

RESOLUTION NO. 16-182
MEETING DATE: 11-02-16

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

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

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:
 - Litigation - Items Falling Under Attorney/Client Privilege
 - Contracts

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

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Township Committee of the Township of Millstone on November 2, 2016.

Maria Dellasala, RMC
Municipal Clerk

RESOLUTION NO.: 16-183

SCHEDULE 16-11 S

CONSOLIDATED BILL LIST

TOWNSHIP OF MILLSTONE VOUCHERS FOR PAYMENT PRESENTED TO
THE TOWNSHIP COMMITTEE AT A MEETING
HELD ON November 2, 2016

SEE SCHEDULE 16-11 ATTACHED

A resolution was passed by the Township Committee for the payment of the vouchers listed on Schedule 16-11 attached.

Robert J. Kinsey, Mayor

Michael Kuczinski, Deputy Mayor

Nancy Grbelja, Committeewoman

Fiore Masci, Committeeman

Gary Dorfman, Committeeman

Attest: _____
Maria Dellasala
Municipal Clerk

TOWNSHIP OF MILLSTONE
RESOLUTION NO.: 16-183
November 2, 2016

BE IT RESOLVED by the Township Committee of the Township of Millstone that the vouchers listed on Schedule 16-11, November 2, 2016, Consolidated Bill List, and the vouchers listed below as Schedule 16-11 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: \$ 8,906,730.95

SCHEDULE 16-11 S

PAYROLL FUND

TOTAL PAYROLL TRUST FUND \$ 5,422.43

GENERAL CAPITAL FUND

TOTAL GENERAL CAPITAL FUND \$ 1,996.06

GRANT FUND

TOTAL GRANT FUND \$ 1,784.92

RESERVE TRUST FUND

TOTAL RESERVE TRUST FUND \$ 0.00

BASIN MAINTENANCE TRUST

TOTAL BASIN MAINTENANCE TRUST \$ 627.19

TRUST OTHER

TOTAL TRUST OTHER FUND \$ 0.00

SHADE TREE TRUST

TOTAL SHADE TREE TRUST \$ 0.00

COAH TRUST FUND

TOTAL COAH TRUST FUND \$ 2,510.76

OPEN SPACE FARMLAND TRUST FUND

TOTAL OPEN SPACE FARMLAND TRUST FUND \$ 88,327.27

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 \$ 9,742.00

ANIMAL CONTROL TRUST FUND

TOTAL DOG TRUST FUND \$ 226.00

TOTAL FOR ALL FUNDS \$ 9,017,367.58

ESCROW

DEVELOPERS ESCROW ACCOUNT UNDER \$5,000 BOA

TOTAL DEVELOPERS ESCROW UNDER \$5,000 \$ 1,398.00

DEVELOPERS ESCROW ACCOUNT OVER \$5,000 BOA

TOTAL DEVELOPERS ESCROW OVER \$5,000 \$ 800.60

TOTAL FOR ESCROW BANK OF AMERICA \$ 2,198.60

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/KUCZINSKI, C/MASCI, C/DORFMAN, M/KINSEY

NAYS: NONE

ABSTAIN: NONE

ABSENT: C/GRBELJA

**RESOLUTION NO. 16-184
MEETING DATE: 11-02-16**

**RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER'S
AGREEMENT FOR NAP CONSTRUCTION, LLC, BLOCK 58, LOT 4.06,
SUBDIVISION NO. PB15-01**

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

WHEREAS, on June 10, 2015, NAP Construction, LLC received preliminary and final subdivision approval for Block 58, Lot 4.06, located on Trenton-Lakewood Road (County Route 526), Subdivision No. PB15-01, and on April 13, 2016 received approval for deviation from the subdivision approval; and

WHEREAS, in accordance with the Planning Board approvals, the Developer is required to enter into a Developer's Agreement with the Township of Millstone; and

WHEREAS, the Township Attorney has prepared a Developer's Agreement for this subdivision.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Millstone that the Mayor is hereby authorized to execute and the Township Clerk to attest the Developer's Agreement between the Township of Millstone and the Developer in accordance with the approval granted by the Millstone Township Planning Board.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be provided by the Township Clerk to each of the following: Township Engineer, Township Attorney, Millstone Township Planning Board, Township Construction Official and the Developer.

ROLL CALL:

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

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Millstone Township Committee at its meeting of November 2, 2016

Maria Dellasala, RMC
Municipal Clerk

**RESOLUTION NO. 16-185
MEETING DATE: 11/02/16**

RESOLUTION TO TRANSFER FUNDS ON CURRENT YEAR APPROPRIATIONS #1

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

WHEREAS, N.J.S.A. 40A:4-58 provides for transfers within certain appropriations within the Municipal Budget during the last two months of the fiscal year; and

WHEREAS, the Chief Financial Officer has advised the Mayor and Committee of the Township of Millstone that the need for certain transfers within the 2016 Municipal Budget exists; and,

WHEREAS, it is recommended that these budget transfers be made.

