

**RESOLUTION NO. 16-176  
MEETING DATE: 10-19-16**

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

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C/Kuczinski offered the following Resolution and moved its adoption, which was second by C/Masci.

**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:
  - Items Falling Under Attorney/Client Privilege

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/Dorfman, C/Grbelja, C/Kuczinski, C/Masci, M/Kinsey  
**NAYS:** None  
**ABSTAIN:** None  
**ABSENT:** None

**I HEREBY CERTIFY** the foregoing to be a true copy of the Resolution adopted by the Township Committee of the Township of Millstone on October 19, 2016.

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Maria Dellasala, RMC  
Municipal Clerk

RESOLUTION NO. 16-177

SCHEDULE 16-10-B S

CONSOLIDATED BILL LIST

TOWNSHIP OF MILLSTONE VOUCHERS FOR PAYMENT PRESENTED TO  
THE TOWNSHIP COMMITTEE AT A MEETING  
HELD ON October 19, 2016

SEE SCHEDULE 16-10-B ATTACHED

A resolution was passed by the Township Committee for the payment of the vouchers listed on Schedule 16-10-B attached.

\_\_\_\_\_  
Robert J. Kinsey, Mayor

\_\_\_\_\_  
Michael Kuczinski, Deputy Mayor

\_\_\_\_\_  
Nancy Grbelja, Committeewoman

\_\_\_\_\_  
Fiore Masci, Committeeman

\_\_\_\_\_  
Gary Dorfman, Committeeman

Attest: \_\_\_\_\_  
Maria Dellasala, RMC  
Municipal Clerk

**TOWNSHIP OF MILLSTONE  
RESOLUTION NO. 16-177  
October 19, 2016**

BE IT RESOLVED by the Township Committee of the Township of Millstone that the vouchers listed on Schedule 16-10-B, October 19, 2016, Consolidated Bill List, and the vouchers listed below as Schedule 16-10-B 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: \$ 164,033.95

**SCHEDULE 16-10-B S**

**PAYROLL FUND**

TOTAL PAYROLL TRUST FUND \$ 5,426.23

**GENERAL CAPITAL FUND**

TOTAL GENERAL CAPITAL FUND \$ 12,262.50

**GRANT FUND**

TOTAL GRANT FUND \$ 202.42

**BASIN MAINTENANCE TRUST**

TOTAL BASIN MAINTENANCE TRUST \$ 0.00

**RESERVE TRUST FUND**

TOTAL RESERVE TRUST FUND \$ 518.88

**TRUST OTHER**

TOTAL TRUST OTHER FUND \$ 352.00

**SHADE TREE TRUST**

TOTAL SHADE TREE TRUST \$ 0.00

**COAH TRUST FUND**

TOTAL COAH TRUST FUND \$ 189.00

**OPEN SPACE FARMLAND TRUST FUND**

TOTAL OPEN SPACE FARMLAND TRUST FUND \$ 9,680.95

**MUNICIPAL DRUG ALLIANCE FUND**

TOTAL MUNICIPAL DRUG ALLIANCE FUND \$ 0.00

**VET MEMORIAL FUND**

TOTAL VET MEMORIAL FUND \$ 0.00

**RECREATION TRUST FUND (DEDICATION BY RIDER)**

TOTAL RECREATION TRUST FUND \$ 12,380.46

**ANIMAL TRUST FUND**

TOTAL DOG TRUST FUND \$ 202.00

**TOTAL FOR ALL FUNDS \$ 205,248.39**

**ESCROW**

**DEVELOPERS ESCROW ACCOUNT UNDER \$5,000 BOA**

TOTAL DEVELOPERS ESCROW UNDER \$5,000 \$ 7,927.00

**DEVELOPERS ESCROW ACCOUNT OVER \$5,000 BOA**

TOTAL DEVELOPERS ESCROW OVER \$5,000 \$ 3,620.00

**TOTAL FOR ESCROW BANK OF AMERICA \$ 11,547.00**

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

AYES: C/DORFMAN, C/GRBELJA, C/KUCZINSKI, C/MASCI, M/KINSEY

NAYS: NONE

ABSTAIN: NONE

ABSENT: NONE

**RESOLUTION NO. 16-178  
MEETING DATE: 10-19-16**

**RESOLUTION CONDITIONALLY APPROVING A TWO YEAR MINING PERMIT  
FOR BUCK MINING AND MATERIALS, INC., BLOCK 28, LOTS 11 & 13.01**

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C/Dorfman offered the following Resolution and moved its adoption which was second by C/Grbelja.

