry Hill, New Jersey 08002 (hereinafter “FSHC”)

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (hereinafter “Mt. Laurel IV”) the Township filed the above captioned matter on July 2, 2015 seeking among other things a judicial declaration that its Housing Element and Fair Share Plan (hereinafter “HEFSP” or “Millstone Plan”) as may be further amended in accordance with the terms of the settlement satisfies its “fair share” of the regional need for low and moderate income housing pursuant to the Mount Laurel Doctrine; and

WHEREAS, the Township simultaneously sought and ultimately secured an Order protecting Millstone Township from all exclusionary zoning lawsuits while it pursues approval of its HEFSP; and

WHEREAS, on September 5, 2019, the Township, Fair Share Housing Center (hereinafter “FSHC”) and Showplace Farms, LLC (hereinafter “Showplace”) (hereinafter collectively “Parties”) entered into a Settlement Agreement to resolve issues among them related to the

¹ 6-30-23

Township's Mount Laurel fair share obligations and the means by which the Township would resolve same (hereinafter "Agreement"); and

WHEREAS, on October 22, 2019 a Fairness Hearing was conducted following which the Court found the Agreement to be fair and reasonable and to adequately protect the interests of very low, low and moderate-income households and found the Affordable Housing strategy as set forth in the Agreement to be Constitutionally Compliant and provides a fair and reasonable opportunity for the Township to meet its obligation under Mount Laurel IV subject to the Township's compliance with the conditions set forth in the Court's subsequent Order entered on November 12, 2019; and

WHEREAS, the Court held a Compliance hearing on April 7, 2020 and found that Millstone Township had satisfied all of the conditions of the Order of November 12, 2019; and

WHEREAS, on April 27, 2020, the Court granted the Township a final Judgment of Compliance and Repose pursuant to the Court approved Agreement and applicable law, which grants the Township repose from all Mount Laurel lawsuits other than actions brought to enforce the Agreement or the Court's Orders, for the ten-year period beginning on July 2, 2015 and ending on July 1, 2025; and

WHEREAS, the Agreement at page thirteen provides that the Showplace property zoning amendment is included as part of the Millstone Plan and that Showplace shall support the Millstone Plan, as amended to include the Showplace project, and as it may be further amended from time to time so long as such amendment does not materially affect the rights of Showplace thereunder. It further provides that Showplace's support shall include certifications, testimony and all other reasonable means of support as may be requested by Millstone in connection with compliance hearings and Millstone's Declaratory Judgment Action; and

WHEREAS, the Township has complied with all of the terms of the Agreement with respect to Showplace and construction of the Showplace project is near completion; and

WHEREAS, as part of the initial Agreement, the Township proposed (a) to provide for three significant municipally sponsored projects to satisfy its Third Round affordable housing obligations, namely "Allen House II," "CKV" and "Shu Lee", and (b) to secure prior round credit for one existing affordable unit located at 6 Novad Court. According to the terms of the Agreement:

- (1) Allen House II is a ten (10) unit 100% affordable senior citizen apartment complex. It is to be developed and operated by the AHA. Commitments for funding are nearing \$3,000,000.00, all requirement development approvals have been received. Grading and clearing site work started in 2022.
- (2) CKV was originally proposed to be developed by AHA as a forty-nine (49) unit 100% affordable "for sale" complex. The property is owned by Millstone Township. The Township is to prepare and obtain subdivision/site plan approval from the Planning Board. The Township will then convey the land to AHA, and AHA will construct the development. The Township is currently processing applications for the necessary

permits for on-site water and wastewater service including Water Quality Management Plan (WQMP) amendment, Treatment Works Approval (TWA) and New Jersey Pollutant Discharge Elimination System (NJPDES) permit. Once received, final site plan design is to be completed and approved by the Township Planning Board.

- (3) Shu Lee was originally proposed to be developed by AHA as a thirty (30) unit 100% affordable “rental” complex. The property is owned by Millstone Township. The Township is to prepare and obtain subdivision/site plan approval from the Planning Board. The Township will then convey the land to AHA and AHA will construct the development. The Township is currently processing applications for the necessary permits for on-site water and wastewater service including Water Quality Management Plan (WQMP) amendment, Treatment Works Approval (TWA) and New Jersey Pollutant Discharge Elimination System (NJPDES) permit. Once received, final site plan design is to be completed and approved by the Township Planning Board.
- (4) Novad House was an existing single-family house, located at 6 Novad Court, otherwise designated on the Tax Map as Block 57.01, Lot 20.01. The property is owned by Millstone Township. The property has been used as a single-family rental unit. The property was deed restricted for a period of 30 years beginning on June 26, 2003 and ending on June 25, 2033. The property is operated and administered by AHA pursuant to a long-term lease with the Township. The Agreement provided the Township with one single family rental unit credit and one rental bonus credit towards the Township’s Prior Round obligation.

WHEREAS, regarding both the CKV and Shu Lee projects, AHA has advised the Township that recent changes have been made with respect to regulations governing the funding sources to which they intend to apply to receive funding for those developments. More particularly:

- (1) With respect to the CKV property, AHA has advised that increasing the forty-nine (49) proposed affordable units to sixty-six (66) affordable units (plus one unit for a superintendent) will improve the project’s eligibility for funding. In addition, AHA has advised that changing from “for sale” development to a rental development will attract a greater number of qualified very low-, low- and moderate-income candidates to fill the units. Based on the foregoing the Township proposes this Amendment (a) to increase the number of affordable units for CKV by seventeen (17) to a total of sixty-six (66) affordable units; (b) to make the units available for rental rather than for sale; and to provide one additional unit for the superintendent.
- (2) With respect to the Shu Lee property, AHA has advised that the funding sources they are now targeting limit the number of units in a development to twenty-five (25). AHA therefore has advised the Township to reduce the number of units on this property to twenty-five (25). Based on the foregoing, the Township proposes this Amendment to decrease the number of units for Shu Lee by five (5) to a total of twenty-five (25) affordable units.

WHEREAS, the addition of 17 affordable units on the CVK site and the loss of 5 units on the Shu Lee site results in a net gain of fourteen (14) affordable units; and

WHEREAS, in addition, as set forth above, the Township is the owner of property located at 6 Novad Court, which is designated on the Tax Map as Block 57.01, Lot 20.01. This property is a 25,747.82 sq. ft. (0.59 acre) lot. The tenant of the single-family house has died, and the unit is currently vacant; and

WHEREAS, AHA proposes to redevelop the property by demolishing the existing house and constructing a new 3-unit rental affordable housing building for a special needs population; and

WHEREAS, such redevelopment will replace the credits lost from the Prior Round and will generate two new units, which were not previously included in the Agreement and which will be used to satisfy the Township's Third Round obligations; and

WHEREAS, on March 16, 2022, the Township adopted a Resolution supporting AHA's application for the County "HOME" funds to redevelop the 6 Novad Court property;

WHEREAS, on the same date, the Township adopted a Resolution authorizing execution of an affordable housing agreement with AHA to redevelop the property;

WHEREAS, on March 17, 2022, the Township executed the Affordable Housing Agreement authorizing execution of a lease amendment permitting the development of the property by AHA for three (3) affordable special needs supporting services rental units; and.

WHEREAS, AHA has obtained \$1,000,000.00 in funding from the NJDCA's National Housing Trust Fund for the project;

WHEREAS, the County HOME funds applied for to cover the remainder of the project were part of the County's American Rescue Plan, which is currently in the approval process with HUD; and

WHEREAS, the parties have determined that it is appropriate that the foregoing changes should be incorporated into the Township's Housing Element and Fair Share Plan.

NOW THEREFORE, in consideration of the promises, the mutual obligations contained herein, and other good and valuable consideration being received and its efficiency, which are hereby acknowledged by each of the parties, the parties hereto each binding itself, do hereby covenant and agree, each with the other as follows:

AMENDMENT TO AGREEMENT

1. Section 5(III) of the Agreement is replaced in its entirety with:

III. CKV

27 Burnt Tavern Rd.
Block 57, Lot 16.03
66 family rental units (100% affordable)

The project will consist of sixty-six (66) family affordable rental units, instead of the forty-nine (49) for sale units previously proposed, which will result in an increase of seventeen (17) affordable units for the project. The project will also include one (1) unit for a superintendent, for a building total of 67 built units. The property is owned by Millstone Township and will be conveyed to the Affordable Housing Alliance (AHA) once the Township has prepared and obtained subdivision/site plan approval from the Planning Board, which is scheduled to be completed by October 31, 2023. The Township has secured the necessary permits for on-site water and wastewater service including Water Quality Management Plan (WQMP) amendment. The Township is also seeking Treatment Works Approval (TWA) and New Jersey Pollutant Discharge Elimination System (NJPDES) permit from the New Jersey Department of Environmental Protection. Once received, if final site plan design requires an amended approval by the Township Planning Board, it shall be approved within 120 days of receipt of the last required DEP permit. The property will be developed utilizing the Low Income Housing Tax Credit (LIHTC) Program. AHA will be applying to NJHMFA for a Declaration of Intent to reserve financing for the Affordable Housing Production Fund and will then complete a 4% LIHTC application.

By no later than July 31, 2023, the Township shall provide an executed developer's agreement, pro forma, and construction schedule for the project.

In the event that AHA is unable to obtain written commitment for third-party funding for the project by June 30, 2024, the Township agrees that by no later than December 31, 2024, it will bond to finance the project.

2. Section 5(IV) of the Agreement is replaced in its entirety with:

IV. Shu Lee Apartments
10 & 14 Novad Court
Block 57.01, Lot 21.02
25 family rental units (100% affordable)

The project will consist of twenty-five (25) family affordable rental units, instead of the thirty (30) rental units previously proposed for the project. This reduction will be more than offset by an increase in affordable units elsewhere in the amended fair share plan. The property is owned by Millstone Township and will be conveyed to the AHA once the Township has prepared and obtained subdivision/site plan approval from the Planning Board. The Township is currently processing applications for the necessary permits for on-site water and wastewater service including Water Quality Management Plan (WGMP) amendment, Treatment Works Approval (TWA) and New Jersey Pollutant Discharge Elimination System (NJPDES) permit from the New Jersey Department of Environmental Protection. Once received, if final site plan design

requires an amended approval by the Township Planning Board, it shall be approved within 120 days of receipt of the last required DEP permit.

As of the date of this Amendment, AHA is seeking funding for the project from various funding agencies. This project was modified to assist AHA's ability to attain such funding. Accordingly, the Shu Lee project will no longer be counted toward the Township's Third Round obligation, but will instead be counted toward its Fourth Round obligation.

By no later than July 31, 2026, the Township shall provide an executed developer's agreement, pro forma, and construction schedule for the project with site plan approval of the project being no later than October 31, 2026.

In the event that AHA is unable to obtain written commitment for third-party funding for the project within two years from the commencement of Round 4, the Township will bond to finance the project.

3. A new section 5(V) is added to the Agreement as follows:

V. 6 Novad Court

Block 57.01, Lot 20.01

3 special needs affordable units for the homeless/formerly homeless (100% affordable)

The municipally owned property located at 6 Novad Court, also known as Block 57.01, Lot 20.01 will be developed by AHA with three (3) two-bedroom affordable rental units, which will add two (2) affordable units to the Township's satisfaction of its Third Round obligations. Funding will be received from the NJDCA's National Housing Trust Fund and County HOME funds. In the event that AHA is unable to secure third-party funding for the project by June 30, 2024, the Township agrees that by no later than December 31, 2024 it will bond to finance the project.

4. Section 7 of the Agreement is replaced in its entirety with:

7. All affordable units subject to the First Amendment that will be counted toward the Third Round shall be completed and ready for occupancy by no later than June 2025.

5. Except as specified herein, the approval of additional units does not allow the Township to decrease or otherwise alter the other affordable housing mechanisms and plans approved by the Court as part of its adopted Housing Element and Fair Share Plan, implementing ordinances, and/or September 5, 2019 Agreement with FSHC.
6. This First Amendment must be approved by the Court following a Fairness Hearing as required by Morris Cty. Fair Hous. Council v. Boonton Twp, 197 N.J. Super. 359, 367-369 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986); and East/West Venture v. City of Fort Lee, 286 N.J. Super. 311, 328-29 (App. Div. 1996). The Township shall present its planner as a witness at this hearing. FSHC will support the

Township's amended Housing Element and Fair Share Plan at the Fairness Hearing. If the Court approves this amendment, its provisions shall automatically be incorporated into the provisions of the Court's April 27, 2020 Judgment of Compliance and Repose. If this amendment is rejected by the Court at a Fairness Hearing, it shall be deemed null and void.

7. The Township's amended HEFSP shall be adopted consistent with the terms and conditions of this First Amendment on or before 60 days of Court approval of this settlement. Any amendments to the Spending Plan or ordinances, including but not limited to any zoning ordinance changes necessary to create a realistic opportunity for the developments set forth herein, that are needed to implement the terms of the First Amendment shall be adopted within 60 days of Court approval of this settlement.
8. Except as set forth herein all other terms and conditions of the Agreement, which is attached hereto as Exhibit "A", shall remain unchanged and in full force and effect. A revised summary compliance table is attached as "Exhibit B".
9. This First Amendment shall be governed by and construed by the laws of the State of New Jersey.
10. This First Amendment may not be modified, amended or altered in any way except by a writing signed by each of the Parties.
11. This First Amendment may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same First Amendment.
12. The Parties acknowledge that each has entered into this First Amendment on its own volition without coercion or duress after consulting with its counsel, that each party is the proper person and possess the authority to sign the First Amendment, that this First Amendment contains the entire understanding of the Parties and that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.
13. Each of the Parties hereto acknowledges that this First Amendment was not drafted by any one of the Parties, but was drafted, negotiated and reviewed by all parties and, therefore, the presumption of resolving ambiguities against the drafter shall not apply. Each of the Parties expressly represents to the other Parties that: (i) it has been represented by counsel in connection with negotiating the terms of this First Amendment; and (ii) it has conferred due authority for execution of this First Amendment upon the persons executing it.
14. Any and all Exhibits and Schedules annexed to this First Amendment are hereby made a part of this First Amendment by this reference thereto. Any and all Exhibits and Schedules now and/or in the future are hereby made or will be made a part of this First Amendment with prior written approval of all Parties.