NOW, THEREFORE, BE IT RESOLVED that the following budget transfers be made in the 2016 Municipal Budget:

<u>CURRENT ACCOUNT</u>		<u>FROM</u>	<u>TO</u>
Recreation	SW	\$ 13,700	
Tax Assessment	OE	1,500	
Historic Preservation	OE	850	
Open Space	OE	750	
Agriculture	OE	1,000	
Health Waiver	OE	4,500	
Environmental Comm.	OE	1,500	
Recreation	OE	805	
Park Maintenance	OE	600	
Electricity	OE	2,750	
Street Lighting	OE	10,650	
Telephone	OE	1,700	
Gasoline	OE	9,000	
Landfill Tipping	OE	1,500	
General Administration	SW		\$ 4,500
Tax Collector	OE		425
Legal	OE		10,000
Code Enforcement	OE		5,000
Health Insurance	OE		15,500
Buildings & Grounds	OE		5,000
Vehicle Maintenance	OE		10,000
DCRP	OE		380
TOTAL		\$50,805	\$50,805

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

ROLL CALL:

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

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Millstone Township Committee at its meeting of November 2, 2016.

Maria Dellasala, RMC
Municipal Clerk

RESOLUTION NO. 16-186
MEETING DATE: 11-02-16

**RESOLUTION AUTHORIZING CANCELLATION OF
PRIOR YEARS' GRANT RECEIVABLES AND APPROPRIATIONS**

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

WHEREAS, there exists in the Grant Fund balances from prior years' Grant Receivable, in the amount of \$57.90, and Appropriated Reserves, in the amount of \$60,857.86:

<u>Name</u>	<u>Receivable</u>	<u>Appropriated Reserve</u>
NJ DOT (2007)		\$ 60,777.50
Municipal Alliance-DEDR FY 2015/2016 (1/1-6/30/16)	\$ 57.90	57.90
Municipal Alliance-LOCAL FY 2015/2016 (1/1-6/30/16)		22.46
Total	\$ 57.90	\$ 60,857.86

WHEREAS, the Township now desires to cancel said balances remaining in the Grant Fund ;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millstone, the above Grant Receivable of \$57.90 and Grant Appropriations of \$60,857.86 be cancelled.

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 CFO
- b. Township Auditor
- c. Township Administrator

ROLL CALL:

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

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Millstone Township Committee at its meeting of November 2, 2016.

Maria Dellasala, RMC
Municipal Clerk

RESOLUTION NO. 16-187
MEETING DATE: 11-02-16

**RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES
AND ACCEPTANCE OF BURNS COURT FOR ROSEMONT FARMS (ROSEMONT
MEADOWS, LLC), SUBDIVISION NO. P06-04 (BLOCK 12, LOT 1.17)**

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

WHEREAS, the developer of Rosemont Farms located on Battleground Road, requested that certain performance guarantees be reduced due to the completion of certain items required pursuant to the posted performance guarantees; and

WHEREAS, the developer has further requested that the Township accept one of the roadways within the project known as Burns Court due to the completion of the bonded items on that roadway; and

WHEREAS, the Township Engineer has, in a letter dated October 25, 2016, a copy of which is annexed hereto as Exhibit "A") recommended that Performance Bond No. 8822-017646, dated October 29, 2007 which was posted by the Developer and previously reduced to \$629,122.25 be further reduced to \$339,656.11, and that the cash guarantee which was previously reduced to \$69,902.47 be further reduced to \$37,739.57; and

WHEREAS, the Township Engineer has further recommended that the Township accept Burns Court due to the fact that the developer has completed all of the bonded items, subject to the posting of a maintenance bond or cash for a duration of two years, or a maintenance letter of credit for a duration of two and one-half years, in the amount of \$44,550.00.

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

1. It hereby authorizes the reduction of performance guarantees for Rosemont Farms in accordance with the recommendation of the Township Engineer conditioned upon the following:

(a) The Developer presenting the Township Clerk with a certification of the Township Treasurer that all inspection fees have been paid in full.

(b) The Developer, by accepting the reduction approved herein, agrees to post maintenance bonds for the improvements at such time as required by the Township Engineer, but in no circumstance later than the release of the balance of the performance guarantee.

2. Pursuant to the recommendation of the Township Engineer as set forth in the letter referred to above, the Township hereby accepts the public improvements on Burns Court, subject to the developer posting a maintenance bond or cash for a duration of two years, or a maintenance letter of credit for a duration of two and one-half years, in the amount of \$44,450.00.

3. A certified copy of this Resolution shall be provided by the Township Clerk to each of the following:

- (a) Township Engineer
- (b) Township Treasurer
- (c) Township Attorney
- (d) Rosemont Meadows, LLC

ROLL CALL:

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

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 November 2, 2016.