**WHEREAS**, Buck Mining and Materials (“Buck”) whose address is Box 245, Spotswood, New Jersey 08884, has made application for renewal for its mining permit for the purposes of conducting mining activities on Lots 11 and 13.01 in Block 28 of the Millstone Township Tax Map; and

**WHEREAS**, the application has been reviewed by the Township Engineer who has filed a report dated September 7, 2016, which report is attached hereto; and

**WHEREAS**, the Township Committee at its meeting of September 21, 2016 received a report from the Township Engineer indicating that Buck Mine has been complying with its previous conditions of approval and is working with the Freehold Conservation District in conducting its operations as well as providing other items requested by the Township Engineer; and

**WHEREAS**, the Township Engineer recommended conditional approval of the mining permit;

**WHEREAS**, the Township Committee of the Township of Millstone has determined that, subject to the conditions set forth by the Township Engineer, a mining permit may be issued.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Millstone as follows:

1. The mining permit is conditionally approved to Buck Mining and Materials subject to the following conditions:
  - a. Submission of Freehold Soil Conservation District approval.
  - b. Continued proof of general liability insurance which has been provided.
  - c. Posting of a performance guarantee in the amount of \$228,000.0 as per the report of the Township Engineer dated July 25, 2016, copy of which is attached to this Resolution.
  - d. Buck is hereby permitted to post the additional performance guarantee periodically as Buck sells material through January 1, 2017.

2. Nothing herein shall prohibit Buck Mining from continuing its work on the detention basin and seeking approval for same from the Township Engineer.

3. Notwithstanding the above, no mining activity is to occur until such time as the Township Engineer is satisfied that all approvals have been obtained and all engineering and construction is complete.

**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) Applicant;
- b) Township Engineer;
- c) Township Attorney.

**ROLL CALL:**

**AYES:** C/Grbelja, C/Kuczinski, C/Masci, C/Dorfman, M/Kinsey  
**NAYS:** None  
**ABSTAIN:** None  
**ABSENT:** None

**I HEREBY CERTIFY** the foregoing to be a true copy of the Resolution adopted by the Millstone Township Committee at its meeting of October 19, 2016.

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Maria Dellasala, RMC  
Municipal Clerk

**RESOLUTION NO. 16-179**  
**MEETING DATE: 10-19-16**

**RESOLUTION CONFIRMING MILLSTONE TOWNSHIP'S COMMITMENT  
TO PARTICIPATE AS A FUNDING PARTNER FOR THE PURCHASE OF  
BLOCK 55, LOTS 4.24-4.28**

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C/Kuczinski offered the following Resolution and moved its adoption which was second by C/Dorfman.

**WHEREAS**, the State Green Acres Program ("Green Acres") intends to purchase Block 55, Lots 4.24 – 4.28 located on Old Noah Hunt Road, consisting of 19 acres (hereafter "Property"), predominantly open farm fields with smaller amounts of forested lands, which will provide a broad diversity of open habitat and improved access to the adjacent 900 acre Prospertown Lake WMA West, and includes tributaries of the Ivanhoe Brook located within the Crosswicks Creek/Delaware River Watershed; and

**WHEREAS**, it is proposed that joining with Green Acres will be three (3) funding partners; Monmouth Conservation Foundation, Monmouth County and Millstone Township; and

**WHEREAS**, Millstone Township's contribution toward the purchase will be \$200,000.00; and

**WHEREAS**, the purchase of this Property by Green Acres would assure its perpetual preservation as open space with no potential for development; and

**WHEREAS**, the Township's portion of the funding for the purchase of this Property shall come 50% not to exceed \$100,000 from the existing open space trust fund and 50% not to exceed \$100,000 from an appropriated Green Acres funding allocation to the Township; and

**WHEREAS**, it is the opinion of the Millstone Township Committee that participating in the purchase of this Property is in the best interest of Millstone Township residents in assisting in maintaining the rural nature of our municipality.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Committee of the Township of Millstone that it hereby confirms its participation with Monmouth Conservation Foundation and Monmouth County in the purchase of the Property by committing \$200,000.00 from the aforementioned sources.

**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) Renee R. Jones, Central Team Leader, New Jersey Department of Environmental Protection, Green Acres Program, Mail Code 501-01, P.O. Box 420, Trenton, New Jersey 08625-0412.

(b) James J. Truncer, Secretary-Director, Monmouth County Parks System, 805 Newman Springs Road, Lincroft, New Jersey 07738.

(c) William Kastning, Executive Director, Monmouth Conservation Foundation, PO Box 4150, Middletown, New Jersey 07748.

(d) Lori Maher, Millstone Township Open Space & Farmland Preservation/Deputy Registrar.

(e) Annette Murphy, Millstone Township Chief Financial Officer.

