

MILLSTONE TOWNSHIP COMMITTEE MEETING MINUTES FOR July 17, 2024

Mayor Ferro calls the meeting to order 7:06 p.m.

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

I hereby announce that pursuant to the Open Public Meeting Act, adequate notice of this meeting has been provided in the annual meeting notice which was mailed to the Asbury Park Press and the Trenton Times, posted on the public announcements bulletin board in Town Hall and filed in the Office of the Township Clerk on December 21, 2023.

ROLL CALL: Committeeperson Eric Davis – present, Deputy Mayor Chris Morris –absent, Committeeperson Tara Zabrosky – present, Committeeperson Jeff Ziner - absent and Mayor Al Ferro - present. Also, in attendance: Brian Chabarek, Esq. - Township Attorney, Kevin Abernethy – Township Administrator and Kathleen Hart - Municipal Clerk.

Resolution 24-163 Authorizing the Holding of an Executive Session, at Which the Public Shall be Excluded was moved by C/Zabrosky; second by C/Davis.

Municipal Clerk read Resolution 24-163 Authorizing the Holding of an Executive Session, at Which the Public Shall be Excluded into the record.

ROLL CALL VOTE:

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

NAYS: None ABSTAIN: None ABSENT: DM/Morris, C/Ziner

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

Time In: 7:08 p.m.; Time Out: 7:51 p.m.

Mayor Ferro calls the meeting to order 8:02 p.m. followed by a flag salute and a moment of silence.

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

CORRESPONDENCE:

1. Thank you letter from Millstone Township School District, dated June 20, 2024, regarding the Township Committee sponsorship of an award at the 8th grade graduation.

RESOLUTIONS:

24-164 Resolution Acknowledging Receipt and Review of Planning Board Consistency Report for Ordinance 24-10

Motion to adopt was moved by C/Davis; second by C/Zabrosky.

ROLL CALL VOTE:

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

NAYS: None ABSTAIN: None ABSENT: DM/Morris, C/Ziner

24-165 Resolution Acknowledging Receipt and Review of Planning Board Consistency Report for Ordinance 24-11

Motion to adopt was moved by C/Davis; second by C/Zabrosky.

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ROLL CALL VOTE:

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

NAYS: None ABSTAIN: None ABSENT: DM/Morris, C/Ziner

ORDINANCES:

SECOND READING:

ORDINANCE 24-10

AN ORDINANCE AMENDING CHAPTER 35 (LAND USE AND DEVELOPMENT REGULATIONS), ARTICLE 4 (REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS) SECTION 35-4-14 (STORMWATER MANAGEMENT) OF THE REVISED ORDINANCES OF THE TOWNSHIP OF MILLSTONE, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

EXPLANATORY STATEMENT: This Ordinance replaces the existing Stormwater Management Ordinance to comply with the updated New Jersey Department of Environmental Protection regulations.

Affidavit of Publication Presented

Mayor Ferro opens the public hearing at 8:04 p.m.

No public comment.

Mayor Ferro closes the public hearing at 8:05 p.m.

Motion to adopt was moved by C/Zabrosky; second by C/Davis.

ROLL CALL VOTE:

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

NAYS: None ABSTAIN: None ABSENT: DM/Morris, C/Ziner

SECOND READING:

ORDINANCE 24-11

AN ORDINANCE AMENDING CHAPTER 35 (LAND USE AND DEVELOPMENT REGULATIONS), ARTICLE 2 (DEFINITIONS) SECTION 35-2-2 (SPECIFIC DEFINITIONS), ARTICLE 4 (REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS) SECTIONS 35-4-9.3 (HEIGHT RESTRICTIONS) AND 35-4-9.11 (ACCESSORY BUILDING SIZE RESTRICTIONS), ARTICLE 5 (ZONING DISTRICT REGULATIONS), SECTIONS 35-5-6.2, 35-5-6A.2, 35-5-6B.2, 35-5-7.2 AND 35-5-9.2 (PERMITTED ACCESSORY USES) OF THE REVISED ORDINANCES OF THE TOWNSHIP OF MILLSTONE, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

EXPLANATORY STATEMENT: This Ordinance amends the standards associated with accessory buildings and amends Chapter 35 (Land Use and Development Regulations), Article 2 (Definitions) Section 35-2-2 (Specific Definitions), Article 4 (Regulations Applicable to all Zoning Districts) Sections 35-4-9.3 (Height Restrictions) and 35-4-9.11 (Accessory Building Size Restrictions), Article 5 (Zoning District Regulations), Sections 35-5-6.2, 35-5-6A.2, 35-5-6B.2, 35-5-7.2 and 35-5-9.2 (Permitted Accessory Uses).