Maria Dellasala, RMC
Municipal Clerk

RESOLUTION NO. 16-188
MEETING DATE: 11-02-16

**A RESOLUTION IN SUPPORT OF SENATE BILL S-2254 AND ASSEMBLY BILL
A-3821 WHICH AFFIRMS THE LANGUAGE AND LEGISLATIVE INTENT
OF THE FAIR HOUSING ACT**

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

WHEREAS, Millstone Township supports the provision of affordable housing in a reasonable, rational and achievable way, consistent with economic realities and sound planning; and

WHEREAS, pursuant to the March 2015 New Jersey Supreme Court order which transferred oversight of the Fair Housing Act (FHA) to the courts, hundreds of municipalities filed declaratory judgment actions to voluntarily comply with their State imposed affordable housing requirements; and

WHEREAS, in February, the Ocean County Superior Court included a distinct "gap period" analysis retroactively over an additional 16 year period, separate and apart from the normal 10 year present and prospective need; and

WHEREAS, the Appellate Division recently in a unanimous decision overturned the February Ocean County Superior Court decision and held that municipalities are only responsible to address the ten year present and prospective need, not any "gap period" number; and

WHEREAS, the New Jersey Supreme Court has, for the stated purposes of, "... judicial economy and efficiency based on the large number of actions involved. The Court makes no findings as to the reasonable probability of success on the merits, irreparable harm, or the relative hardship to the parties, " agreed to hear an appeal of the Appellate Division ruling in late November; and

WHEREAS the Fair Housing Act (FHA) and existing case law, requires that "present and prospective fair share of the housing need in a given region ... shall be computed for a 10-year period." [N.J.S.A. 52:27D-307(c)]; and

WHEREAS, the "gap issue" arises out of the inability of the New Jersey Council on Affordable Housing to promulgate third round regulations from 1999 to the present or make any final determination as to state and regional housing need, as well as constant litigation by certain groups; and

WHEREAS, any retroactive "gap" obligations could have significant and unfunded impacts on municipalities, may double count households under both present and prospective need, and will likely result in forcing municipalities and their property taxpayers to subsidize development; and

WHEREAS, this issue needs a resolution which provides both certainty and an achievable path forward so municipalities can proceed with planning for and implementing their affordable housing obligations;

WHEREAS, Senate Bill S-2254, sponsored by Senators Greenstein and Bateman, and Assembly Bill A-3821, sponsored by Assemblymen DeAngelo and Benson, re-affirm the language and legislative intent of the Fair Housing Act, so as to preclude significant unfair impacts and instead further progress toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities, facilitate municipal compliance and the actual provision of affordable housing.

NOW, THEREFORE, BE IT RESOLVED, on this 2nd, day of November 2016, Millstone Township, County of Monmouth, that:

1. Millstone Township strongly urges New Jersey Legislators to immediately reaffirm the language and legislative intent of the Fair Housing Act (FHA) and expressly clarify that the municipal affordable housing share is the sum of present and prospective need for the enumerated ten year period.

2. Millstone Township supports Senate Bill S-2254 and Assembly Bill A-3821.

3. Copies of this resolution de distributed to the Governor, the Lieutenant Governor, the President of the New Jersey Senate, the Speaker of the New Jersey General Assembly, the Legislative Sponsors, State Senator Samuel Thompson, Assemblyman Robert Clifton, Assemblyman Ronald Dancer, Senator Jeff Van Drew, Senator Ronald Rice, Senator Jennifer Beck, Senator Christopher Connors, Senator Brian Stack, Assemblyman Jerry Green, Assemblywoman Mila Jasey, Assemblyman Jamel Holley, Assemblywoman Patricia Egan Jones, Assemblywoman Maria Rodriguez-Gregg, the New Jersey League of Municipalities and the New Jersey Conference of Mayors.

ROLL CALL:

AYES: C/Dorfman, C/Kuczinski, C/Masci, M/Kinsey

NAYS: None

ABSTAIN: None

ABSENT: C/Grbelja

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Millstone Township Committee at its meeting of November 2, 2016.

Maria Dellasala, RMC
Municipal Clerk

**RESOLUTION NO. 16-189
MEETING DATE: 11-02-16**

**RESOLUTION: APPROVING CHANGE ORDER NO. 3
FOR STRUCTURAL AND ROOFING IMPROVEMENTS OF CLARKSBURG
METHODIST EPISCOPAL CHURCH**

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

WHEREAS, the Township entered into a contract with Robert Frizell Inc. in the original amount of \$398,898.00 for a project known as "Structural and Roofing Improvements of Clarksburg Methodist Episcopal Church"; and

WHEREAS, the Township has previously approved Change Orders No. 1 & 2 increasing the contract amount to \$444,170.00 for additional work resulted from site conditions; and

WHEREAS, the Township has requested additional work as detailed on the attached Change Order No. 3; and

WHEREAS, this addition will result in an increase in the amount of \$34,500.00 making the new contract amount \$478,670.00.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Millstone is hereby approving the Change Order No. 3, resulting in an increase in the contract in the amount of \$34,500.00 and the Mayor, Township Administrator or Clerk are hereby authorized to execute this Change Order.

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:

1. Township Engineer
2. Robert Frizell Inc.
3. Township Attorney
4. Township Administrator
5. Township CFO/Treasurer

ROLL CALL:

AYES: C/Dorfman, C/Kuczinski, C/Masci, M/Kinsey

NAYS: None

ABSTAIN: None

ABSENT: C/Grbelja

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Millstone Township Committee at its meeting of November 2, 2016.

Maria Dellasala, RMC
Municipal Clerk