**ROLL CALL:**

**AYES:** C/Dorfman, C/Grbelja, C/Kuczinski, C/Masci, M/Kinsey  
**NAYS:** None  
**ABSTAIN:** None  
**ABSENT:** None

**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 October 19, 2016.

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Maria Dellasala, RMC  
Municipal Clerk

**RESOLUTION NO. 16-180  
MEETING DATE: 10-19-16**

**RESOLUTION AUTHORIZING AMENDMENT TO  
2016 CAPITAL BUDGET**

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C/Kuczinski offered the following Resolution and moved its adoption, which was second by C/Dorfman.

**WHEREAS**, the Township of Millstone desires to amend the 2016 Capital Budget of said municipality by including the Improvements to Millstone Park - Phase I (Block 52 / Lots 2, 13 & 14) located at 4 Red Valley Road, in the amount of \$4,500,000.00; and

**WHEREAS**, the 5% down payment, in the amount of \$225,000, will be funded from the Open Space Farmland Preservation Trust Fund; and

**WHEREAS**, a grant in the amount of \$250,000 has been awarded through the Monmouth County Municipal Open Space Grant Program and will be applied to the Open Space Trust Fund upon receipt.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Millstone the 2016 Capital Budget is hereby amended as follows:

**AMENDMENT  
2016 CAPITAL BUDGET OF THE  
TOWNSHIP OF MILLSTONE,  
COUNTY OF MONMOUTH**

| <b>#</b> | <b>Project</b>                              | <b>Estimated Total Cost</b> | <b>OSFP Trust</b>  | <b>Debt Authorized</b> |
|----------|---|-----------------------------|--|------------------------|
| 16-15    | Improvements to Millstone Park<br>- Phase I | \$4,500,000                 | \$1,200,000<br>(includes dp of<br>\$225,000 plus<br>\$975,000) | \$3,300,000            |

**BE IT FURTHER RESOLVED** that a copy of this Resolution, certified by the Township Clerk to be a true copy, be forwarded to the Township Chief Financial Officer.

**ROLL CALL:**

**AYES:** C/Dorfman, C/Grbelja, C/Kuczinski, C/Masci, M/Kinsey  
**NAYS:** None  
**ABSTAIN:** None  
**ABSENT:** None

**I HEREBY CERTIFY** the foregoing to be a true copy of the Resolution adopted by the Millstone Township Committee at its meeting of October 19, 2016.

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Maria Dellasala, RMC  
Municipal Clerk

**RESOLUTION NO. 16-181  
MEETING DATE: 10-19-16**

**RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR  
COSTAGLIOLA, SUBDIVISION NO. P04-17 (BLOCK 27, LOT 28)**

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C/Kuczinski offered the following Resolution and moved its adoption which was second by C/Dorfman.

**WHEREAS**, Nicola and Mary Costagliola filed a law suit against the Township of Millstone, et al. bearing Docket No. 1000-15; and

**WHEREAS**, the law suit was referred to arbitration by the Court; and

**WHEREAS**, the arbitration resulted in a dismissal of the claims by the Costagiolas and the entry of an order by the arbitrator recommending the release of the performance guarantees posted by the Costagiolas; and

**WHEREAS**, in the interim between the entry of the arbitration and 45 days thereafter, the new property owners worked with the Township Engineer in order to determine which portion of the outstanding improvements were necessary for each of the lots involved; and

**WHEREAS**, the responsibilities were divided between the two individuals and performance guarantees established for the lots; and

**WHEREAS**, as a result, the Township Attorney has recommended that the performance guarantees of the Costagiolas be released as follows:

Performance Bond: First Indemnity of America Insurance Company, No. S20112 in the amount of \$43,740.00 be released to the Costagiolas.

Cash Bond Deposit in the amount of \$4,860.00 and the Inspection Review Account in the amount of \$109.06 be applied to the expenses of litigation incurred by the Township and inspections performed by the Township Engineer.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Millstone as follows:

1. It hereby authorizes the release of the performance guarantees set forth above.

2. The Township Clerk, Township Treasurer and all other appropriate municipal officials are hereby authorized to execute such documents and to perform such acts as are necessary to effectuate the purpose of this Resolution.

3. Pursuant to the recommendation of the Township Attorney, the Township hereby accepts the public improvements, if any, to be accepted by the Township of Millstone pursuant to the Planning Board approval.

**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) Township Treasurer
- (c) Nicola & Mary Costagliola
- (d) Township Attorney

**ROLL CALL:**

**AYES:** C/Dorfman, C/Grbelja, C/Kuczinski, C/Masci, M/Kinsey  
**NAYS:** None  
**ABSTAIN:** None  
**ABSENT:** None

**I HEREBY CERTIFY** the foregoing to be a true copy of the Resolution adopted by the Millstone Township Committee at its meeting of October 19, 2016.

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Maria Dellasala, RMC  
Municipal Clerk