

June 16, 2010

**TOWNSHIP OF MILLSTONE**

**JUNE 16, 2010**

**AGENDA**

**Mayor Grbelja calls the meeting to order at 5:38P.M.**

**ROLL CALL:** Mayor Nancy Grbelja – present, Committeeman Dorfman –present, Committeeman Kinsey – absent, Committeeman Kuczinski – present, Committeeman Masci – present. Also in attendance – Attorney – Loren Lightman, Administrator - James Pickering and Municipal Clerk – Maria Dellasala.

**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 A FAX 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 JUNE 9, 2010.**

**M/Grbelja turns the meeting over to Attorney – Loren Lightman**

Attorney Loren Lightman explains that we will be staying in open session for a Step III grievance filed by CWA Local 1038 on behalf of DPW employee Mark Philpot. Mr. Philpot has asked to have the proceedings in public session instead of executive session. Once concluded the Township Committee will go into executive session for discussion. Ms. Lightman introduces Mr. Tom Beatty & Mr. Rich Deickmann who handle the independent investigation.

**RESOLUTION 10-110 AUTHORIZING THE HOLDING OF AN EXECUTIVE SESSION AT, WHICH THE PUBLIC SHALL BE EXCLUDED.**

C/Kinsey 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:

The public shall be excluded for the discussion of any action upon the here in after specified matter.

The general nature of the subject matter to be discussed is as follows:

- Personnel
- Items falling under Attorney/Client Privilege
- Land Acquisition

June 16, 2010

It is anticipated at this time that the above stated subject matter will be made public in approximately six months or when any litigation discussed is resolved.  
This resolution will take effect immediately.

**VOTE:**

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

Executive session began 7:20p.m  
Motion to adjourn, Moved C/Dorfman, Seconded C/Kinsey. ©  
Time Out 8:15pm.

**MAYOR GRBELJA CALLS THE REGULAR MEETING TO ORDER AT 8:22 P.M. FOLLOWED BY A FLAG SALUTE AND A MOMENT OF SILENCE.**

**CORRESPONDENCE:**

1. Letter received from Monmouth County Park System congratulating Millstone on successfully completion in 2009 of a Monmouth County Open Space Grant Project.

**ORDINANCES**

**ORDINANCE #10-13**

**SECOND READING**

ORDINANCE AUTHORIZING PURCHASE OF OPEN SPACE

BLOCK 52, LOT 14.

**EXPLANATORY STATEMENT:** This Ordinance provides for the purchase by the Township of Millstone of property known as Block 52, Lot 14 from William E. Antonides with the possible financial assistance of the State of New Jersey, Department of Environmental Protection, Green Acres Program and/or the County of Monmouth.

Affidavit of publication presented.

Mayor Grbelja opens the public hearing at 8:23 p.m.

No Public Comment.

Mayor Grbelja closes the public hearing at 8:23 p.m.

Motion to adopt on second reading, Moved C/Kuczinski, Second C/Kinsey.

Committee Discussion: None

**VOTE:**

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

**ORDINANCE 10-14**

**SECOND READING**

AN ORDINANCE GRANTING MUNICIPAL CONSENT

June 16, 2010

FOR THE OPERATION OF A CABLE TELEVISION SYSTEM WITHIN THE TOWNSHIP OF MILLSTONE, NEW JERSEY TO CABLEVISION OF MONMOUTH, LLC.

**EXPLANATORY STATEMENT:** This ordinance hereby replaces the existing cable television franchise ordinance.

Affidavit of publication presented.

Mayor Grbelja opens the public hearing at 8:26 p.m.

No Public Comment.

Mayor Grbelja closes the public hearing at 8:26 p.m.

Motion to adopt on second reading, Moved C/Dorfman, Second C/Masci.

Committee Discussion: Attorney Loren Lightman states ordinance was reviewed by township committee and negotiated by the with the cable committee. C/Masci thanks Don Viapree and the cable committee for all our hard work and states that Cablevision did not have to come to us they could have gone directly to the State as per the Cable Television Act.