Affidavit of Publication Presented

Mayor Ferro opens the public hearing at 8:07 p.m.

No public comment.

Mayor Ferro closes the public hearing at 8:07 p.m.

Motion to adopt was moved by C/Davis; second by C/Zabrosky.

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ROLL CALL VOTE:

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

RESOLUTIONS: CONSENT RESOLUTION POSTED ON BULLETIN BOARD.

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

- 24-166 Payment of Vouchers – July 17, 2024
- 24-167 Resolution Directing Tax Collector to Cancel Real Estate Taxes on Block 60.02, Lot 9.01
- 24-168 Resolution: Approval to Submit a Grant Application and Execute a Grant Agreement with the New Jersey Department of Transportation for “Improvements to Spring Road” Priority No. 1
- 24-169 Resolution: Approval to Submit a Grant Application and Execute a Grant Agreement with the New Jersey Department of Transportation for “Improvements to Carrs Tavern Road” Priority No. 2
- 24-170 Resolution Authorizing Award of a Contract for Emergency Tree Removal Services on Millstone Road on July 7, 2024
- 24-171 Resolution Approving Change Order and Supplemental Agreement No. 1 for a Project Known as “2022/2023 Roadway Improvement Program”
- 24-173 Resolution of the Township Committee of the Township of Millstone Authorizing Execution of a Pilot Agreement with 27 Burnt Tavern Road

M/Fero would like a motion to pull Resolution 24-172 from the consent agenda. C/Davis made a motion to pull Resolution 24-172 from the consent agenda; second by C/Zabrosky.

ROLL CALL VOTE:

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

Motion carried and Resolution 24-172 is removed from the Consent Agenda.

Motion to adopt Consent Agenda Resolutions 24-166 through 24-171 and 24-173 was moved by C/Davis; second by C/Zabrosky.

ROLL CALL VOTE:

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

RESOLUTION:

- 24-172 Resolution Authorizing Execution of Partial Release of Developer’s Agreement for Block 18.02, Lot 1 (Formerly Block 18.02, Lots 3, 4 and 5) and Known as 1 Debaun Road

M/Ferro would like to table this resolution until the August 21, 2024 Township Committee meeting. C/Davis made a motion to table Resolution 24-172; second by C/Zabrosky.

ROLL CALL VOTE:

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

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Motion carried and Resolution 24-172 is tabled to the August 21, 2024 Township Committee meeting.

TOWNSHIP COMMITTEE MINUTES:

1. Executive Meeting Minutes – June 5, 2024

Motion to adopt executive meeting minutes of June 5, 2024 was moved by C/Davis; second by C/Zabrosky.

ROLL CALL VOTE:

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

2. Regular Meeting Minutes – June 5, 2024

Motion to adopt regular meeting minutes of June 5, 2024 was moved by C/Zabrosky; second by C/Davis.

ROLL CALL VOTE:

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

3. Regular Meeting Minutes – June 19, 2024

Motion to table regular meeting minutes of June 19, 2024 was moved by C/Zabrosky; second by C/Davis.

ROLL CALL VOTE:

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

Motion carried and the regular meeting minutes of June 19, 2024 is tabled to the August 21, 2024 Township Committee meeting.

REPORTS FROM VARIOUS DEPARTMENTS FOR JUNE 2024:

Tax Collector	\$202,169.45
Clerks Report	\$ 5,578.00
Dog License	\$ 327.00
Municipal Court	\$ 8,321.08
Recreation	\$ 25,584.33
Construction	\$ 20,358.00
COAH	\$ 12,884.00
2024 Interest Revenue	

Motion to file was moved by C/Zabrosky; second by C/Davis. All in Favor.

APPLICATION FOR A RAFFLE LICENSE:

1. Upper Freehold Regional Education Foundation, RA #324, On-Premise 50/50 Raffle, to be held on September 28, 2023 at Millstone Elks, 22 Burnt Tavern Road, Millstone, NJ 08510.

Motion to approve was moved by C/Davis; second by C/Zabrosky. All in Favor.

2. Upper Freehold Regional Education Foundation, RA #325, On-Premise Merchandise Raffle, to be held on September 28, 2023 at Millstone Elks, 22 Burnt Tavern Road, Millstone, NJ 08510.

Motion to approve was moved by C/Davis; second by C/Zabrosky. All in Favor.

LIAISON REPORTS:

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C/Zabrosky stated that a representative from M&T Bank came to the Seniors meeting and presented an identity theft presentation. The presentation went very well.

M/Ferro stated that the Fire/EMS responded to 107 calls for the month of June which included 70 medical calls, 20 motor vehicle accidents, 17 fire calls and 70 transports to various hospitals. The day shift had 70 calls; night shift had 37 calls with 15 calls for mutual aid. M/Ferro thanks the Fire/EMS for all they do.