15. This First Amendment constitutes the entire Agreement between the Parties hereto and supersedes all prior oral and written Agreements between the Parties with respect to the subject matter hereof except as otherwise provided herein.
16. No member, official or employee of the Township shall have any direct or indirect interest in this First Amendment, nor participate in any decision relating to the First Amendment which is prohibited by law, absent the need to invoke the rule of necessity.
17. Anything herein contained to the contrary notwithstanding, the effective date of this First Amendment shall be the date upon which all of the Parties hereto have executed and delivered this First Amendment.
18. All notices required under this First Amendment (“Notice[s]”) shall be written and shall be served upon the respective Parties by certified mail, return receipt requested, or by a recognized overnight or by a personal carrier. In addition, where feasible (for example, transmittals of less than fifty pages) shall be served by facsimile or e-mail. All notices shall be deemed received upon the date of delivery. Delivery shall be affected as follows, subject to change as to the person(s) to be notified and/or their respective addresses upon ten (10) days’ notice as provided herein:

TO FSHC:

**JOSH BAUERS, ESQ.
FAIR SHARE HOUSING CENTER
510 PARK BOULEVARD
CHERRY HILL, N.J. 08002
PHONE: (856) 665-5444
TELECOPIER: (856) 663-8182**

E-MAIL: joshbauers@fairsharehousing.org

TO THE TOWNSHIP OF MILLSTONE:

**JEFFREY R. SURENIAN, ESQ.
SURENIAN, EDWARDS, BUZAK AND NOLAN, LLC
311 BROADWAY
POINT PLEASANT BEACH, NJ 08742
PHONE 732 612 3100
TELECOPIER: 732 612 3101
EMAIL: JRS@Surenian.com**

TO THE PLANNING BOARD FOR THE TOWNSHIP OF MILLSTONE:

**MICHAEL B. STEIB, ESQ.
P.O. BOX 893
16 CHERRY TREE FARM ROAD**

MIDDLETOWN, N.J. 07748
PHONE: (732) 706-7333
TELECOPIER: (732) 706-7334
E-MAIL: INFO@MBSLAW.NET

WITH A COPY TO THE MUNICIPAL CLERK:

KATHLEEN HART, CLERK
KEVIN ABERNETHY, TOWNSHIP ADMINISTRATOR
470 STAGECOACH ROAD
CLARKSBURG, N.J. 08510-1405

WITH A COPY TO THE INTERVENOR/DEFENDANT

RICHARD J. HOFF, JR., ESQUIRE
25 CHESTNUT STREET
SUITE 3
HADDONFIELD, N.J. 08033
PHONE: 856-795-0150
E-MAIL: RHOFF@BISGAIERHOFF.COM

In the event that any of the individuals identified above has a successor, the individual identified shall name the successor and notify all others identified of their successor.

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to be properly executed, their corporate seals affixed and attested and this First Amendment to be effective as of the effective date.

WITNESS: FAIR SHARE HOUSING CENTER

By: _____
JOSH BAUERS, ESQUIRE

WITNESS: TOWNSHIP OF MILLSTONE

By: _____
AL FERRO, MAYOR

WITNESS:

SHOWPLACE FARMS, LLC

By: _____
RICHARD J. HOFF, JR. , ESQUIRE

EXHIBIT B

HOUSING ELEMENT AND FAIR SHARE PLAN

Township of Millstone
Monmouth County, New Jersey

January 1, 2020

Adopted by the Planning Board on January 29, 2020

Amended May 26, 2023 and Adopted by the Planning Board June 14, 2023

Prepared By:



Heyer, Gruel & Associates
Community Planning Consultants
236 Broad Street, Red Bank, NJ 07701
(732) 741-2900

HOUSING ELEMENT AND FAIR SHARE PLAN

Township of Millstone

Monmouth County, New Jersey

January 1, 2020

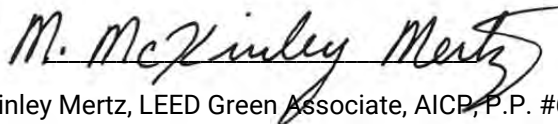
Adopted by the Planning Board on January 29, 2020

Amended May 26, 2023 and Adopted by the Planning Board June 14, 2023

Prepared By:

Heyer, Gruel & Associates
Community Planning Consultants
236 Broad Street, Red Bank, NJ 07701
(732) 741-2900

The original of this report was signed and
sealed in accordance with N.J.S.A. 45:14A-12



M. McKinley Mertz, LEED Green Associate, AICP, P.P. #6368

Contributing content by Amanda O'Lear, Associate Planner

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- APPENDIX C: 2019 Fairness Order
2020 Final JOR
- APPENDIX D: Contracts Regarding Administration of Rehabilitation Program
- Contract for the Administration of Affordable Housing Units
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 - 2021 Mortgage Trenton Lakewood Road
 - 2021 Mortgage Pine Drive
- APPENDIX E: Millstone Road Group Home Documentation
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 - 2015 Deed
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- APPENDIX I: Novad House Documentation
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 - 2010 Subdivision Deed and Restrictive Covenant
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 - 2022 Planning Board Resolution of Approval
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- 2000 RCA Agreement
 - 2000 Resolution Authorizing RCA
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- Accessory Apartment Ordinance
- UHAC and Development Fee Ordinance
- Affirmative Marketing Plan
- Intent to Fund Shortfall
- Establishing the Rehabilitation Program
- Fund the Rehabilitation Program
- Accessory Apartment Program

PART 1: HOUSING ELEMENT

INTRODUCTION

The need to provide a realistic opportunity for the construction of affordable housing in New Jersey, the country's densest state, has been recognized for decades. In the case of Southern Burlington County NAACP v. the Township of Mount Laurel, (commonly known as Mount Laurel I), the New Jersey Supreme Court established the doctrine that municipalities in New Jersey have a constitutional obligation to zone for a variety and choice of housing types that would be affordable to low- and moderate-income households. In its Mount Laurel II decision, decided on January 20, 1983 (Mount Laurel II), the Supreme Court expanded the Mount Laurel doctrine by determining that each New Jersey municipality was required to create a realistic opportunity for the construction of housing affordable to low- and moderate-income households sufficient to meet its "fair share" of the need for housing. Developing municipalities were required to address a fair share of the regional need for affordable housing.

In response to the threat of "builder's remedy" lawsuits endorsed by the Mount Laurel II decision, the New Jersey Legislature adopted the Fair Housing Act in 1985 (Chapter 222, Laws Of New Jersey, 1985). The New Jersey Fair Housing Act (FHA) established the Council on Affordable Housing (COAH) as an administrative alternative to builder's remedy lawsuits and the concomitant jurisdiction of the courts. COAH was given the responsibility of dividing the state into housing regions, determining regional and municipal fair share affordable housing obligations, and adopting regulations that would establish the guidelines and approaches that municipalities may use in addressing their affordable housing need.

In 2008, the Legislature amended the Fair Housing Act to add requirements for very-low-income housing. Very-low-income households are those in which the gross household income is 30 percent or less than the region's median household income. Low-income households are those with incomes no greater than 50 percent of the region's median household income. Moderate-income households are those with incomes no greater than 80 percent and no less than 50 percent of the region's median household income. Each is adjusted for household size and is in relation to the median gross income of the housing region in which the municipality is located.

This Housing Element and Fair Share Plan for Millstone has been prepared in accordance with applicable law. Moreover, the Township filed a declaratory judgment action pursuant to In re Adoption of N.J.A.C. 5:96 & 5:97 by the N.J. Council on Affordable Housing, 221 N.J. 1 (2015) ("Mount Laurel IV"). In this decision, the Supreme Court held that since COAH was moribund, trial courts were to resume their role as the forum of first resort for evaluating municipal compliance with Mount Laurel obligations, and also established a transitional process for municipalities to seek temporary immunity and ultimately a Judgment of Compliance and Repose ("JOR") or the "judicial equivalent" of Substantive Certification from COAH.

Millstone executed a settlement agreement with Fair Share Housing Center dated September 5, 2019. The agreement established Millstone's fair share obligation and mechanisms for meeting the obligation. The Township received its Final Judgment of Compliance and Repose (JOR) on April 28, 2020, approving Millstone's Housing Element and Fair Share Plan.

This amendment to the Plan alters the number of affordable units proposed for Millstone's Third Round obligation by updating the projects for the 6 Novad Court, Shu Lee/Millstone Village, and CKV/Millstone Woods developments as conditions at these sites have changed since the previous Plan's adoption. The Township intends to amend its Settlement Agreement with Fair Share Housing Center and will seek approval from the Court to reflect these changes.

Millstone's History of Affordable Housing

Millstone Township has a long history of participation and compliance with COAH. The Township received First Round certification on December 7, 1987. Millstone participated in the Second Round and petitioned COAH for substantive certification on March 20, 1995 and received their substantive certification on October 1, 2003 (Appendix A). The Township's Second Round certification expired on October 1, 2009.

Millstone continued its participation into COAH's Third Round. In December 2008, Millstone's Planning Board adopted a Round 3 Housing Element and Fair Share Plan ("2008 Plan"). The Township petitioned COAH for substantive certification on December 30, 2008 and was deemed complete on March 27, 2009. The Township, however, did not receive substantive certification for the Third Round as various Third Round regulations were invalidated by the Appellate Division on October 10, 2010.

In response to Mount Laurel IV, Millstone filed a Declaratory Judgment action on July 2, 2015 seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan satisfies its "fair share" of the regional need for low- and moderate-income housing pursuant to the Mount Laurel Doctrine. The Township simultaneously sought, and ultimately secured, an Order protecting the Township from all exclusionary zoning lawsuits while it pursues approval of its Housing Element and Fair Share Plan. The immunity secured by the Township remains in place as of the writing of this Plan. The Court appointed Michael P. Bolan, PP, AICP, as the "Special Master."

Due to the current uncertainty in the appropriate manner by which to calculate municipal obligations throughout New Jersey, the Township and the Fair Share Housing Center ("FSHC") agreed that a settlement was in the best interest of the Township and its residents. Under the supervision of the Court Master, the Township and its professionals entered into negotiations with representatives of FSHC to settle the Township's Declaratory Judgment action and seek Court-approval for an accepted fair share obligation for the Township.

The Township also entered into negotiations with Showplace Farms, LLC regarding their property at Block 23 Lot 8 on the Township's Official Tax Map. The Township executed a settlement agreement with FSHC and Showplace Farms, LLC on September 5, 2019 (Appendix B). A Fairness Hearing was held on October 22, 2019 and in an Order dated November 12, 2019 (Appendix C) the Court approved the settlement agreement, and determined it is "fair, reasonable, and adequately protects the interests of very low, low-, and moderate-income households." The following Housing Element and Fair Share Plan has been prepared pursuant to the Court-approved settlement agreement. A Final Compliance Hearing was conducted on April 7, 2020 and a Judgement of Compliance and Repose was entered on April 28, 2020 (Appendix C). The Township obtained from the Court an affirmative declaration of compliance regarding all aspects of its affordable housing obligation.

Planning for Affordable Housing

Pursuant to both the Fair Housing Act, N.J.S.A. 52:27D-310, and the Municipal Land Use Law (MLUL) N.J.S.A. 40:55D-28, municipalities in New Jersey are required to include a housing element in their master plans. The principal purpose of the housing element is to describe the specific, intended methods that a municipality plans to use in order to meet its low- and moderate-income housing needs. Further, the housing element is meant to demonstrate the existing zoning or planned zoning changes that will allow for the provision of adequate capacity to accommodate household and employment growth projections, to achieve the goal of access to affordable housing for present and future populations. The statutorily required contents of the housing element are:

- a. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated;
- b. A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
- c. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
- d. An analysis of the existing and probable future employment characteristics of the municipality;
- e. A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing; and

- f. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing.

Municipal Summary

The Township of Millstone is a 37 square mile developed community located in the central part of New Jersey in the County of Monmouth. The Township is surrounded by Monroe and East Windsor to the north, Manalapan to the east, Freehold and Jackson to the south, and Roosevelt and Upper Freehold to the west. Millstone was originally named for the Millstone River, which traverses the Township.

According to the 2020 Census, Millstone's population was 10,376, which represents a decrease of 1.8 percent from 2010. The U.S. Census Bureau 2017-2021 American Community Survey estimates a total population of 10,396. The median age in 2020 was 47.3 years. In 2010, the average household size decreased slightly from the 2000 level of 3.28 persons to 3.20 persons in 2010. The housing stock of the Township is predominantly single-family detached dwelling units. A majority of the housing structures were built after the 1990s.

Pursuant to the Fairness Order (Appendix C), the Township shall, on an annual basis, establish income limits and rent increases based on the process historically used by COAH and as more fully set forth in the order of the Honorable Jamie S. Perri, dated April 18, 2019 in the case of *In the Matter of the Declaratory Judgment Actions Filed in the County of Monmouth, State of New Jersey*, pursuant to In re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) Docket No. MON-L-2527-15. In accordance with the guidelines established by COAH, the Township is located in Housing Region 4, a region that consists of Mercer, Monmouth, and Ocean counties. Based on the income limits set forth in the above matter, the current median income in Region 4 for a four-person household is \$122,615, the moderate-income is \$98,092, the low-income is \$61,308, and the very low-income is \$36,785.

Pursuant to the Court-approved settlement agreement, Millstone has a Present Need of 20 units, a Prior Round obligation (1987-1999) of 81 units, and a Third Round obligation (1999-2025) of 231 units. The Township proposes to address its overall 332-unit obligation through the following:

- A Rehabilitation Program
- Existing and Proposed Inclusionary Developments
- Existing Credits
- Rental Bonus Credits
- Existing and proposed 100 percent affordable projects

DEMOGRAPHIC CHARACTERISTICS

Population

The population trends experienced in Millstone, Monmouth County, and the State of New Jersey from 1930 through 2020 are shown below, as well as the 2021 population estimates from the U.S. Census Bureau American Community Survey. There were 10,376 residents in Millstone in 2020, which was a decrease of 190 people, or 1.8 percent, from 2010. Millstone has experienced steady growth over the past 90 years but the largest and most significant increase in population occurred during the 1990s when the Township increased by 77 percent. Monmouth County and the State have also experienced continued growth since 1930. Similar to Millstone, both the County and State saw significant population increases during the 1990s.

