

RESOLUTION NO. 23-186
ADOPTION DATE: 09-20-2023

RESOLUTION AWARDING CONTRACT FOR
2022/2023 ROADWAY IMPROVEMENT PROGRAM

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

WHEREAS, on Thursday, August 24, 2023 at 10:00 a.m., the Township Engineer accepted bids for the 2022/23 Roadway Improvement Program; and

WHEREAS, the following bids were received:

<u>Name of Bidder</u>	<u>Bid Amount for Base Bid Items 1-66 Plus Alternate Bid Items A1-1 to A1-16 and A2-1 to A2-14</u>
Meco, Inc.	\$1,434,423.50
P & A Construction, Inc.	\$1,438,456.00
Earle Asphalt Company	\$1,474,513.13
Stavola Contracting Co., Inc.	\$1,490,303.70
Black Rock Enterprises, LLC	\$1,629,809.20
S & G Paving & Construction, Inc.	\$1,632,105.25
Fiore Paving Company	\$1,821,412.60
L & L Paving Company, Inc.	\$1,942,833.50; and

WHEREAS, the Township Engineer has recommended awarding the Contract to the lowest bidder, Meco, Inc., in the amount of \$1,434,423.50 for base bid items 1-66 plus alternate bid items A1-1 to A1-16 and A2-1 to A2-14; and

WHEREAS, Millstone Road is funded up to \$251,900.00 under 2022 NJDOT-TTF grant and Back Bone Hill Road is funded up to \$219,420.00 under 2023 NJDOT-TIF grant; and

WHEREAS, the award of this contract is subject to approval of the New Jersey Department of Transportation Commissioner; and

WHEREAS, the Township Attorney has determined that the bid of Meco, Inc. is in compliance with the applicable portions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Township Chief Financial Officer has certified funds are available in account C-04-55-977-901.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Millstone hereby awards a Contract to Meco, Inc. for the 2022/23 Roadway Improvement Program for base bid items 1-66 plus alternate bid items A1-1 to A1-16 and A2-1 to A2-14 in the amount of \$1,434,423.50, subject to the approval of the New Jersey Department of Transportation Commissioner.

BE IT FURTHER RESOLVED that a copy of this Resolution certified by the Township Clerk to be a true copy be forwarded to Meco, Inc., the Township Engineer and to the unsuccessful bidders together with the return of their bid security.

ROLL CALL:

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

NAYS: None

ABSTAIN: None

ABSENT: DM/Morris

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Millstone Township Committee at its meeting of September 20, 2023.

KATHLEEN HART, RMC
Township Clerk

RESOLUTION NO. 23-193
MEETING DATE: 09-20-2023

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

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

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

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

3. This Resolution shall take effect immediately.

ROLL CALL:

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

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Township Committee of the Township of Millstone on September 20, 2023.

Kathleen Hart, RMC
Municipal Clerk

RESOLUTION NO. 23-194
ADOPTION DATE: 09-20-2023

**RESOLUTION INCREASING CONTRACT AMOUNT FOR SPECIAL COUNSEL
WITH RESPECT TO AFFORDABLE HOUSING OBLIGATIONS**

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

WHEREAS, on April 19, 2023, the Township Committee of the Township of Millstone adopted Resolution No. 23-113 appointing Jeffrey Surenian, Esq. of the law firm of Edwards, Buzak & Nolan, LLC to provide legal services as Special Counsel with respect to Affordable Housing Obligations; and

WHEREAS, as a result of the same, Edwards, Buzak & Nolan, LLC was awarded a non-fair and open Contract to provide professional legal services for an amount not to exceed \$30,000.00; and

WHEREAS, the provision of legal services as Special Counsel with respect to Affordable Housing Obligations are still required; and

WHEREAS, there exists a need to increase the Contract amount to an amount not to exceed \$60,000.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in T-15-56-100-001 account.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millstone that the Contract awarded to Jeffrey Surenian, Esq. of the law firm of Edwards, Buzak & Nolan, LLC to provide legal services as Special Counsel with respect to Affordable Housing Obligations be and is hereby increased to an amount not to exceed \$60,000.00.