The Township Administrator stated that there were 3 motor vehicle accidents involving telephone poles over the July 4th weekend. The State Police will increase their patrols in the Township, so slow down.

NEW BUSINESS:

1. Discussion regarding Buck Mine Mining Permit Application 2024-2026

William Stone, from Buck Mining discussed the renewal mining permit application submitted for the two-year period 2024-2026. Buck Mining has two contracts to fulfill and when completed they will start their restoration of the mine working with Monmouth County Parks. Also, Rutgers University is interested in a few areas of Buck Mine and Campo Mine for historic purposes. M/Ferro discussed the Township Engineer's report, dated June 28, 2024. There are several reports/plans not updated including the Stormwater Management Report last updated July 20, 2010. M/Ferro asked for an update on the status of the mine as for the past several renewal periods Buck Mining stated that the mine will close and begin the restoration process. The Township Engineer stated that about six years ago there was a plan from the Monmouth County Parks on how to restore this mine along with Campo Mine and does not know where that plan stands. Because of that, the Township Engineer did not enforce updating the mining plans. Right now, the Township Engineer does not know what we are approving, how much soil there is, how much soil is being taking out and how long it is going to take. The road is in really bad condition and the Township is receiving a lot of complaints. The road can't be paved if the mine continues having trucks go down the road. The Township just paved a portion of Millstone Road which is part of the haul route which is now in danger of being damaged by the trucks. The road was paved anticipating that this was the mine's last year of operation. The Township Engineer has a lot of issues with this renewal request. The Township Attorney stated that the Soil Erosion and Sediment Control Plan/Revised Mining Plan was last revised June 22, 2022. The Township Engineer stated that the plan does not reflect the current conditions and he is not sure what the proposed finished grades are. The Township Attorney stated that the Environmental Impact Statement was last revised March 11, 2019 and the Stormwater Management Report was last revised March 11, 2019. The Township Engineer stated that all of these plans need to be updated. M/Ferro stated that he drove down Pine Hill Road and the portion that the trucks use you have to dodge the holes and he was surprised that he didn't damage his car. William Stone stated that Meco came out and patched all of the potholes on Pine Hill Road. M/Ferro and the Township Engineer stated that this is not a solution and will not last. William Stone stated that Meco indicated that there is not enough asphalt on the road and they don't want to mill the road but do an overlay at a cost of \$76,000. The Township Engineer stated that it is not a bad price but if the trucks are going to drive over it, it needs to be paved. William Stone stated that one of the contracts was supposed to start in 2022, however, due to issues the Company was having, it can now proceed to remove approximately 200,000 cubic yards of soil from the Mine. The Township Engineer asked if there was 200,000 cubic yards of soil as he does not have any updated plans to review. The Township Engineer asked if there is a new plan from the County.

Loralie Totten, Engineer from Crest Engineering Associates, Inc. discussed working on the final closing plan for Campo Mine. She has been in contact with the Freehold Soil Conservation District and the State Department of Agriculture who will need to review the plans and approve. The Campo Mine is a unique site. Carolyn Campo has been in contact with Dr. Miller from Rutgers University. He has been coming out to the site every couple of years with his students as this site contains geological significance on portions of this site as well as Buck Mine. Campo Mine hopes to preserve the area as it is very important because of an event that occurred 66 million years ago. Dr. Miller is in attendance and willing to discuss the significance of these sites. We also met with both mine owners and they agreed to try to work together. There is a possibility of doing an overlap plan to show how it would work and Rutgers University might be able to supply us with some topography to assist along the borders of the two properties. The Township hosted a meeting on July 10th between the Monmouth County Parks System, Dr. Ken Miller from Rutgers University, the Campo Family, Township representatives

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and myself to discuss this unique geological importance. The County is interested. The next step is to get the restoration approved by Freehold Soil, prepare a quantity take off and an estimate on how much it will cost to restore. Also, not on the plans is how do we transition from the area that is going to stay to the way it is going to be finally mined. The Township Engineer stated that we still do not have the plans that shows how you connect to Buck Mine. Ms. Totten said that she has it tied in in one area using the 60 year old final grading plan and in the upper end it just grades up. The Township Engineer stated that based on those plans how many cubic yards is there to dig out to meet that elevation, as he does not want to over dig as 200,000 cubic yards is a lot. Ms. Totten does not know much about the Buck Mine plans. Ms. Totten asked her surveyor, who is a drone pilot, what would it cost for a detail in depth topography for both properties. The cost would be around \$11,000 - \$12,000. That is the update on Campo Mine and we are getting much closer to the end. M/Ferro asked since both mines are connected do they have to be remediated in the same fashion to preserve this site moving forward. Ms. Totten stated that there is an approximate 500' long area known as the "dog leg" that extends down into Campo Mine that we would like to preserve which requires cooperation. M/Ferro asked Mr. Stone if the Township grants an extension, the soil you are planning on removing would it affect this area. Mr. Stone stated no and the soil being removed is from the center of the pit. Leslie Buck Stone showed on the map the area to be disturbed and the area that Rutgers is interested in.