Population Trends									
Year	Millstone Township			Monmouth County			New Jersey		
	Population	Change		Population	Change		Population	Change	
		Number	Percent		Number	Percent		Number	Percent
1930	1,428	-	-	147,209	-	-	4,041,334	-	-
1940	1,466	38	2.7%	161,238	14,029	9.5%	4,160,165	118,831	2.9%
1950	2,100	634	43.2%	225,327	64,089	39.7%	4,835,329	675,164	16.2%
1960	2,550	450	21.4%	334,401	109,074	48.4%	6,066,782	1,231,453	25.5%
1970	2,535	-15	-0.6%	461,849	127,448	38.1%	7,171,112	1,104,330	18.2%
1980	3,926	1,391	54.9%	503,173	41,324	8.9%	7,365,011	193,899	2.7%
1990	5,069	1,143	29.1%	553,124	49,951	9.9%	7,730,188	365,177	5.0%
2000	8,970	3,901	77.0%	615,301	62,177	11.2%	8,414,350	684,162	8.9%
2010	10,566	1,596	17.8%	630,380	15,079	2.5%	8,791,894	377,544	4.5%
2020	10,376	-190	-1.8%	643,615	13,235	2.1%	9,288,944	497,100	5.7%
2021	10,396	20	0.2%	642,160	-1,455	-0.2%	9,234,024	-54,970	-0.6%

Source: U.S. Census Bureau, 2017-2021 American Community Survey 5-Year Estimates

Population Composition by Age

The median age of the residents in Millstone in 2020 was 47.3 years. Analysis of age group characteristics provides insight into the actual changes in population. This comparison is helpful in determining the impacts these changes have on housing needs, community facilities, and services for the municipality. As detailed in the following table, the entire composition of Millstone has experienced notable shifts since 2010. The most significant increase was in the 65 and older age cohort, which saw an increase of 84.8 percent. The 15 to 24 age cohort also saw a large increase of approximately 49.7 percent. Large decreases were seen in the under 5 years age cohort (-52.2%), the 35 to 44 age cohort (-41.3%), and the 5 to 15 age cohort (-35.4%).

Population by Age 2010 and 2020 Estimates, Millstone Township						
Population	2010		2020		Change, 2010 to 2020	
	Number	Percentage	Number	Percentage	Number	Percentage
Total population	10,293	100.0%	10,418	100.0%	125	1.2%
Under 5 years	648	6.3%	310	3.0%	-338	-52.2%
5 to 14	1,743	16.9%	1,126	10.8%	-617	-35.4%
15 to 24	1,290	12.5%	1,931	18.5%	641	49.7%
25 to 34	536	5.2%	697	6.7%	161	30.0%
35 to 44	1,583	15.4%	929	8.9%	-654	-41.3%
45 to 54	2,211	21.5%	1,948	18.7%	-263	-11.9%
55 to 64	1,558	15.1%	2,139	20.5%	581	37.3%
65 and over	724	7.0%	1,338	12.8%	614	84.8%

Source: U.S. Census Bureau, 2017-2021 American Community Survey 5-Year Estimates

Monmouth County experienced population fluctuation as well, but not nearly as dramatically as the Township. The most significant increase was also in the 65 and over age cohort, which grew by 31.3 percent. Significant increases were also seen in the 55 to 64 age cohort (26.8%). Similar to Millstone, decreases were experienced in the under 5 cohort (-14.8%), the 35 to 44 age cohort (-24.0%), and the 5 to 14 age cohort (-15.3%).

Population by Age 2010 and 2020 Estimates, Monmouth County						
Population	2010		2020		Change, 2010 to 2020	
	Number	Percentage	Number	Percentage	Number	Percentage
Total population	628,112	100.0%	620,821	100.0%	-7,291	-1.2%
Under 5 years	36,105	5.7%	30,774	5.0%	-5,331	-14.8%
5 to 14	88,604	14.1%	75,016	12.1%	-13,588	-15.3%
15 to 24	77,761	12.4%	77,910	12.5%	149	0.2%
25 to 34	63,105	10.0%	66,655	10.7%	3,550	5.6%
35 to 44	93,461	14.9%	71,051	11.4%	-22,410	-24.0%
45 to 54	108,675	17.3%	92,203	14.9%	-16,472	-15.2%
55 to 64	76,829	12.2%	97,451	15.7%	20,622	26.8%
65 and over	83,572	13.3%	109,761	17.7%	26,189	31.3%

Source: U.S. Census Bureau, 2017-2021 American Community Survey 5-Year Estimates

Households

A household is defined as one or more persons, either related or not, living together in a housing unit. In 2020 there was a total of 3,428 households in Millstone, of which 3,324 were occupied. Roughly 41 percent of the households were occupied by two persons or less. Both the Township’s and the County’s largest percentage of households was two-person households, 30.3% and 31.1% respectively. The Township’s second most common household size was four-person households (22.5%) where the County’s was one-person households (25.8%). The average household size of the Township in 2021 was 3.05, slightly more than that of the County’s average of 2.59.

Household Size: Occupied Housing Units, 2020 Millstone Township and Monmouth County				
	Township		County	
	Number	Percent	Number	Percent
Total Households	3,324	100.0%	244,630	100.0%
1-person household	367	11.0%	63,104	25.8%
2-person household	1,008	30.3%	76,177	31.1%
3-person household	690	20.8%	40,092	16.4%
4-person household	747	22.5%	39,421	16.1%
5-person household	325	9.8%	17,126	7.0%
6-person household	127	3.8%	5,795	2.4%
7-or-more-person household	60	1.8%	2,915	1.2%
Average Household Size*	3.05		2.59	

Source: U.S. Census Bureau, *2017-2021 American Community Survey 5-Year Estimates

Three-quarters of all households in the Township in 2020 were married couple households, of which more than one-third (38.8%) had children under the age of 18. Approximately 3.7 percent of households were cohabitating couples, of which 25.2 percent had children under the age of 18. Almost 10% of households had a male householder with no partner or spouse present. Of those households, 59 percent lived alone, and 12 percent had children under the age of 18. Over 11 percent of households had a female householder with no partner or spouse present, of which almost half (46.3%) of households had children under than age of 18 and almost half (45.5%) lived alone. The average family size in 2021 was 3.28 persons.

Household Size and Type, 2020 Millstone Township		
	Number	Percent
Total Households	3,324	100.0%
<i>Married Couple Household</i>	2,492	75.0%
With own children under 18 years	967	38.8%
<i>Cohabiting Couple Household</i>	123	3.7%
With own children under 18 years	31	25.2%
<i>Male householder, no spouse or partner</i>	320	9.6%
Living alone	190	59.4%
With own children under 18 years	39	12.2%
<i>Female householder, no spouse or partner present</i>	389	11.7%
Living alone	177	45.5%
With own children under 18 years	82	46.3%
Average Family Size	3.28*	

Source: U.S. Census Bureau, *2017-2021 American Community Survey 5-Year Estimates

Income

As measured in 2021, Millstone had a significantly higher median household income compared to Monmouth County and the State of New Jersey. In 2021, the median income in Millstone was \$187,102, roughly \$76,746 more than the County and \$97,399 more than the State’s median income.

Per Capita and Household Income 2021 Estimates		
	2021 Per Capita Income	2021 Median Household Income
Millstone Township	\$71,837	\$187,102
Monmouth County	\$57,836	\$110,356
New Jersey	\$46,691	\$89,703

Source: 2017-2021 American Community Survey 5-Year Estimates

In 2021, over 88 percent of all households in the Township earned \$50,000 or more, with the largest percentage (45.3%) earning \$200,000 or more. This percentage was followed by those households that earned \$100,000 to \$149,999 (16.0%) and finally those who earned \$150,000 to \$199,999 (14.1%). About 9 percent of households earned less than \$35,000. In Monmouth County, the most common income bracket was \$200,000 or more with roughly 23 percent of households earning that much. Conversely, almost 23 percent of households in the County earned less than \$35,000.

Household Income				
Millstone Township and Monmouth County, 2021 Estimates				
	Millstone Township		Monmouth County	
	Number	Percentage	Number	Percentage
Total Households	3,407	100.0%	245,569	100.0%
Less than \$10,000	142	4.2%	8,481	3.5%
\$10,000 to \$14,999	59	1.7%	5,744	2.3%
\$15,000 to \$24,999	45	1.3%	12,752	5.2%
\$25,000 to \$34,999	71	2.1%	12,150	4.9%
\$35,000 to \$49,999	72	2.1%	17,286	7.0%
\$50,000 to \$74,999	211	6.2%	28,719	11.7%
\$75,000 to \$99,999	242	7.1%	26,483	10.8%
\$100,000 to \$149,999	544	16.0%	45,503	18.5%
\$150,000 to \$199,999	479	14.1%	31,915	13.0%
\$200,000 or more	1,542	45.3%	56,536	23.0%
Median Household Income	\$187,102		\$110,356	

Source: 2017-2021 American Community Survey 5-Year Estimates

Poverty Status

Of the 10,395 persons of Millstone’s population for which poverty status is determined, 397 individuals, or 3.8 percent, lived in poverty in 2021. Of those in poverty, a majority (44.3%) were aged 18 to 64 years old. About 12.8 percent were children (under the age of 18) and roughly 42.8 percent were seniors (over 65). The County had a poverty rate of 6.5 percent, a significantly higher rate compared to the Township’s 3.8 percent.

Poverty Status				
Millstone Township and Monmouth County, 2021 Estimates				
	Millstone Township		Monmouth County	
	Number	Percentage	Number	Percentage
Total persons for whom poverty status is determined	10,395	-	635,691	-
Total persons below poverty level	397	3.8%	41,588	6.5%
Under 18	51	12.8%	10,667	25.6%
18 to 64	176	44.3%	23,746	57.1%
65 and over	170	42.8%	7,175	17.3%

Source: 2017-2021 American Community Survey 5-Year Estimates

Household Costs

General affordability standards set a limit at 30 percent of gross income to be allocated for owner-occupied housing costs and 28 percent of gross income to be allocated for renter-occupied housing costs. The following tables show the expenditures for housing for those who own and rent housing in Millstone and Monmouth County. Most people in the Township lived in homes they owned, and according to the 2017-2021 5-Year Estimates by the American Community Survey, roughly 24.3 percent of all owner-occupied households spent 30 percent or more of their household income on housing. About 11 percent of renter-occupied households spent 30 percent or more of their household income on housing.

Selected Monthly Owner Costs as a Percentage of Household Income Millstone Township and Monmouth County, 2021 Estimates				
	Millstone Township		Monmouth County	
	Number	Percentage	Number	Percentage
Total Owner-Occupied Housing Units	3,110	100.0%	184,566	100.0%
Less than 15%	901	29.0%	56,006	30.3%
15 to 19%	748	24.1%	32,038	17.4%
20 to 24%	506	16.3%	25,758	14.0%
25 to 29%	199	6.4%	17,936	9.7%
30 to 34%	119	3.8%	11,578	6.3%
35% or more	637	20.5%	40,308	21.8%
Not computed	0	0.0%	942	0.5%

Source: 2017-2021 American Community Survey 5-Year Estimates

Gross Rent as a Percentage of Household Income Millstone Township and Monmouth County, 2021 Estimates				
	Millstone Township		Monmouth County	
	Number	Percentage	Number	Percentage
Total Renter-Occupied Housing Units	227	100.0%	57,392	100.0%
Less than 15%	30	13.2%	7,661	13.3%
15 to 19%	28	12.3%	6,363	11.1%
20 to 24%	81	35.7%	6,578	11.5%
25 to 29%	63	27.8%	6,640	11.6%
30 to 34%	0	0.0%	4,581	8.0%
35% or more	25	11.0%	25,569	44.6%
Not computed	70	30.8%	3,611	6.3%

Source: 2017-2021 American Community Survey 5-Year Estimates

Similar to Millstone, a large majority of Monmouth County residents own their home. Of all owner-occupied homes, 28.1 percent spent 30 percent or more of their household income on housing, and 52.6 percent of renter-occupied households spent 30 percent or more of their household income on housing.

EXISTING HOUSING CONDITIONS

Housing Unit Data

Millstone’s housing stock consists of primarily newer structures. In 2021, Millstone had a total of 3,407 occupied housing units and 139 vacant housing units. A majority of the occupied units (3,110 or 91.3%) were owner-occupied while 297 units (8.7%) were renter-occupied. Approximately 56 percent of the Township’s housing stock was built after 1990, with 39 percent of Millstone’s entire housing stock built between 1990 and 1999. As of 2021, the median year of construction for the housing stock in Millstone is 1992, and no homes have been built since 2020.

Housing Data Millstone Township, 2021 Estimates		
	Number	Percentage
Total Housing Units	3,546	100.0%
Occupied Housing Units	3,407	96.1%
Owner Occupied	3,110	91.3%
Renter Occupied	297	8.7%
Vacant Housing Units	139	3.9%

Source: 2017-2021 American Community Survey 5-Year Estimates

Year Structure Built Millstone Township, 2021 Estimates		
	Number	Percentage
Built 1939 or earlier	102	2.9%
Built 1940 to 1949	56	1.6%
Built 1950 to 1959	186	5.2%
Built 1960 to 1969	207	5.8%
Built 1970 to 1979	510	14.4%
Built 1980 to 1989	478	13.5%
Built 1990 to 1999	1,383	39.0%
Built 2000 to 2009	494	13.9%
Built 2010 to 2019	130	3.7%
Built 2020 or later	0	0.0%
Total	3,546	100.0%
Median Year Structure Built	1992	

Source: 2017-2021 American Community Survey 5-Year Estimates

Housing Type and Size

The majority of the housing stock in Millstone is single-family detached housing, with most structures containing nine or more rooms. In 2021, there were 3,539 single-family detached homes representing roughly 99.8 percent of the housing stock. The only other housing type in the Township was buildings with 10 to 19 units representing 0.2 percent of the Township’s housing stock.

The median number of rooms within housing structures in the Township was 9, with the largest percentage of structures (54.1%) having 9 rooms or more.

Housing Type and Size Millstone Township, 2021 Estimates		
Units in Structure	Total	Percentage
Total	3,546	100.0%
1, detached	3,539	99.8%
1, attached	0	0.0%
2	0	0.0%
3 or 4	0	0.0%
5 to 9	0	0.0%
10 to 19	7	0.2%
20 to 49	0	0.0%
50 or more	0	0.0%
Mobile home	0	0.0%
Boat, RV, van, etc.	0	0.0%
Rooms	Total	Percentage
1 room	0	0.0%
2 rooms	0	0.0%
3 rooms	7	0.2%
4 rooms	111	3.1%
5 rooms	145	4.1%
6 rooms	250	7.1%
7 rooms	470	13.3%
8 rooms	645	18.2%
9 or more rooms	1,918	54.1%
Median number of rooms	9.0+	

Source: 2017-2021 American Community Survey 5-Year Estimates

Housing Growth and Projections

In terms of residential growth, for the period January 2000 through December 2022, the Township issued building permits authorizing the development of 617 units, which averages to approximately 28 units per year. If this rate were to remain relatively constant over the next 13-year period, the Township could expect to see an additional 351 residential units authorized between January 2023 and the end of 2035. External factors such as zoning, redevelopment, environmental constraints, and economic cycles may cause this projection to fluctuate. As detailed in the Fair Share Plan, found in Part 2 of this Housing Element and Fair Share Plan, at the minimum, residential development can be expected through the execution of the settlement agreements, municipally sponsored projects, and non-profit developers.