VOTE:

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

NAYS: None

ABSTAIN: None

ABSENT: None

**ORDINANCE 10-15**

**SECOND READING** ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14).

**EXPLANATORY STATEMENT:** This ordinance authorizes an increase to 3.5% over the previous year's final appropriations.

Affidavit of publication presented.

Mayor Grbelja opens the public hearing at 8:27 p.m.

No Public Comment.

Mayor Grbelja closes the public hearing at 8:27 p.m.

Motion to adopt on second reading, Moved C/Kinsey, Second C/Kuczinski.

Committee Discussion: None

VOTE:

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

NAYS: None

ABSTAIN: None

ABSENT: None

**ORDINANCE 10-16**



June 16, 2010

**RESOLUTION:**

10-99 Resolution: **ADOPTION OF THE 2010 MUNICIPAL BUDGET:**

Affidavit of publication presented.

Mayor Grbelja opens the public hearing at 8:31p.m.

No Public Comment.

Mayor Grbelja closes the public hearing at 8:31p.m.

Motion to adopt on second reading, Moved C/Kinsey, Second C/Dorfman.

Committee Discussion: C/Kinsey states the budget was presented at the May 19 meeting.

M/Grbelja thanks C/Kinsey, C/Kuczinski, Jim Pickering and Annette Murphy for all their hard work in putting this budget together.

VOTE:

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

NAYS: None

ABSTAIN: None

ABSENT: None

**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.**

**10-111** Payment of vouchers.

**10- 112** Resolution authorizing reduction of Performance Guarantees for Paint Island Springs North, Subdivision No. PMSPF 02-35 (Block 62, Lots 26.03, 26.04, 26.05, 26.06 and 26.07).

**10-113** Resolution authorizing Self-Examination of Budget.

**10-114** Resolution authorizing the renewal of Alcohol Beverage 2010/2011 License for Clarksburg Inn, Inc., T/A Clarksburg Inn License No. 1332-33-001-007.

**10-115** Resolution authorizing the renewal of Alcohol Beverage 2010/2011 License for The Millstone Township ELKS No. 2613, License No. 1332-31-005-001.

**10-116** Resolution authorizing the renewal of Alcohol Beverage 2010/2011 License for INDUS Holdings, Inc. T/A Buy Rite Liquors, License No. 1332-44-004-007.

**10-117** Resolution authorizing the renewal of Alcohol Beverage 2010/2011 License for Domal Restaurant Corp., T/A Tommy's Inn at Millstone, License No. 1332-33-003-010.

**10-118** Resolution opposing Senate Bill S-1181/Assembly Bill A-1683.

Motion to adopt, Moved C/Kinsey, Second C/Kuczinski.

Committee Discussion: M/grbelja states that a few residents have been working very hard to defeat bill S1181/A1683 which will reduce the perimeter from 450 feet to 151 feet for

June 16, 2010

bow hunting. C/Kinsey states the bill has been bought and paid for by the hunters lobby group.

None

VOTE:

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

NAYS: None

ABSTAIN: None

ABSENT: None

**REPORTS FROM VARIOUS DEPARTMENTS FOR MAY 2010:**

Tax Collector	\$6,718,694.02
Tax Collector Tax Sale 2010	
Clerks report	\$ 1,786.00
Dog License	\$ 3,257.40
Recreation	\$ 49,927.00
Building Department	\$ 17,264.00
COAH	\$ 1,205.00
Municipal Court	\$ 37,439.58
2010 Interest Revenue	

Motion to file, Moved C/Kinsey, Second C/Dorfman. ©

**TOWNSHIP COMMITTEE MINUTES:**

1. Regular Session and Executive Session May 19, 2010
2. Regular Session and Executive Session June 2, 2010

Motion to adopt, Moved C/Kinsey, Second C/Masci.