Andrew Kessler, Saiber, LLC, represents the Campo Mine and stated that the "dog leg" area must be protected as that is the area that is of most interest to Rutgers University and the Monmouth County Parks System.

Dr. Ken Miller, Professor at Rutgers University, stated that he has been coming out to the sites since 1991 and has also brought students several times a year to see this amazing exposure that occurred sixty-six million years ago. The death of the dinosaurs is well expressed at these sites and would love to see them preserved. Dr. Miller understands that there are grading issues but along that "dog leg" it is naturally being held by trees and it would have to be fenced off. This is a world class site. Removing the soil at Buck Mine would not affect this area.

Tony Lombardino, 14 Holdman Place, is concerned about the condition of Pine Hill Road and the residents are tired of waiting for it to be repaired. Whether you grant the extension or not, Pine Hill Road needs to be paved and he wants a commitment from the Township Committee. M/Ferro stated that this would be a requirement of the permit.

Discussion takes place regarding paving and the required plans. The Township Engineer stated that he needs to see new plans. They could sketch over the existing plans until the final plans are done. Leslie Stone stated that they need to open up and sell dirt before they have any money to pave.

The Township Committee discussed and the following conditions of approval for a one-year extension of time until June 30, 2025 are being implemented:

1. Buck Mining will comply with all Township requirements as set forth in the Township Code, including but not limited to, Chapter 22-1 et. seq.
2. Buck Mining shall provide a Concept Plan to show the limit of the work consistent with what is being presented, how many cubic yards of soil are proposed to be removed and where the material is being removed to, within thirty (30) days of the public hearing date which occurred on July 17, 2024.
3. Buck Mining shall provide any and all updated reports from the New Jersey Department of Environmental Protection since issuance of their report dated March 7, 2022.
4. Buck Mining shall provide a copy of any and all Renewal Permits from the Freehold Soil Conservation District after its expiration date of December 30, 2024.
5. Buck Mining shall be responsible for resurfacing and milling as required, of the haul route, located on Pine Hill Road which shall be completed by November 15, 2024.
6. Any damage caused by trucks to Pinehill Road will be restored by Buck Mining.
7. The area identified by Rutgers University, in their correspondence dated March 24, 2024, and as referenced at the public hearing on July 17, 2024, is to be protected and preserved.

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8. Buck Mining will provide monthly reports of the status of their operation to the Township Engineer.
9. Buck Mining will update proof of general liability insurance upon expiration.
10. Trucks leaving the mining site are required to turn right onto Pinehill Road and travel west to Millstone Road. The route then continues south along Millstone Road to Sweetman's Lane to Route 33. Trucks coming to the mine are required to use the same route. Any revisions to the approved haul route will require Township Committee review and approval.
11. Buck Mining shall appear before the Township Committee at the Regular Meeting scheduled on November 6, 2024, to provide a status update as to the conditions set forth above.

A motion to approve a one-year extension of the mining permit for Buck Mining and Materials, Inc. to June 30, 2025 with the above conditions was moved by C/Davis; second by C/Zabrosky.

ROLL CALL VOTE:

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

NAYS: None ABSTAIN: None ABSENT: DM/Morris, C/Ziner

Motion carries. The resolution will be memorialized at the August 21, 2024 Township Committee Meeting.

OLD BUSINESS: None

COMMENTS FROM THE DIAS: None

PRIVILEGE OF THE FLOOR: (Limited to ½ Hour)

M/Ferro opens the meeting to the public at 9:44 p.m.

James Alavero, Boy Scout Troop 116, stated that he is currently working on his “Citizenship in the Community Merit Badge” and for the merit badge he needs to choose an issue from a Township Committee meeting. He watched the meeting regarding the 250th Anniversary and asked what the Township is planning on doing for this event and how can young people help. M/Ferro stated that there will be events and volunteers are needed. The Township Administrator will put Mr. Alavero in contact with the Township Historian. The Mayor also suggested to Mr. Alavero that he could help by finding out what historic events happened in Millstone and set up QR Codes.

M/Ferro closes the meeting to the public at 9:49 p.m.

ADJOURNMENT:

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

Time Out 9:49 p.m.

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

July 17, 2024 Township Committee Regular Meeting Minutes approved at a Township Committee meeting held on August 21, 2024.

Kathleen Hart, RMC
Municipal Clerk