Housing Units Authorized by Building Permits: 2000 – 2022*				
Millstone Township				
Year	1 & 2 Family	Multi Family	Mixed-Use	Total
2000-2003	-	-	-	323
2004	64	0	0	64
2005	44	0	0	44
2006	24	0	0	24
2007	18	0	0	18
2008	14	0	0	14
2009	11	0	0	11
2010	3	0	0	3
2011	4	0	0	4
2012	10	0	0	10
2013	5	0	0	5
2014	5	10	0	15
2015	11	0	1	12
2016	18	0	0	18
2017	8	0	0	8
2018	7	1	0	8
2019	13	0	1	14
2020	7	0	0	7
2021	11	0	0	11
2022**	4	0	0	4
Total 2000-2022	281	11	2	617
23-Year Average				27
13-Year Projection (2023-2035)				351

Source: State of New Jersey Department of Community Affairs Building Permits: Yearly Summary Data

*The DCA Construction Reporter did not begin to report housing permits by type until 2004.

**Data for 2022 was available through October. This data was used to estimate the total number of housing units authorized for 2022.

Housing Values and Contract Rents

According to the 2017-2021 American Community Survey, nearly the entire owner-occupied housing stock in Millstone (98.3%) were valued at over \$200,000, and 73 percent of all units were financed by a mortgage. Housing values for owner-occupied housing units are listed in the following table, along with mortgage status data. The most common housing-value range was \$500,000 to \$749,999 with 51.4 percent of all owner-occupied units falling within this range. Housing units ranging between \$750,000 to \$999,999 and \$400,000 to \$499,999 comprise 13.5 and 13.4 percent, respectively. The median value of an owner-occupied housing unit in Millstone was \$597,500. Though most units were covered by a mortgage (73.1%), roughly 26.9 percent had no mortgage at all. The County's trends are similar to that of the Township with roughly 92.7 percent of homes valued at over \$200,000 and 66.6 percent of housing units functioning with a mortgage, contract to purchase, or similar debt.

Value for Owner-Occupied Housing Units Millstone Township and Monmouth County, 2021 Estimates				
	Millstone Township		Monmouth County	
	Number	Percentage	Number	Percentage
Total	3,110	100.0%	184,566	100.0%
Less than \$50,000	40	1.3%	2,944	1.6%
\$50,000 to \$99,999	14	0.5%	2,141	1.2%
\$100,000 to \$149,999	0	0.0%	3,140	1.7%
\$150,000 to \$199,999	0	0.0%	5,217	2.8%
\$200,000 to \$299,999	103	3.3%	24,319	13.2%
\$300,000 to \$399,999	356	11.4%	36,207	19.6%
\$400,000 to \$499,999	418	13.4%	33,897	18.4%
\$500,000 to \$749,999	1,600	51.4%	48,371	26.2%
\$750,000 to \$999,999	421	13.5%	16,903	9.2%
\$1,000,000 to \$1,499,999	149	4.8%	6,004	3.3%
\$1,500,000 or more	9	0.3%	5,423	2.9%
Median Value	\$597,500		\$454,000	

Source: 2017-2021 American Community Survey 5-Year Estimates

Mortgage Status				
Millstone Township and Monmouth County, 2021 Estimates				
	Millstone Township		Monmouth County	
	Number	Percentage	Number	Percentage
Housing units with a mortgage, contract to purchase, or similar debt:	2,273	73.1%	122,948	66.6%
Housing units with no second mortgage and no home equity loan	1,625	52.3%	100,141	54.3%
Housing units with multiple mortgages:	612	19.7%	20,336	11.0%
Mortgage, with both second mortgage and home equity loan	0	0.0%	431	0.2%
Mortgage, with home equity loan only	607	19.5%	17,842	9.7%
Mortgage, with only second mortgage	5	0.2%	2,063	1.1%
Home equity loan without a primary mortgage	36	1.2%	2,471	1.3%
Housing units without a mortgage	837	26.9%	61,618	33.4%

Source: 2017-2021 American Community Survey 5-Year Estimates

According to the American Community Survey, the median contract rent in Millstone was \$1,862 in 2021, compared to the County's \$1,408. The highest percentage of renters (49.5%) paid between \$1,500 and \$1,999 for rent, followed by 24.6 percent paying \$2,000 or more for rent. The County is experiencing similar trends in contract rent, with roughly 57.8 percent of renters paying between \$1,500 and \$1,999 and 34.8 percent paying between \$1,000 to \$1,499 for rent.

Contract Rent				
Millstone Township and Monmouth County, 2017 Estimates				
	Millstone Township		Monmouth County	
	Number	Percentage	Number	Percentage
Total Renter-Occupied Units	297	100.0%	61,003	100.0%
Less than \$200	7	2.4%	877	1.4%
\$200 to \$499	0	0.0%	3,366	5.5%
\$500 to \$699	0	0.0%	1,625	2.7%
\$700 to \$899	0	0.0%	2,912	4.8%
\$900 to \$999	0	0.0%	2,702	4.4%
\$1,000 to \$1,499	0	0.0%	21,240	34.8%
\$1,500 to \$1,999	147	49.5%	35,237	57.8%
\$2,000 or more	73	24.6%	11,278	18.5%
No cash rent	70	23.6%	2,591	4.2%
Median Contract Rent	\$1,862		\$1,408	

Source: 2017-2021 American Community Survey 5-Year Estimates

According to the 2017-2021 American Community Survey 5-Year Estimates, the median contract rent in Millstone was \$1,862 per month (\$22,344 annually). A minimum annual income of at least \$74,480 (\$23,344/0.30) would be necessary to afford the median contract rent in Millstone Township.

Housing Conditions

The table below details the condition of the housing within Millstone. Overcrowding and age, plumbing, and kitchen facilities are used to determine housing deficiency. In 2021, 15 owner-occupied units and no renter-occupied units in Millstone experienced overcrowding (more than one person per room). Throughout the Township, no units lacked complete plumbing facilities or complete kitchen facilities.

Housing Conditions Millstone Township, 2021 Estimates		
	Number	Percentage
House Heating Fuel- Occupied Housing Units		
Total	3,407	100.0%
Utility gas	2,841	83.4%
Bottled, tank, or LP gas	118	3.5%
Electricity	118	3.5%
Fuel oil, kerosene, etc.	297	8.7%
Coal or coke	0	0.0%
Wood	18	0.5%
Solar energy	15	0.4%
Other fuel	0	0.0%
No fuel used	0	0.0%
Occupants per Room- Occupied Housing Units		
Total	3,407	100.0%
Owner-Occupied (Over 1.0)	15	0.4%
Renter-Occupied (Over 1.0)	0	0.0%
Facilities-Total Units		
Total	3,407	100.0%
Lacking complete plumbing facilities	0	0.0%
Lacking complete kitchen facilities	0	0.0%
Telephone Service- Occupied Housing Units		
Total	3,407	100.0%
No Service	23	0.7%

Source: 2017-2021 American Community Survey 5-Year Estimates

EMPLOYMENT DATA

The following tables detail changes in employment from 2011 to 2021 for Millstone, Monmouth County, and New Jersey. Increases in Millstone’s employment have been gradual over the past decade. The unemployment rate in Millstone was at its highest in 2010 of 7.9%. After this from 2011 through 2019, the unemployment rate steadily declined, reaching a low of 2.4%. In 2020, the unemployment rate for Millstone saw a spike to 6.8%, coinciding with the beginning of the COVID-19 pandemic. The unemployment rate of the Township has remained steadily lower than that of the County and State as a whole, who have experienced similar unemployment trends over the past ten years.

Millstone Employment and Residential Labor Force: 2011 – 2021				
Year	Labor Force	Employment	Unemployment	Unemployment Rate
2011	5,542	5,117	425	7.7%
2012	5,827	5,412	415	7.1%
2013	5,796	5,408	388	6.7%
2014	5,775	5,471	304	5.3%
2015	5,794	5,540	254	4.4%
2016	5,842	5,631	211	3.6%
2017	6,039	5,844	206	3.4%
2018	6,081	5,893	188	3.4%
2019	6,145	6,000	145	2.4%
2020	5,975	5,569	406	6.8%
2021	6,098	5,817	281	4.6%

Monmouth County Employment and Residential Labor Force: 2011 – 2021				
Year	Labor Force	Employment	Unemployment	Unemployment Rate
2011	329,000	300,700	28,300	8.6%
2012	330,100	301,100	29,000	8.8%
2013	326,800	301,600	25,100	7.7%
2014	325,700	306,000	19,700	6.1%
2015	326,400	309,700	16,700	5.1%
2016	327,600	313,200	14,500	4.4%
2017	336,200	322,600	13,600	4.0%
2018	337,100	325,300	11,900	3.5%
2019	342,000	331,700	10,300	3.0%
2020	336,900	308,000	28,900	8.6%
2021	340,500	321,700	18,800	5.5%

New Jersey Employment and Resident Labor Force: 2011 – 2021				
Year	Labor Force	Employment	Unemployment	Unemployment Rate
2011	4,561,800	4,134,700	427,100	9.4%
2012	4,576,300	4,147,200	429,100	9.4%
2013	4,528,000	4,147,700	380,400	8.4%
2014	4,493,900	4,191,300	302,600	6.7%
2015	4,494,600	4,237,900	256,700	5.7%
2016	4,492,800	4,271,200	221,600	4.9%
2017	4,615,000	4,406,200	208,800	4.5%
2018	4,609,800	4,426,600	183,200	4.0%
2019	4,686,700	4,528,200	158,500	3.4%
2020	4,642,900	4,203,300	439,700	9.5%
2021	4,661,100	4,365,400	295,700	6.3%

Source: NJ Dept. of Labor & Workforce Development Labor Force Estimate

Employment Status

The American Community Survey Estimates reveal that 69.2 percent of Millstone’s 16 and over population is in the labor force. The County’s employment status is similar to that of Millstone and closely reflects the Township’s trends. About 31 percent of the Township’s and one-third (33.3%) of the County’s over 16 population is not in the labor force.

Employment Millstone Township and Monmouth County, 2021 Estimates				
	Millstone		Monmouth County	
	Number	Percentage	Number	Percentage
Population 16 years and over	8,847	100.0%	524,449	100.0%
In labor force	6,125	69.2%	349,589	66.7%
Civilian Labor Force	6,098	68.9%	349,017	66.5%
Employed	5,891	66.6%	329,455	62.8%
Unemployed	207	2.3%	19,562	3.7%
Armed Forces	27	0.3%	572	0.1%
Not in labor force	2,722	30.8%	174,860	33.3%

Source: 2017-2021 American Community Survey 5-Year Estimates

Class of Worker and Occupation

According to the American Community Survey Estimates, the majority of workers (82.9%) living in Millstone were a part of the private wage and salary worker group. This group includes people who work for wages, salary, commission, and tips for a private for-profit employer or a private not-for-profit, tax-exempt or charitable organization. The second largest category was government worker (12.9%), followed by those who were self-employed (4.3%).

Class of Worker Millstone Township, 2021 Estimates		
	Number	Percentage
Employed Civilian population 16 years and over	5,891	100.0%
Private Wage and Salary Worker	4,882	82.9%
Government Worker	758	12.9%
Self-Employed Worker	251	4.3%
Unpaid Family Worker	0	0.0%

Source: 2017-2021 American Community Survey 5-Year Estimates

The occupational breakdown shown in the table below includes only private wage and salary workers. Those who worked within the private wage field were concentrated heavily in management and professional positions and sales and office occupations. Together the two fields account for roughly 77 percent of the entire resident workforce. Service occupations were also a significant employer of Township residents, employing 9.0 percent, followed by natural resources, construction, and maintenance occupations, employing 7.9 percent of residents.

Resident Employment by Occupation Millstone Township, 2021 Estimates		
	Number	Percentage
Employed Civilian population 16 years and over	5,891	100.0%
Management, business, science and arts occupations	3,136	53.2%
Service occupations	533	9.0%
Sales and office occupations	1,425	24.2%
Natural resources, construction and maintenance occupations	465	7.9%
Production Transportation and material moving occupations	332	5.6%

Source: 2017-2021 American Community Survey 5-Year Estimates

The most common industry for Millstone residents is the educational services, and health care and social assistance sector, employing approximately 21 percent of the Township’s resident workforce. The second most common industry is professional, scientific, and management, and administrative and waste management services, which employs 19.9 percent of the Township’s resident workforce.

Employment by Industry Millstone Township, 2021 Estimates		
Industry	Number	Percentage
Civilian employed population 16 years and over	5,891	100.0%
Agriculture, forestry, fishing and hunting, mining	74	1.3%
Construction	495	8.4%
Manufacturing	382	6.5%
Wholesale Trade	252	4.3%
Retail Trade	694	11.8%
Transportation and Warehousing, and Utilities	191	3.2%
Information	156	2.6%
Finance and insurance, and real estate and rental and leasing	617	10.5%
Professional, scientific, and management, and administrative and waste management services	1,174	19.9%
Educational services, and health care and social assistance	1,251	21.2%
Arts, entertainment, and recreation, and accommodation and food services	224	3.8%
Other Services, except public administration	115	2.0%
Public administration	266	4.5%

Source: 2017-2021 American Community Survey 5-Year Estimates

Commuting to Work

According to the American Community Survey Estimates, the mean travel time to work for those who lived in the Township is 43.6 minutes. The vast majority of commuters, 78 percent, travel less than an hour to work, and roughly 31 percent have less than a half-hour commute.

Travel Time to Work Millstone Township, 2021 Estimates		
	Number	Percentage
Workers who did not work at home	5,034	100.0%
Less than 10 minutes	297	5.9%
10 to 14 minutes	330	6.6%
15 to 19 minutes	301	6.0%
20 to 24 minutes	398	7.9%
25 to 29 minutes	250	5.0%
30 to 34 minutes	552	11.0%
35 to 44 minutes	1,062	21.1%
45 to 59 minutes	752	14.9%
60 to 89 minutes	570	11.3%
90 or more minutes	522	10.4%
Mean travel time to work (minutes)	43.6	

Source: 2017-2021 American Community Survey 5-Year Estimates

The largest portion of workers drove to work alone (76.4%), while approximately 4.6 percent carpooled. Approximately 4.6 percent of workers commuted via public transportation and another 12.6 percent worked from home.

Means of Commute Millstone Township, 2021 Estimates		
	Number	Percentage
Workers 16 years and over	5,759	100.0%
Car, truck, van- Drove Alone	4,401	76.4%
Car, truck, van- Carpooled	265	4.6%
Public Transportation	266	4.6%
Walked	55	1.0%
Other Means	47	0.8%
Worked at home	725	12.6%

Source: 2017-2021 American Community Survey 5-Year Estimates

Covered Employment

There is currently very limited information available on actual job opportunities within municipalities. The Department of Labor and Workforce Development collects information on covered employment, which is employment and wage data for private employees covered by unemployment insurance. The following table provides a snapshot of private employers located within Millstone. The first table reflects the number of jobs covered by private employment insurance from 2011 through 2021.