Committee Discussion: None

VOTE:

AYES: C/Kuczinski, C/Masci, C/Dorfman, C/Kinsey (May 19, 2010),  
M/Grbelja

NAYS: None

ABSTAIN: C/Kinsey (June 2, 2010)

ABSENT: None

Resolution 10-119

**RESOLUTION NO. 10-119**

**MEETING DATE 06-16-10**

**RESOLUTION DISCHARGING DPW EMPLOYEE MARK PHILPOT FROM  
EMPLOYMENT WITH MILLSTONE TOWNSHIP.**

**C/Kuczinski** offered the following Resolution and moved its adoption, which was seconded by **C/Masci**:

**WHEREAS**, Mark Philpot was suspended on May 25, 2010 based on misconduct relating to his employment, pending the outcome of an independent investigation; and

June 16, 2010

**WHEREAS**, the independent investigation was conducted and completed with respect to the basis for the suspension; and

**WHEREAS**, CWA Local 1038 filed a Step III grievance on Mr. Philpot's behalf pursuant to its collective negotiating agreement with the Township; and

**WHEREAS**, on June 8, 2010, CWA Local 1038 was advised that the Township Committee would hear the grievance during its regularly scheduled meeting on June 16, 2010; and

**WHEREAS**, on June 8, 2010, CWA Local 1038 was also advised that during its June 16, 2010 meeting, the Township Committee would consider a hearing regarding Mr. Philpot's employment status with Millstone Township; and

**WHEREAS**, by correspondence dated June 15, 2010, Mr. Philpot's counsel advised that Mr. Philpot elected to have his employment status discussed in public session; and

**WHEREAS**, the Township Committee heard the Step III grievance and conducted a hearing into Mr. Philpot's employment status with the Township during the open session of its meeting on June 16, 2010;

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

1. The employment status of Mark Philpot is converted from suspension without pay to a discharge from employment, effective immediately, based upon the record made during the hearing which is incorporated by reference herein.
2. A certified copy of this Resolution shall be provided by the Township Clerk to each of the following:
  - (a) Township Attorney
  - (b) Township Administrator
  - (c) Township Chief Financial Officer
  - (d) CWA Local 1038
  - (e) Mark Philpot

**ROLL CALL:**

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

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 June 16, 2010.

**PRIVILEGE OF THE FLOOR:**

Mayor Grbelja opens the meeting to the public at 8:43p.m.

1. Shawn Ludwig – CWZ 1038 states that a fair and just process needs to be done, you used bullying tactics and threw me out because you did not like what I was saying. Why would you let an injustice go on here. M/Grbelja states your behavior was inappropriate, our attorney asked you a couple of times not to continue with your line of questioning and you still continued. Mr. Ludwig states

June 16, 2010

- will be taken this to a Step IV arbitration.
2. Ramon Racalde – Robbins Road – states he forwarded to the committee a letter he received from the Board of Education requesting he cease and desist his mass-emails to the school district staff. Mr. Racalde states that the Board of Education at its last meeting presented 50+ employees be terminated as of June 15, union law states that they must be given 60 days notice.
  3. Mark Philpot – states that he has been an employee here for the past 7 years and expected a fair trial, he states that he only did what he was told to do by Ken Gann and that he did the same thing 2 years ago for Jim Pickering. I will be back to serve the residents of Millstone.
  4. Bob Bailey – Filmore Drive – Thanks the committee for their resolution opposing Senate Bill S-1181/Assembly Bill A-1683, this kind of legislature puts everyone in harm's way.
  5. Barry Frost – Deer Trail Drive – States that he attended a meeting at Monmouth County regarding Senate Bill S-1181/Assembly Bill A-1683 and there were many people there from Marlboro, Long Branch to speak against the bill. However the bill did pass by a 7-0 vote.

Mayor Grbelja closes the meeting to the public at 9:10p.m.

Motion to adjourn, Moved C/Kinsey, Second C/Kuczinski. © Time Out 9:10p.m.

Tapes of the meeting are available in the Municipal Clerk's Office.

June 16, 2010 minutes approved at a Township Committee meeting held on July 7, 2010.

---

Maria Dellasala, RMC  
Township of Millstone