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

BE IT FURTHER RESOLVED that a copy of this Resolution certified by the Township Clerk to be a true copy be forwarded to Jeffrey R. Surenian, Esq. of Edwards, Buzak & Nolan, LLC, the Township Administrator, Township Treasurer and the Township Chief Financial Officer.

ROLL CALL:

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

NAYS: None

ABSTAIN: None

ABSENT: DM/Morris

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Millstone Township Committee at its meeting of September 20, 2023.

KATHLEEN HART, RMC
Township Clerk

**RESOLUTION NO. 23-195
MEETING DATE 09-20-23**

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Millstone, in the County of Monmouth, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an additional item of revenue in the budget of the year 2023, which represents the grant money received in 2023, in the sum of \$3,422.70, which is now being appropriated for the FY23 National Opioid Settlement Grant, in the amount of \$3,422.70.

BE IT FURTHER RESOLVED, that the like sum of \$3,422.70 is hereby appropriated under the caption 2023 National Opioid Settlement Grant.

BE IT FURTHER RESOLVED that the above is the result of funds from the FY23 National Opioid Settlement Grant in the amount of \$3,422.70.

ROLL CALL:

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

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Township Committee of the Township of Millstone at its regular meeting held on September 20, 2023.

Kathleen Hart, RMC
Township Clerk

RESOLUTION NO. 23-196

SCHEDULE 23-07B S

CONSOLIDATED BILL LIST

TOWNSHIP OF MILLSTONE VOUCHERS FOR PAYMENT PRESENTED TO
THE TOWNSHIP COMMITTEE AT A MEETING
HELD ON September 20, 2023

SEE SCHEDULE 23-09B ATTACHED

A resolution was passed by the Township Committee for the payment of the vouchers listed on Schedule 23-09B 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. 23-196
September 20, 2023

BE IT RESOLVED by the Township Committee of the Township of Millstone that the vouchers listed on Schedule 23-09B, September 20, 2023, Consolidated Bill List, and the vouchers listed below as Schedule 23-09B 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: \$ 108,418.77

SCHEDULE 23-09B S

PAYROLL FUND

TOTAL PAYROLL TRUST FUND \$ 6,340.30

GENERAL CAPITAL FUND

TOTAL GENERAL CAPITAL FUND \$ 0.00

GRANT FUND

TOTAL GRANT FUND \$ 2,532.00

RESERVE TRUST FUND

TOTAL RESERVE TRUST FUND \$ 74.59

BASIN MAINTENANCE TRUST

TOTAL BASIN MAINTENANCE TRUST \$ 75.00

SHADE TREE TRUST

TOTAL SHADE TREE TRUST \$ 0.00

COAH TRUST FUND

TOTAL COAH TRUST FUND \$ 67,489.14

OPEN SPACE FARMLAND TRUST FUND

TOTAL OPEN SPACE FARMLAND TRUST FUND \$ 137,301.69

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 \$ 1,035.99

ANIMAL CONTROL TRUST FUND

TOTAL DOG TRUST FUND \$ 923.59

TOTAL FOR ALL FUNDS \$ 324,191.07

ESCROW

DEVELOPERS ESCROW ACCOUNT UNDER \$5,000

TOTAL DEVELOPERS ESCROW UNDER \$5,000 \$ 98.00

DEVELOPERS ESCROW ACCOUNT OVER \$5,000

TOTAL DEVELOPERS ESCROW OVER \$5,000 \$ 417.37

TOTAL FOR ESCROW \$ 515.37

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

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

NAYS: None

ABSTAIN: None

ABSENT: DM/Morris

RESOLUTION NO.: 23-197
MEETING DATE: 09-20-2023

**A RESOLUTION APPROVING AN AMENDED AFFORDABLE HOUSING SPENDING
PLAN FOR THE TOWNSHIP OF MILLSTONE**

C/**McLaughlin** offered the following Resolution and moved its adoption, which was second by C/**Davis**:

WHEREAS, on September 5, 2019, the Township of Millstone (“Township” or “Millstone”) entered into a settlement agreement with Fair Share Housing Center (“FSHC Settlement Agreement”) which established the Township’s fair share obligation and preliminarily approved the Township’s compliance mechanisms in accordance with the March 10, 2015 decision of the New Jersey Supreme Court, In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Mount Laurel IV”) which transferred responsibility to review and approve Housing Elements and Fair Share Plans from the Council on Affordable Housing (“COAH”) to designated Mount Laurel trial judges within the Superior Court; and

WHEREAS, on March 18, 2020, the Township adopted a Spending Plan which projected anticipated revenues and expenditures from the Township’s Affordable Housing Trust Fund, consistent with the FSHC Settlement Agreement, and thereafter secured Court approval of its Spending Plan, pursuant to N.J.A.C. 5:93-5.1 et., seq. and consistent with P.L.2008, c.46 and Council on Affordable Housing (“COAH”) regulations;

WHEREAS, on July 5, 2023, the Township entered into an amendment to the FSHC Settlement Agreement.

WHEREAS, the Township Affordable Housing Planner, McKinley Mertz, PP/AICP of Heyer Gruel & Associates has prepared a revised Spending Plan to implement the amendments to the Housing Element and Fair Share Plan to satisfy the amendment to the FSHC Settlement Agreement.

WHEREAS, the Township requires approval of its revised Spending Plan in order to ensure that all expenditures from the trust fund are in accordance with the approved revised Spending Plan.

NOW THEREFORE BE IT RESOLVED, the Governing Body of the Township of Millstone, County of Monmouth, and the State of New Jersey hereby adopts the revised Spending Plan that is attached hereto as **Exhibit A** and requests its Affordable Housing Counsel take the necessary steps to seek Court approval of same, so that all expenditures from the trust fund are in accordance with an approved Spending Plan.

ROLL CALL:

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

NAYS: None

ABSTAIN: None

ABSENT: DM/Morris

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Township Committee of the Township of Millstone on September 20, 2023.

Kathleen Hart, RMC
Municipal Clerk

RESOLUTION NO.: 23-198
MEETING DATE: 09-20-2023

APPOINTING DANA TYLER TO SERVE IN THE POSITION OF DEPUTY REGISTRAR

C/McLaughlin offered the following Resolution and moved its adoption, which was second by **C/Davis**:

WHEREAS, in accordance with N.J.S.A. 26:8-17, “the local registrar ... shall appoint a deputy to assist in the normal, day-to-day operation of the office and whose duty shall be to act in the registrar’s stead in case of absence, disability or death of the registrar.”; and

WHEREAS, in accordance with N.J.S.A. 26:8-17, “The deputy registrar ... shall have the authority to receive birth certificates and death certificates; to issue burial permits, and copies of birth, death, marriage, civil union and domestic partnership certificates; to take the oath on marriage and civil union license agreements; and to issue marriage and civil union licenses and register domestic partnerships.”; and

WHEREAS, in accordance with N.J.S.A. 26A:8-17, “The deputy registrar shall receive instructions from and perform their duties under the direct supervision of the registrar, who shall be the final authority with the responsibility of fulfilling the duties of the local registrar outlined in R.S. 26:8-25.”; and

WHEREAS, in accordance with N.J.S.A. 26A:8-17, “The deputy registrar ... shall serve at the pleasure of the local registrar.”

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millstone that Dana Tyler be and is hereby appointed to serve as the Deputy Registrar, effective September 20, 2023.

ROLL CALL:

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

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Township Committee of the Township of Millstone on September 20, 2023.

Kathleen Hart, RMC
Municipal Clerk