According to data from the New Jersey Department of Labor and Workforce Development, the highest number of covered jobs in Millstone between 2011 and 2021 was in 2021 when 2,276 jobs were covered by unemployment insurance. Private employment has remained relatively steady in Millstone since 2011, with its largest loss occurring between 2019 and 2020 (-9.3%), and largest gain occurring between 2011 and 2012 (11.7%). Millstone Township experienced a gain of 220 jobs in 2021, representing an increase of 10.7 percent from 2020.

Private Wage Covered Employment 2011– 2021 Millstone Township			
Year	Number of Jobs	# Change	Percentage Change
2011	1,544	198	-
2012	1,724	180	11.7%
2013	1,710	-14	-0.8%
2014	1,841	131	7.7%
2015	1,927	86	4.7%
2016	2,011	84	4.4%
2017	1,959	-52	-2.6%
2018	1,938	-21	-1.1%
2019	2,266	328	16.9%
2020	2,056	-210	-9.3%
2021	2,276	220	10.7%

Source: NJ Dept. of Labor & Workforce Development Labor Force Estimates

In-Township Establishments and Employees by Industry: 2021

The following table depicts the average annual number of establishments and employees by industry sector that exist within the Township, as grouped by North American Industry Classification System (NAICS). In 2021, the Township had an annual average of 308 establishments employing on average 2,276 persons. The construction industry was the predominant sector, accounting for 22.7 percent of the establishments in Millstone and 28.9 percent of the Township’s in-place employment.

Average Number of Establishments and Employees by Industry: 2021 Estimates		
Industry	2021 Average	
	Units	Employment
Agriculture	.	.
Mining	-	-
Utilities	.	.
Construction	70	659
Manufacturing	.	.
Wholesale Trade	19	151
Retail Trade	24	175
Transp/Warehousing	9	75
Information	.	.
Finance/Insurance	11	105
Real Estate	.	.
Professional/Technical	43	116
Admin/Waste Remediation	32	209
Education	4	29
Health/Social	19	133
Arts/Entertainment	13	112
Accommodations/Food	15	129
Other Services	18	206
Private Sector Totals	308	2,276
Local Government Totals	2	252

Source: NJ Dept. of Labor & Workforce Development Labor Force Estimate

Probable Future Employment Opportunities

The 2021 New Jersey Transportation Planning Authority's forecasts for Millstone Township estimate a total of 1,923 employed residents by 2050, representing an increase of 174 jobs and an annualized percent employment change of 0.3% between 2015 and 2050. Due to the nature and location of the Township, there is minimal opportunity for new job growth.

PART 2: FAIR SHARE PLAN

INTRODUCTION

The following Fair Share Plan (the Plan) details Millstone’s present need, prior round obligation (1987-1999), and Third Round need (1999-2025). For each obligation, this Plan proposes mechanisms for which the Township can realistically provide opportunities for affordable housing for moderate-, low-, and very low- income households. We reserve the right to amend this Plan based upon the determination by the courts of the municipality’s final fair share obligation.

The Township received its final Judgement of Compliance and Repose (JOR) on April 28, 2020, approving Millstone’s 2020 Housing Element and Fair Share Plan. As noted earlier, this 2023 amendment alters the number of affordable units proposed for Millstone’s Third Round obligation by updating the projects for the 6 Novad Court, Shu Lee/Millstone Village, and CKV/Millstone Woods developments as conditions at these sites have changed since the previous Plan’s adoption. Additional amendments regarding status updates to various projects have also been included.

The need for affordable housing in New Jersey is divided into three components:

- *Present Need* – The present need, or rehabilitation share, represents the number of existing housing units that are both deficient and occupied by low- and moderate-income households. This number is derived from review and analysis of housing conditions reported in the U.S. Census and American Community Survey.
- *Prior Round Obligation* – The Prior Round obligation is the cumulative 1987-1999 fair share obligation determined by 2014 COAH regulations. The First Round and the Second Round are collectively referred to as the “Prior Round.”
- *Third Round Need* – July 1, 1999 - June 30, 2025 (which includes what is commonly referred to as the “gap period” (1999-2015)) - On January 18, 2017, the Supreme Court issued In Re Declaratory Judgment Actions Filed by Various Municipalities, County of Ocean, Pursuant To The Supreme Court’s Decision In In re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) (“Mount Laurel V”), holding that the need for affordable housing that accrued during the gap period (1999-2015) was not present or prospective need under the plain definitions of those terms in the FHA; however, there is an obligation with respect to that period for households that came into existence during that period that must be addressed in the Third Round.

Pursuant to the Court-approved settlement agreement, Millstone’s affordable housing obligation is as follows:

Township of Millstone Obligation	
Present Need/Rehabilitation	20
Prior Round Obligation (1987-1999)	81
Round 3 Need (1999-2025)	231
Total Obligation	332

SUITABILITY ANALYSIS

Pursuant to N.J.A.C. 5:93-1.3, sites that are designated to produce affordable housing shall be available, approvable, developable, and suitable according to the following criteria:

- “Available site” means a site with clear title, free of encumbrances which preclude development for low- and moderate-income housing. N.J.A.C. 5:93-1.3.
- “Approvable site” means a site that may be developed for low- and moderate-income housing in a manner consistent with the rules or regulations of agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low- and moderate-income housing. Ibid.
- “Developable site” means a site that has access to appropriate water and sewer infrastructure, and is consistent with the applicable area wide water quality management plan (including the wastewater plan) or is included in an amendment to the area wide water quality management plan submitted to and under review by the DEP. Ibid.
- “Suitable site” means a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4. Ibid.

CONSIDERATION OF LANDS FOR AFFORDABLE HOUSING

The following Fair Share Plan includes all properties from interested parties that reached out to the Township during the Third Round with potential property.

PRESENT NEED/REHABILITATION SHARE

The term Present Need, as used in COAH's Prior Round Rules (N.J.A.C. 5:93), meant the sum of a municipality's indigenous need (the deficient housing units in the municipality occupied by low- and moderate-income households), and the reallocated present need, which is the portion of the housing region's present need that is redistributed to other municipalities throughout the housing region. Under the Prior Round rules, evidence of deficient housing included: year structure was built, persons per room, plumbing facilities, kitchen facilities, heating fuel, sewer service, and water supply.

The Third Round rules reduced the number of criteria used as evidence of deficient housing to three: pre-1960 over-crowded units, which are units that have more than 1.0 persons per room; incomplete plumbing; and incomplete kitchen facilities. This reduction in the number of criteria was found by the Appellate Division to be within COAH's discretion and was upheld in the Supreme Court's decision In re N.J.A.C. 5:96 & 97.

The previously discussed Mount Laurel IV decision agreed with the Appellate Division that reallocated Present Need is no longer a component in the determination of the Present Need. Therefore, Present Need now equates only to the indigenous need, the obligation based on deficient housing as determined by pre-1960 over-crowded units, incomplete plumbing, and incomplete kitchen facilities, generated within the Township itself, now refined as the Rehabilitation Share/Present Need.

Per the Court-approved settlement agreement between Millstone and FSHC, the Township has a Present Need obligation of 20 units.

Beginning in January 2020, the Township contracted with the Affordable Housing Alliance (AHA) as its Administrative Agent including implementing the rehabilitation program for 20 units as reduced after accounting for rehabilitation credits (Appendix D). The AHA also created an Operating Manual for the rehabilitation program. The rehabilitation program is currently being implemented and is funded with development fees deposited into the Township's Affordable Housing Trust Fund and adheres to COAH's program regulations (N.J.A.C. 5:93-5.2), except that a minimum of \$10,000 will be extended for hard costs.

There are currently applications pending and the AHA is reviewing all documentation.

PRIOR ROUND OBLIGATION (1987-1999)

Pursuant to the Court-approved settlement agreement, the Township has a Prior Round obligation of 81 units. On October 31, 2003, the Township received Substantive Certification from COAH for its Housing Element and Fair Share Plan that had been adopted by the Planning Board in 2002. As detailed in the 2003 Compliance Report (Appendix A) and indicated in the following section, the Township fully satisfied its Prior Round obligation and exceeds its obligation by three units:

Prior Cycle Credits

Prior Cycle Credits are affordable housing units created and occupied between April 1, 1980 and December 15, 1986 and may be counted toward a municipal's Prior Round obligation.

Millstone Road Group Home - Constructed

The Millstone Road Group Home is located at 417 Millstone Road in the southwesterly portion of the Township. The property is designated as Lot 8.06 in Block 51 on the Township's Official Tax Map, within the R-80 Residential Zone. The Millstone Road Group Home is a Licensed Group Home under the Division of Developmental Disabilities that has been in operation since 1984, qualifying as Prior Cycle credits. The property is owned by Everas Community Services, Inc., and was acquired by deed from CPC Behavioral Healthcare, Inc., dated October 14, 2015. Originally constructed with three very-low-income bedrooms, the facility expanded in 2018, constructing two additional bedrooms. The facility is in operation in accordance with the applicable covenants and restrictions. All documentation for the Millstone Road Group Home can be found in Appendix E.

The Township will apply three credits from the Millstone Road Group Home to its Prior Round obligation.

Red Valley Road Group Home – Constructed

The Red Valley Road Group Home is located at 67 Red Valley Road on Block 35, Lot 20.01 of the Township's Official Tax Map, within the R-80 Residential Zone. The Red Valley Road Group Home operates as a Licensed Group Home under the Division of Developmental Disabilities and received its first Certificate of Occupancy in 1986, qualifying as Prior Cycle credits. The facility was originally constructed with three units but expanded in 2018 with the construction of two additional bedrooms. A Certificate of Approval was received from the Township on July 5, 2018. The property is owned by Everas Community Services and was acquired by deed from CPC Behavioral Healthcare, Inc., dated October 14, 2015. The facility is in operation in accordance with the applicable covenants and restrictions. All documentation for the Red Valley Road Group Home can be found in Appendix F.

The Township will apply three credits from the Red Valley Road Group Home to its Prior Round obligation.

Group Home

Millstone Canwright House - Constructed

The Millstone Canwright House is a 0.98-acre parcel located at Block 57, Lot 16.01 of the Township's Official Tax Map within the BP Business Park Zone. The property was originally acquired by Millstone Township in 2003. The same year, Millstone Township leased the property to the Monmouth Housing Alliance (now known as the Affordable Housing Alliance "AHA") for a period of 50 years to provide at least nine bedrooms for low- and moderate-income residents. A 30-year deed restriction was put in place, running from July 1, 2005 through June 30, 2035. On June 5, 2008, the Township conveyed the property and Block 57, Lot 16.02 (see Group Home I below) to AHA by deed, with the property still subject to the restrictions in the 2003 50-year lease with the Township. The facility is in operation in accordance with the applicable covenants and restrictions. All documentation for the Canwright House can be found in Appendix G.

The Canwright House consists of 11 bedrooms, and the Township will apply nine of the bedrooms to its Prior Round obligation.

Inclusionary Zoning

Indian Path Inclusionary Development - Constructed

The Indian Path Apartments is a 112.5-acre tract located on Moccasin Court in the northeast section of the Township. The property is designated as Block 20.01, Lots 11 through 16 on the Township's Official Tax Map and is within the R-80 Residential Zone. The Indian Path Apartments was part of a subdivision approved by the Millstone Planning Board in 1988 that created 86 market rate for-sale family units and six affordable for-sale family units. A 20-year deed restriction on the affordability controls for the six affordable units was established in a Declaration of Restrictive Covenants, dated March 19, 1990. The 20-year control period began shortly thereafter at the issuance of the Certificate of Occupancy for each unit. The restriction period ended on June 11, 2009. A Release of Affordability Controls was dated September 10, 2010, releasing the 6 units from their deed restrictions. All documentation for the Indian Path Apartments can be found in Appendix H.

The Township will apply the six affordable units to its Prior Round obligation.

Family Rental – 100% Affordable

Novad House – Being Redeveloped

The affordable unit commonly referred to as "Novad House" was located at 6 Novad Court in the southwest section of the Township and consisted of one affordable family rental unit. The property is designated as Block 57.01, Lot 20.01 on the Township's Official Tax Map and is within the R-130 Residential Zone. In

2010, the Township created this lot by subdividing Township-owned property, formerly known as Block 57.01, Lots 19.04 and 20, into Block 57.01, Lots 20.01 (6 Novad Court) and 20.02 (8 Novad Court). The property is owned by Millstone Township but operated and administered by AHA pursuant to a 50-year lease executed with the Township on January 6, 2003. The property received a Certificate of Occupancy on March 28, 2003, and its deed restriction began on June 26, 2003. In its 2020 Housing Element and Fair Share Plan, the Township applied the one unit from Novad House to its Prior Round obligation. All documentation for the Prior Round Novad House unit can be found in Appendix I.

It should be noted that the property was thereafter vacated when the tenant passed away and is currently being redeveloped to create a total of three non-age-restricted affordable rental units. One of the family-rental units generated from the proposed redevelopment of 6 Novad Court will be used by the Township to replace the Novad House family-rental unit. See the discussion of “6 Novad Court” under the Round 3 Need section of this Plan.

Regional Contribution Agreement (RCA)

Regional Contribution Agreement with Asbury Park

In the Prior Round, municipalities could enter into Regional Contribution Agreements (RCA) with another municipality in the same housing region. The program allowed one municipality (“sending” municipality) to pay a fee to another municipality (“receiving” municipality), which would agree to provide affordable housing units that fulfilled up to half of the sending municipality’s COAH obligation. When the legislature amended the Fair Housing Act (FHA) in July 2008, it removed the RCA program as a permitted option for municipal compliance with the FHA.

The Township of Millstone entered into an RCA with the City of Asbury Park on September 20, 2000. As part of this agreement, Millstone was able to transfer 46 units of its low- and moderate-income housing obligation to Asbury Park with the agreement to pay \$20,000 per unit of housing transferred. Asbury Park was able to rehabilitate up to 46 units of housing. The Township received 46 credits for the RCA. Documentation for this RCA can be found in Appendix J.

The Township will apply all 46 credits from the RCA program to its Prior Round obligation.

Prior Round Summary

Prior Round Obligation (1987-1999)	81	Rental Bonus Credit
Millstone Road Group Home	3*	-
Red Valley Road	3	-
Indian Path Inclusionary	6	6
Millstone Canwright House	9	9

6 Novad Court (previously known as Novad House)	1	1
RCA with Asbury Park	46	-
Prior Round Total		84*

*Pursuant to the 2019 Court-approved settlement agreement, the Township will carry forward the three excess credits from the Millstone Road Group Home to the Township's Third Round obligation.

ROUND 3 NEED (1999-2025)

Pursuant to the Court-approved settlement agreement, Millstone has a Third Round obligation of 231 units. The following developments address the Township's full obligation:

Prior Round Credits Carried Over

Millstone Road Group Home - Constructed

The Township is applying all three very-low-income units from the Millstone Road Group Home to its Third Round obligation, carrying forward the three excess credits from the Prior Round.

Red Valley Road Group Home - Constructed

The remaining two units from the Red Valley Road Group Home will be applied to the Township's Third Round obligation.

Existing Inclusionary Development

Indian Path Inclusionary Development - Constructed

On September 9, 2019, the owner of two of the original six affordable units executed a Deed to Extend Expiring Affordable Housing Restrictions for 30 years. One of the units is for-rent and the other is for-sale. The Township will apply the two units to its Third Round obligation. All documentation for the Indian Path property can be found in Appendix H.

Group Homes

Millstone Canwright House - Constructed

The remaining two units from the Millstone Canwright House will be applied to the Township's Third Round obligation.

Group Home I - Constructed

Group Home I is located at 31 Burnt Tavern Road in the southwesterly portion of the Township. The property is designated as Lot 16.02 of Block 57 of the Township's Official Tax Map, within the BP Business Park Zone. The development includes six bedrooms and is deed restricted for a period of 30 years (2013 to 2043). The property was originally acquired by Millstone Township in 2003 and subsequently conveyed to the AHA in 2008, at the same time that the Township conveyed the property now being used for the Millstone Canwright House (Block 57, Lot 16.01). The facility is operating under the terms of the original 50-year lease agreement between the AHA and the Township, which includes a use restriction.

The facility is in operation in accordance with the applicable covenants and restrictions. Documentation for the Group Home I property can be found in Appendix K.

Group Home II - Constructed

Group Home II is located at 8 Novad Court in the southwesterly portion of the Township. The property is designated as Lot 20.02 of Block 57.01 of the Township's Official Tax Map, within the BP Business Park Zone. Group Home II is a six-bedroom group home facility for very-low-income individuals. The property was acquired by Millstone Township and subsequently conveyed to the Affordable Housing Alliance in 2013. A 30-year deed restriction is in place, running from 2013 through 2043.

The facility is in operation in accordance with the applicable covenants and restrictions. All documentation for the Group Home II facility can be found in Appendix L.

Senior Rental – 100% Affordable

Allen House I - Constructed

The Allen House I property is a 4.4-acre parcel located at 477 Stagecoach Road in the central portion of the Township. The property is designated as Block 35, Lot 13.03 of the Township's Official Tax Map, located within NC Neighborhood Commercial Zone, and contains 10 age-restricted affordable rental units. The property was acquired by Millstone Township in 2006 and subsequently transferred to the Allen House Inc. in 2014. The development is a 100% affordable development that was constructed in cooperation with the Affordable Housing Alliance.

Five of the units are occupied by very-low-income households and five units are occupied by low-income households. The deed associated with this property restricts the use of the property to age-restricted affordable residences. The property is also subject to a HUD Capital Advance Program Use Agreement dated September 14, 2014 requiring the property to be operated only as rental housing for very-low-income elderly or disabled persons for a period of 40 years.

The facility is in operation in accordance with the applicable covenants and restrictions. All documentation for the Allen House I property can be found in Appendix M.

Allen House II – Approved / Under Construction

The Allen House II project is proposed to be constructed on a 2.6-acre lot located at 471 Stagecoach Road in the central portion of the Township and will consist of 10 age-restricted affordable rental units. The property is designated as Block 35, Lot 15 on the Township's Official Tax Map within the NC Neighborhood Commercial Zone. The property was acquired by Millstone Township in 2016 and will be developed in cooperation with Allen House Inc. and the Affordable Housing Alliance. The Township and the Affordable Housing Alliance executed a developer's agreement on February 19, 2020.

The project will provide five low- and five moderate-income age-restricted units. The Affordable Housing Alliance has prepared a pro forma and will be responsible for monitoring construction. The Affordable

Housing Alliance intends to apply the same funding sources as they have previously used in Millstone Township, including HUD 202 funding, Federal Home Loan Bank (FHLB), National Stabilization Trust Funds (NSTF), the New Jersey Affordable Housing Trust Fund, and/or state “HOME” funds or LIHTCs. The project received site plan approval from the Township Planning Board in November 2019. The previous buildings on the property have been demolished and the site has been cleared.

All documentation for the Allen House II property can be found in Appendix N. A map of the Allen House II property, including any environmental constraints, is found in the Maps section at the end of this Plan.

The site meets the suitability criteria as follows:

- *Available*: The property is Township owned and controlled and has received site plan approval from the Planning Board. The site has also been cleared.
- *Suitable*: The property is suitable as it is located on a public right-of-way (Stagecoach Road) and is adjacent to nearby residential uses with proximity to municipal facilities, convenience stores, restaurants and other similar uses. The units will have an associated driveway, parking area and on-site well and septic system facilities to service the units. The Township wastewater management engineer has submitted a report confirming that the required permits and approvals for the septic system can be obtained for this parcel using standard best management practices. A pro forma has been prepared by AHA demonstrating that the project can be developed within reasonable cost parameters.
- *Developable*: The property is developable as demonstrated by the site plan and supporting wastewater management report and proforma. The property is within Flood Hazard Area X, an area of minimal flooding. As shown in the map found at the end of this Plan, the property is encumbered by wetlands and transition area on much of the westerly portion of the lot. As demonstrated on the site plan, all proposed site improvements are outside the floodplain and buffer areas.
- *Approvable*: Pursuant to Ordinance No. 15-8, municipally sponsored affordable housing is permitted in all zones in the Township. Additionally, the development received site plan approval from the Planning Board in November 2019.

Family Rental – 100% Affordable

Burnt Tavern Apartments – Completed

The Burnt Tavern Apartments is a 3.44-acre parcel located at 17 Burnt Tavern Road in the southwesterly portion of the Township and is developed with four affordable family rental units. The property is designated as Block 57, Lot 14.03 of the Township’s Official Tax Map, within the NC Neighborhood Commercial Zone. The property was acquired by the Township in 2008 and was transferred to the

Affordable Housing Alliance in 2018. The project received site plan approval from the Millstone Township Planning Board on July 12, 2017. Construction of the Burnt Tavern Apartments was completed in the fall of 2020. The project is funded by National Stabilization Trust Funds (NSTF) awarded by the NJ Department of Community Affairs (DCA). The property contains a deed restriction, restricting the use for affordable housing for a period of 30 years.

All documentation for the Burnt Tavern Apartments can be found in Appendix O.

6 Novad Court – Approved

6 Novad Court is located on Block 57.01, Lot 20.01 on the Township’s Official Tax Map. The property is proposed to be constructed with three affordable family rental units, replacing the one-unit affordable development for the Prior Round that was demolished (see discussion of “Novad House” under the Prior Round Obligation section of this Plan). The Township will receive credit for two units toward its Third Round obligation. The property is owned by Millstone Township but will be operated and administered by AHA pursuant to a long-term lease with the Township.

On October 12, 2022, the property received approval from the Township Planning Board for the project. The Resolution and approved site plan can be found in Appendix I. Construction is expected to begin in July 2023. Full occupancy is expected in February 2024. As of the writing of this Plan, the AHA has received funding commitments from the DCA’s National Housing Trust Fund and the Monmouth County HOME program.

The site meets the suitability criteria as follows:

- *Available:* The property is Township-owned with no encumbrances precluding low- and moderate-income development. The deed restriction will be recorded to reflect 30 apartment units and will be 100% available for low- and moderate-income tenants for a minimum affordability restriction term of 30 years. The development received site plan approval by the Township Planning Board in October 2022.
- *Suitable:* The property is close in proximity to both residential and commercial uses. The development will have access to an existing right-of-way, Novad Court. The entire municipality is in SDRP Planning Region PA-4 with no centers. There is no need for expansion of infrastructure.
- *Developable:* Water and sewer service will be provided by on-site well and septic. The project is consistent with the Area-wide Water Quality Management Plan (WQMP) and no amendment to the WQMP is needed. As shown in the map found at the end of this Plan, the property is not encumbered by any wetlands or transition areas on its northeasterly portion.

- *Approvable*: Pursuant to Ordinance No. 15-8, municipally sponsored affordable housing is permitted in all zones in the Township.

CKV/Millstone Woods - Proposed

The CKV property is a 13.8-acre parcel located at 27 Burnt Tavern Road in the southwesterly portion of the Township. The site is proposed to be developed as the Millstone Woods, consisting of 66 affordable rental units and one (1) unit that will be occupied by a superintendent for the project.¹ The property is designated as Lot 16.03 in Block 57 of the Township's Official Tax Map, within the BP Business Park Zone. A 30-year deed restriction will be placed on the 66 affordable units. The AHA will be responsible for monitoring construction. AHA is currently vigorously processing applications for agency approvals for water, wastewater, stormwater management, and funding.

Millstone Township will provide infrastructure improvements (street, utility, etc.) with an initial subsidy. AHA intends to utilize LIHTC 4% Tax Credits and the Affordable Housing Production Fund administered by the New Jersey Housing and Mortgage Finance Agency to fund the project. AHA has prepared a pro forma, and a concept plan has been prepared by the Township Engineer, Leon S. Avakian, Inc, both of which can be found in Appendix Q. Permits have been submitted to the DEP for wastewater treatment and concept plan approval. Approval is still pending and based on recent interactions with the DEP, approvals are anticipated in spring 2023.

All documentation for the Millstone Woods can be found in Appendix Q. A map of the Millstone Woods, including any environmental constraints, is found in the Map section at the end of this Plan.

The site meets the suitability criteria as follows:

- *Available*: The property is Township-owned with no encumbrances precluding low- and moderate-income development.
- *Suitable*: The site is adjacent to compatible land uses as it is surrounded by residential uses and is close in proximity to shopping centers, convenience stores, restaurants and gas stations, among other amenities. The project is located on an existing right-of-way (Burnt Tavern Road) and the development is consistent with environmental policies as the entire municipality is within SDRP Planning Region PA-4 with no designated centers or need for expansion of infrastructure.
- *Developable*: The Township wastewater management engineer has submitted a report confirming that the required permits and approvals for septic systems can be obtained. Additionally, the County Planning Board adopted a resolution recommending the County Areawide Water Quality Management Plan and Future Wastewater Service Area Map be amended to include an individual

¹ It is noted that the concept plan attached in Appendix Q identifies 67 units as one of the units will be reserved for a superintendent and will not be affordable.

subsurface disposal system for the project. The property is in Flood Hazard Area X, an area of minimal flooding. As indicated in the concept plan in Appendix Q, the proposed development will not be encumbered by any wetlands or transition areas.

- *Approvable:* Pursuant to Ordinance No. 15-18, municipally sponsored affordable housing is permitted in all zones in the Township. The project will require subdivision and site plan approval by the municipal planning board but is exempt from requiring approval by the Monmouth County Planning Board. Approval by the Monmouth County Soil Conservation District will be required. It is anticipated all necessary approvals will be granted.

Proposed Inclusionary Development

Baldacino (“Hexa”) - Proposed

The Baldacino inclusionary development is proposed to be constructed on a 36.39-acre lot located on Perrineville Road in the northeasterly portion of the Township and will include 48 affordable rental family units. The property is designated as Lot 19 in Block 11 of the Township’s Official Tax Map, formerly within the RU-P Rural Preservation Zone. On April 24, 2018, the property owner, Gerald Baldacino expressed interest in developing the property with an inclusionary housing development to assist the Township in satisfying their affordable housing obligation. The property was rezoned to the Rural Multi-Family Zone to accommodate the required density of development for this project. The development received preliminary major site plan approval for 122 market-rate units and 48 affordable rental family units on January 11, 2023.

The affordable units will be provided as six very low-, 18 low-, and 24 moderate-income units.

All documentation for the Baldacino Apartments can be found in Appendix R. A map of the Baldacino Apartments, including any environmental constraints, is found in the Map section at the end of this Plan.

The site meets the suitability criteria as follows:

- *Available:* The property received preliminary major site plan approval from the Planning Board on January 11, 2023.
- *Suitable:* Testimony provided during the Planning Board hearing identified this site as suitable for the development. The site is also located on an existing right-of-way (Perrineville Road) and is adjacent to other residential uses.
- *Developable:* The preliminarily approved site plans determine that this property is developable for the proposed inclusionary development. The property is within Flood Hazard Area X, an area of minimal flooding. The property has wetlands and transition areas in the northeast portion of the property. However, as shown on the approved site plan in Appendix R, the proposed development

will be outside the wetland and transition areas. The developer will be required to seek all necessary approvals from outside agencies, including NJDEP.

- *Approvable*: This property's owner has put forth the property as an appropriate property for affordable housing. The Township rezoned the property to permit the required density and development.

Additional Mechanisms

Affordable Accessory Apartment

The Township adopted an Affordable Accessory Apartment ordinance to permit accessory apartments in all single-family residential zones. The intent is to encourage the creation of 10 affordable accessory apartments. The adopted Accessory Apartment ordinance can be found in Appendix T.

Development Fee Ordinance and Affordable Housing Trust Fund

The Township adopted its first development fee ordinance in 1995, a draft of which was approved by COAH in 1993. The ordinance was updated in 2008 and approved by COAH a second time. The Township once again amended the ordinance in 2020 to update it to current standards and to remove references to COAH's invalidated Third Round regulations. In conformance with the adopted development fee ordinance (see Appendix T), developers must pay an affordable housing development fee into the Township's Affordable Housing Trust Fund of 1.5% of the equalized assessed value of new residential construction and mandatory non-residential development fees equal to 2.5% of the equalized assessed value of new non-residential construction and additions.

Monies generated by the development fees will be utilized for the purposes of eligible affordable housing activities, as detailed in the Township's Spending Plan (see Appendix S). The Township previously prepared two COAH-approved Spending Plans; the first in 1993 and the second in 2003. The 2020 Spending Plan discusses anticipated revenues and the use of such revenues for affordable housing activities, including the previously discussed rehabilitation program.

Showplace Farms, LLC PIL

The Showplace Property is an approximately 140-acre parcel located on Route 33 in the northeasterly portion of the Township. The property is designated as Lot 8 in Block 23 of the Township's Official Tax Map and is owned by CRP/CHI Showplace Farms Owner, LLC who purchased the property in May 2021. The previous owner Showplace Farms, LLC was a party to the settlement agreement with FSHC and the Township, executed on September 5, 2019. Pursuant to the settlement agreement the Township amended the zoning to permit the 1.22 million square feet of warehouse and office space.

The developers will contribute 2.5% of the assessed value to the Township's Affordable Housing Trust Fund, to be used for the development of affordable housing.

Shu Lee/Millstone Village - Proposed

Given the anticipated timeline for funding and construction and in accordance with the Amended Settlement Agreement, the Shu Lee/Millstone Village project will no longer be counted toward the Township's Third Round obligation. Instead, the project will be counted toward the Township's future Fourth Round obligation, and the deadline to secure funding for the project will be extended to two years from the commencement of Round 4. The following is a description of the anticipated development.

The Shu Lee/Millstone Village property is a 7.3-acre parcel at 14 Novad Court in the southwesterly portion of the Township. The property is designated as Lot 21.02 in Block 57.01 on the Township's Official Tax Map, within the R-130 Residential Zone. Because the developers of the site, the AHA, intend to seek out funding from the State's Affordable Housing Trust Fund, as indicated below, the site is proposed to be developed with 25 affordable family rental apartments. It is noted that the current allocation of the State's Trust Fund will support developments of 25 units or less. The development is expected to provide 4 very-low-, 9 low-, and 12 moderate-income units with a deed restriction for a minimum of 30 years.

The property has been under Township ownership since 2010. The AHA will be responsible for monitoring construction. The AHA is vigorously processing applications for agency approvals for water, wastewater, stormwater management, and funding. Refer to the most recent Annual Monitoring Report posted on the Township's website for further status updates on the project.

AHA intends to utilize HUD 202 funding, Federal Home Loan Bank (FHLB), National Stabilization Trust Funds (NSTF), the New Jersey Affordable Housing Trust Fund administered by the DCA, and/or State "HOME" funds or LIHTCs to fund the project. AHA has prepared a pro forma, and a concept site plan has been prepared by the Township Engineer, Leon S. Avakian, Inc.

All documentation for the Shu Lee/Millstone Village property can be found in Appendix P. A map of the Shu Lee/Millstone Village property, including any environmental constraints, is found in the Maps section at the end of this Plan.

The site meets the suitability criteria as follows:

- *Available:* The property is Township-owned with no encumbrances precluding low- and moderate-income development. The deed restriction will be recorded to reflect 30 apartment units and will be 100% available for low- and moderate-income tenants for a minimum affordability restriction term of 30 years.

- *Suitable:* The property is surrounded by residential uses and is close in proximity to commercial uses, including shopping areas, convenience stores, and restaurants. The development will have access to an existing right-of-way, Novad Court. The entire municipality is in SDRP Planning Region PA-4 with no centers. There is no need for expansion of infrastructure.
- *Developable:* Water and sewer service will be provided by on-site well and septic. The Area-wide Water Quality Management Plan (WQMP) is being amended to incorporate the proposed development into the Plan. The property is within Flood Hazard Area X, an area of minimal flooding. As shown in the map found at the end of this Plan, the property is encumbered by wetlands and transition area on its northeasterly portion. However, as shown on the concept plan provided in Appendix P, the proposed development will be outside of the wetland and buffer areas.
- *Approvable:* Pursuant to Ordinance No. 15-8, municipally sponsored affordable housing is permitted in all zones in the Township. The project will require subdivision and site plan approval by the Planning Board. Approval by the Monmouth County Soil Conservation District will also be required. It is anticipated the necessary approvals will be granted.

Third Round Summary

Third Round Obligation	231	Rental Bonus Credit
Prior round carryover / Millstone Road Group Home	3	-
Millstone Road Group Home	2	-
Red Valley Road	2	-
Indian Path Inclusionary	2	-
Millstone Canwright House	2	-
Group Home I	6	-
Group Home II	6	-
Allen House I	10	-
Burnt Tavern Apartments	4	4
6 Novad Court	2	-
Allen House II	10	-
CKV	66	10
Baldacino	48	44
Affordable Accessory Apartment Overlay	10	-
Total Units	173	-
Total Rental Bonus Credits	-	58
TOTAL	231	

The Township reserves the right to carry forward any additional credits towards future obligations.

SUMMARY OF FAIR SHARE COMPLIANCE

Present Need / Rehabilitation Share	20	
Township Program Operated by the Affordable Housing Alliance (Completed Units)	2	
Remaining Present Need Total	18	
Prior Round Obligation	81	Rental Bonus Credit
Millstone Road Group Home	3	-
Red Valley Road	3	-
Indian Path Inclusionary	6	6
Millstone Canwright House	9	9
Novad House	1	1
RCA with Asbury Park	46	-
<i>Sub-Totals</i>	68	16
Prior Round Total	84	
Third Round Obligation	231	Rental Bonus Credit
Prior round carryover / Millstone Road Group Home	3	-
Millstone Road Group Home	2	-
Red Valley Road	2	-
Indian Path Inclusionary	2	-
Millstone Canwright House	2	-
Group Home I	6	-
Group Home II	6	-
Allen House I	10	-
Burnt Tavern Apartments	4	4
6 Novad Court	2	-
Allen House II	10	-
CKV	66	10
Baldacino	48	44
Affordable Accessory Apartment Overlay	10	-
<i>Sub-Totals</i>	173	58
Third Round Total	231	

The Township reserves the right to carry forward any additional credits towards future obligations.

ADDITIONAL REQUIREMENTS

Very Low-Income Requirement: The Township will ensure that 13% of all of the affordable units, with the exception of units constructed as of July 1, 2008 and units subject to preliminary or final site plan approval prior to that date, will be affordable to very low-income households. Half of the very low-income units will be made available to families.

Rental Bonus Credits: All rental bonus credits claimed in this plan have been applied in accordance with N.J.A.C. 5:93-5.15(d).

Low/Moderate Income Split: At least half (50%) of the units addressing the Township's obligation shall be affordable to very-low income and low-income households, and the remaining will be affordable to moderate-income households.

Rental Requirement: At least 25% of the Township's obligation will be met through rental units, and at least half (50%) of these units will be available to families.

Round 3 Family Requirement: At least half of the units addressing the Township's Third Round obligation will be available to families.

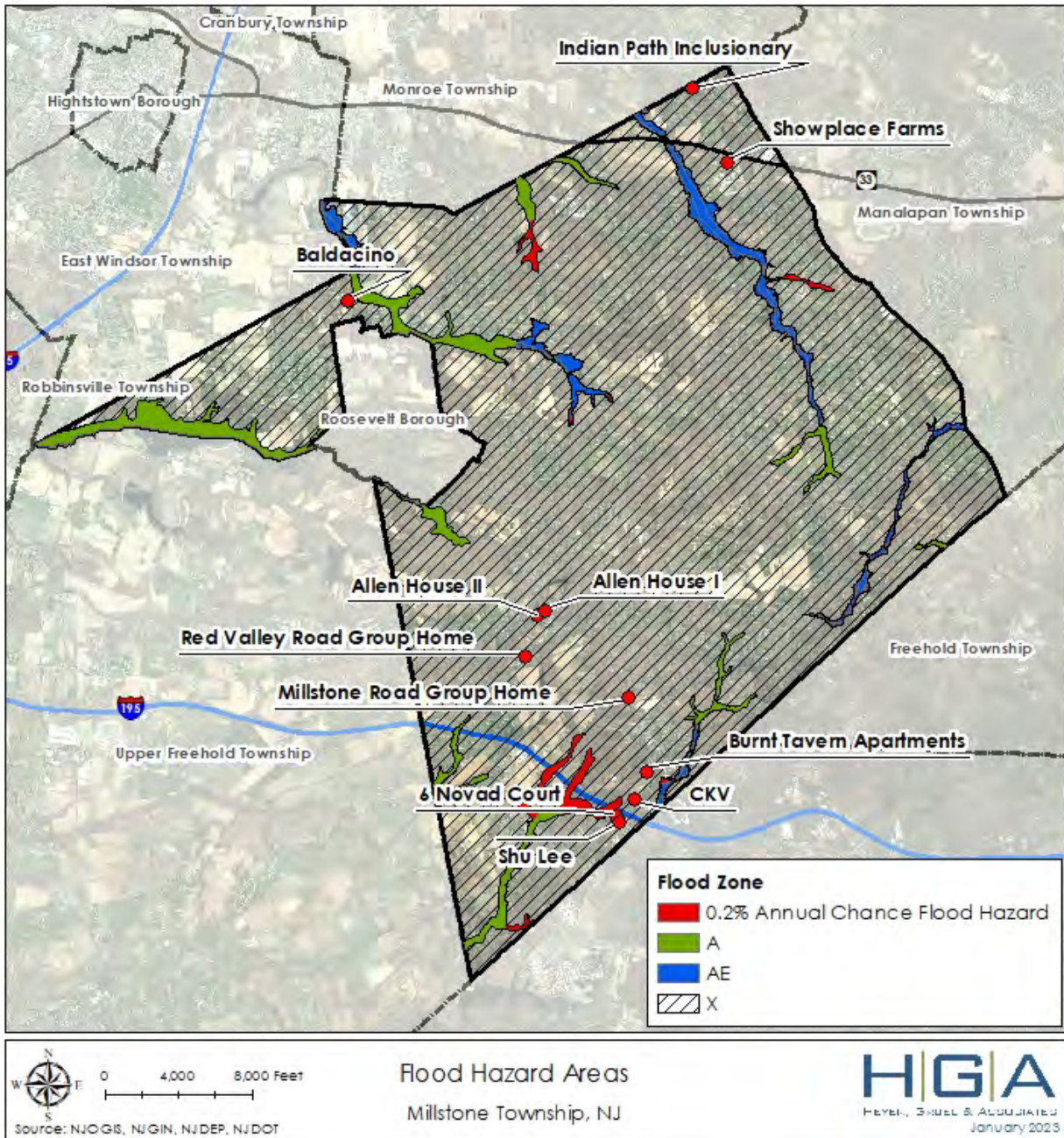
Age Restricted Cap: The Township agrees to comply with COAH's Round 2 age-restricted cap of 25%. The Township is not requesting a waiver to exceed the age-restricted cap.

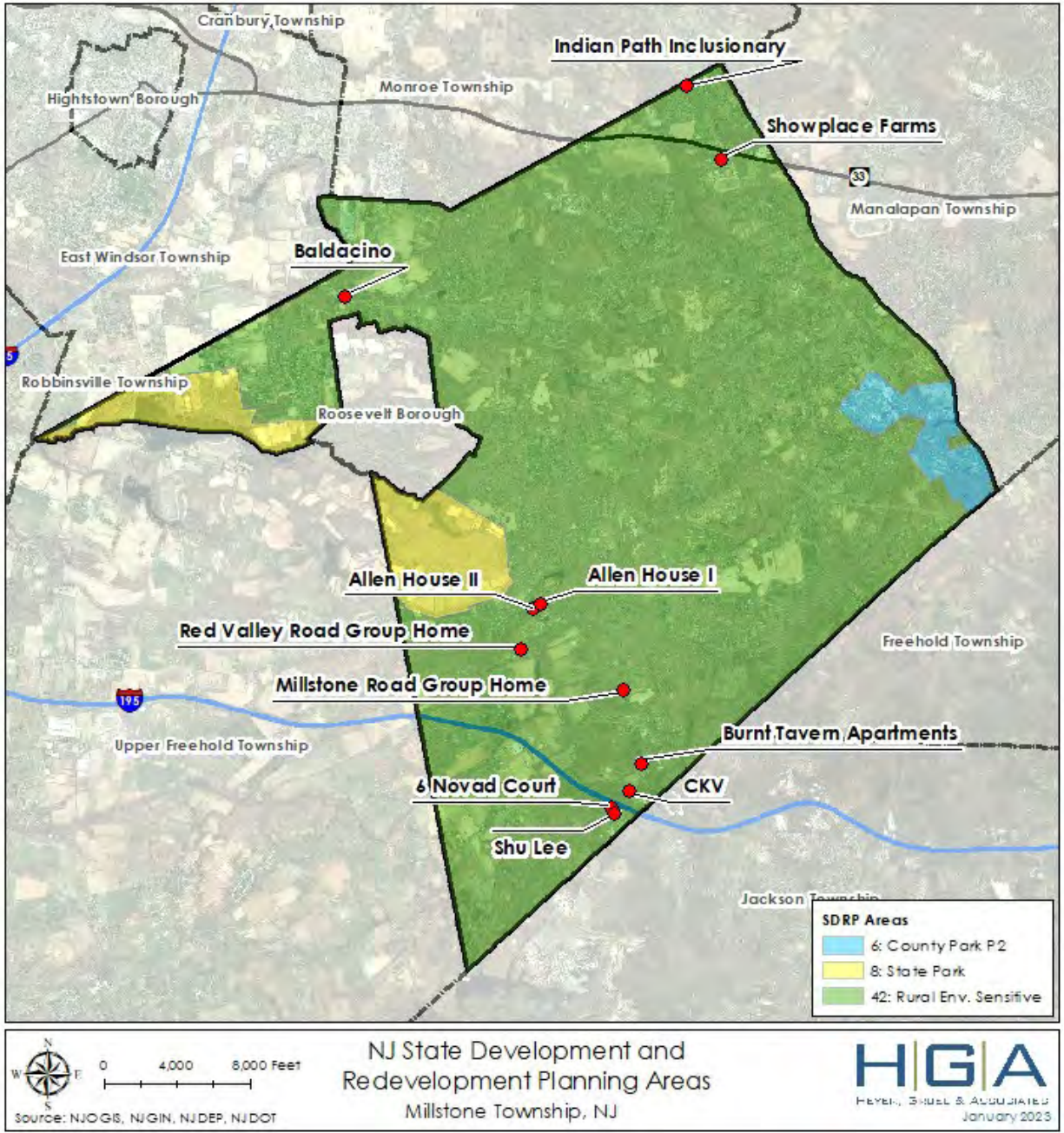
Spending Plan: The Township will prepare a Spending Plan. The Township will ask the Court to approve the Spending Plan so that the Township's Affordable Housing Trust Fund monies can be expended.

Affirmative Marketing: The individual developers will be responsible to ensure that proper affirmative marketing of all of the affordable units is properly implemented.

UHAC: All affordable units created through the provisions of this Plan shall be developed in conformance with the Uniform Housing Affordability Controls (UHAC) pursuant to N.J.A.C. 5:80-26.1 et seq. with the exception of the very-low-income requirement as described above. All units shall include the required bedroom distribution and be governed by the controls of UHAC, with the exception that in lieu of 10% of affordable units in rental projects being required to be at 35% of median income, 13% of affordable units in such projects shall be required to be at 30% of median income, and all other applicable law.

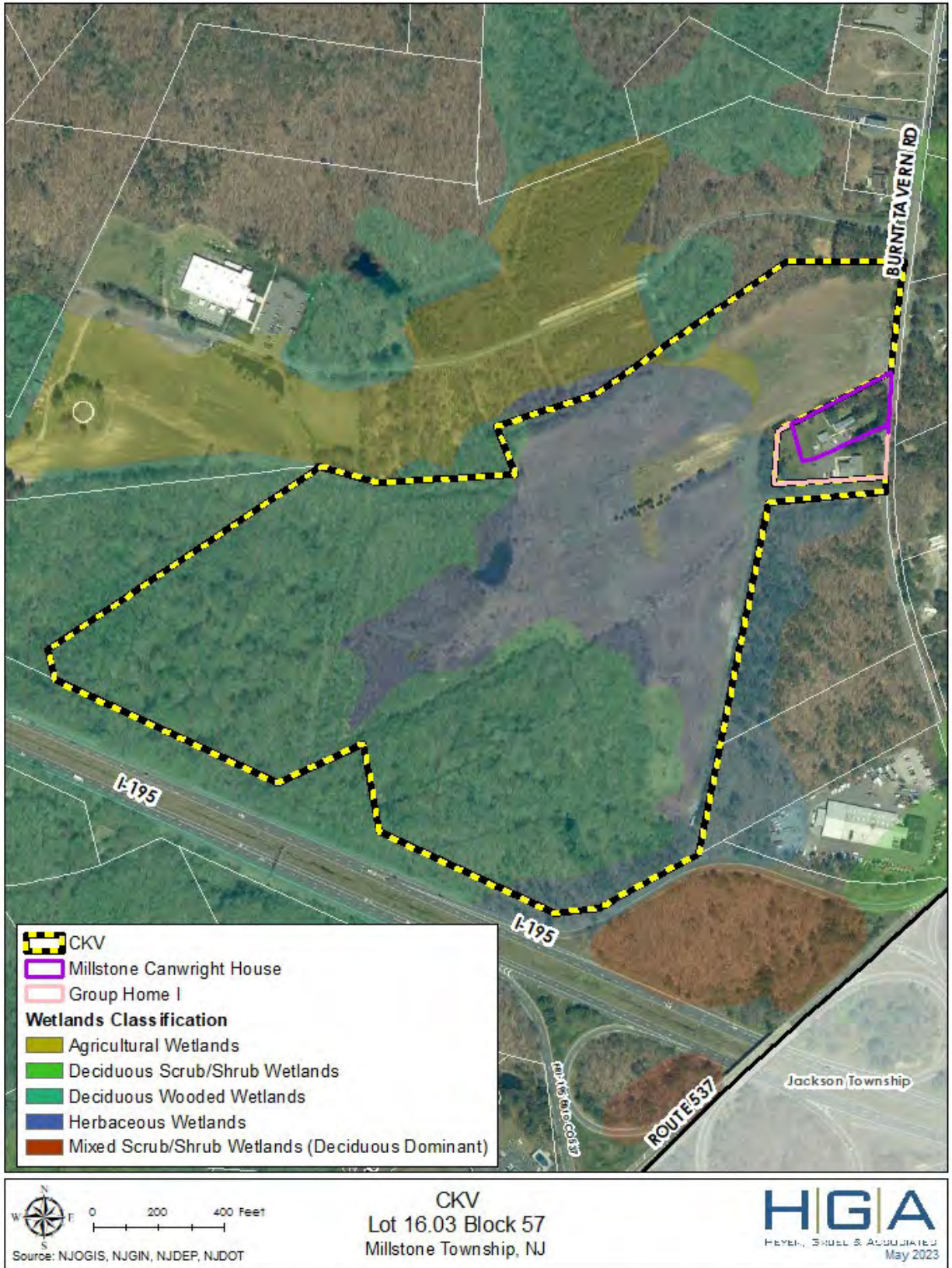
MAPS

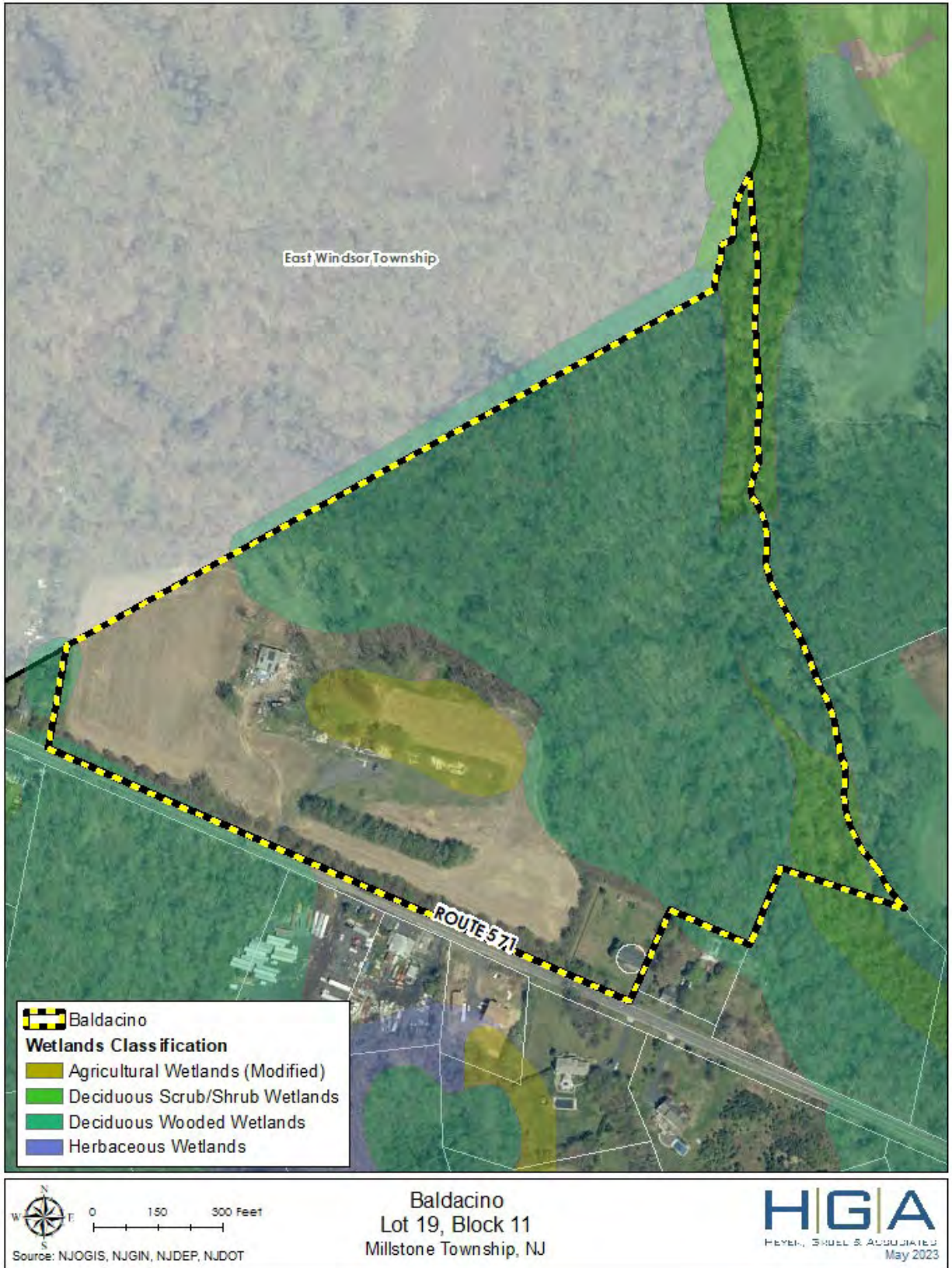














RESOLUTION NO. 23-158
MEETING DATE: 07-05-2023

**RESOLUTION: APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE
A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF
TRANSPORTATION FOR “IMPROVEMENTS TO STILLHOUSE ROAD
PHASE IV AND PAINT ISLAND SPRING ROAD”**

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

WHEREAS, the Township Millstone wishes to apply to the New Jersey Department of Transportation requesting funding under the Transportation Trust Fund Authority Act for an application entitled “Improvements to Stillhouse Road Phase IV from Stage Coach Road (Monmouth County Route 524) and to Paint Island Spring Road from Stage Coach Road (Monmouth County Route 524) to Monmouth Road (Monmouth County Route 537).

WHEREAS, the total construction estimate for these improvements is \$1,062,500.00. and \$600,000.00 in State funds are anticipated, and the Township of Millstone will contribute \$462,500.00 towards the total construction plus administrative and engineering costs; and

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Millstone formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2024 – Improvements to Stillhouse Road Phas – 00551 to the New Jersey Department of Transportation on behalf of the Township of Millstone.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign a grant agreement on behalf on the Township of Millstone and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

ROLL CALL:

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

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Millstone Township Committee at its meeting of July 5, 2023.

My signature and the Clerk’s seal serves to acknowledge the above resolution and constitutes acceptance of the terms and conditions of the grant agreement and to approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL

Kathleen Hart, RMC
Municipal Clerk

Al Ferro
Mayor

RESOLUTION NO. 23-159
MEETING DATE: 07-05-2023

RESOLUTION AUTHORIZING THE RENEWAL OF ALCOHOL BEVERAGE
2023-2024 LICENSE FOR KMK REALTY ASSOCIATES, LLC,
LICENSE NO. 1332-33-006-001

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

WHEREAS, application for renewal of KMK Realty Associates, LLC for the 2023-2024 Alcoholic Beverage License has been filed with the Municipal Clerk prior to the commencement of the new license term which is sought; and

WHEREAS, notices of the application for renewal of Municipal Licenses, other than Seasonal Retail Consumption Licenses, issued by Municipal Issuing Authorities are not required to advertise Notice of Application. In lieu thereof, the director shall cause a General Notice of Application to be published once a week, from the week of April 1, through the week of June 1, in a newspaper printed in the English language and published and circulated in the Counties in which the premises of the application for such renewals are located; and

WHEREAS, KMK Realty Associates, LLC has applied for and been granted a Special Ruling to permit renewal of its inactive license pursuant to N.J.S.A. 33:1-12.39, for the 2023-2024 license term from the State of New Jersey, Office of the Attorney General on June 28, 2023; and

WHEREAS, the Municipal filing fee of \$2,500.00 has been received by the Municipal Clerk and no objections have been made to the renewal of the said license; and

WHEREAS, said application is complete and in reliance upon the information contained therein.

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Millstone, in the County of Monmouth, State of New Jersey, that the application of the below listed party be and is hereby approved for renewal of their Alcoholic Beverage License for the term year.

PLENARY RETAIL CONSUMPTION LICENSE NO. 1332-33-006-001 TO KMK REALTY ASSOCIATES, LLC, POCKET LICENSE. EFFECTIVE DATE OF NEW LICENSE TERM, JULY 1, 2023 TO JUNE 30, 2024. FEE PAID \$2,500.

BE IT FURTHER RESOLVED, that a copy of this Resolution, certified by the Municipal Clerk to be a true copy be forwarded to the Division of Alcoholic Beverage Control, CN 087, Trenton, N.J. 08625-0087 and to the applicant.

ROLL CALL:

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

NAYS: None

ABSTAIN: None

ABSENT: C/McLaughlin

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Millstone Township Committee at its meeting of July 5, 2023.

Kathleen Hart, RMC
Municipal Clerk

RESOLUTION NO. 23-160
MEETING DATE: 07-05-2023

RESOLUTION AWARDING THE LEASE OF TOWNSHIP OWNED LAND – 4 RED VALLEY ROAD (BLOCK 52, LOT 13) CONSISTING OF 49.5+- ACRES AS SPECIFIED IN THE LEASE AGREEMENT

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

WHEREAS, pursuant to the Local Lands and Building Law, N.J.S.A. 40A:12-1 et. seq., the Township Purchasing Agent received bids on Tuesday, June 27, 2023 at 11:00am, for the lease of farmland for a five (5) year period, beginning on August 1, 2023 and ending July 31, 2028, on property owned by the Township of Millstone, commonly known as Block 52, Lot 13 at 4 Red Valley Road consisting of 49.5+- acres as specified in the lease agreement; and

WHEREAS, the following bid amount was received:

Carmine Infante, LLC	\$15,000.00
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WHEREAS, the Purchasing Agent has recommended an award be made to the highest bidder Carmine Infante, LLC in the amount of \$15,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Millstone hereby awards the lease for the five (5) year lease for farmland on Block 52, Lot 13, 4 Red Valley Road consisting of 49.5+- acres as specified in the lease agreement to Carmine Infante, LLC in accordance with the bid specifications and in the amount of \$15,000 contingent on the successful bidder submitting the necessary paperwork.

BE IT FURTHER RESOLVED that a copy of this Resolution certified by the Township Clerk to be a true copy be forwarded to Carmine Infante, Inc., the Township's Chief Financial Officer, Township's Purchasing Agent and Township Engineer.

ROLL CALL:

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

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Millstone Township Committee at its meeting of July 5, 2023.

Kathleen Hart, RMC
Municipal Clerk

RESOLUTION NO. 23-161
MEETING DATE: 07-05-2023

**RESOLUTION AWARDING THE LEASE OF TOWNSHIP OWNED LAND –
PERRINEVILLE ROAD (BLOCK 13.01, LOT 1 AND BLOCK 13 LOT 2.01)**

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

WHEREAS, pursuant to the Local Lands and Building Law, N.J.S.A. 40A:12-1 et. seq., the Township Purchasing Agent received bids on Tuesday, June 27, 2023 at 11:30am for the lease of farmland for a five (5) year period, beginning on August 1, 2023 and ending July 31, 2028, on property owned by the Township of Millstone, commonly known as Block 13.01, Lot 1 and Block 13 Lot 2.01 on Perrineville Road; and

WHEREAS, the following bid was received:

Jay Hyland	\$6,100.00
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WHEREAS, the Purchasing Agent has recommended an award be made to the highest bidder Jay Hyland in the amount of \$6,100.00; and

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Millstone hereby awards the bid for the five (5) year lease of farmland on Block 13.01, Lot 1 and Block 13, Lot 2.01, Perrineville Road to Jay Hyland, in accordance with the bid specifications and in the amount of \$6,100.00.

BE IT FURTHER RESOLVED that a copy of this Resolution certified by the Township Clerk to be a true copy be forwarded to Jay Hyland, Township's Chief Financial Officer, Township's Purchasing Agent, and Township Engineer.

ROLL CALL:

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

NAYS: None

ABSTAIN: None

ABSENT: C/McLaughlin

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Millstone Township Committee at its meeting of July 5, 2023.

Kathleen Hart, RMC
Municipal Clerk