

August 18, 2010

TOWNSHIP OF MILLSTONE

AUGUST 18, 2010

AGENDA

Mayor Grbelja calls the meeting to order at 7:07P.M.

ROLL CALL: Mayor Nancy Grbelja – present, Committeeman Dorfman –present, Committeeman Kinsey – present, Committeeman Kuczinski – absent, Committeeman Masci – present. Also in attendance – Attorney – Duane Davison, Engineer – Matt Shafai, Interim Administrator – Tom Shannon 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 THE ANNUAL NOTICE OF MEETINGS WHICH WAS MAILED TO THE ASBURY PARK PRESS AND THE MESSENGER PRESS, POSTED ON THE PUBLIC ANNOUNCEMENTS BULLETIN BOARD IN TOWN HALL AND FILED IN THE OFFICE OF THE TOWNSHIP CLERK ON DECEMBER 16, 2009.

RESOLUTION 10-136 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:

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

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/Masci, M/Grbelja

NAYS: None

ABSTAIN: None

ABSENT: C/Kuczinski

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Executive session began 7:10p.m

Motion to adjourn, Moved C/Kinsey, Seconded C/Dorfman. ©

Time Out 8:27pm.

MAYOR GRBELJA CALLS THE REGULAR MEETING TO ORDER AT 8:16 P.M. FOLLOWED BY A FLAG SALUTE AND A MOMENT OF SILENCE.

PRESENTATION:

1. Viridian Energy – Copy of presentation attached at end of minutes.
2. Main Street Social – Copy of presentation attached at end of minutes.

CORRESPONDENCE:

1. Letter received from State of New Jersey, Department of State, thanking the Governing Body for sending our letter on the red tape issue.

MINING PERMIT RENEWAL APPLICATIONS:

1. Buck Mining – Engineer Matt Shafai states that 40% of the days there has been no flagman, 3 summonses have been issued. We may need to extend out 90 days there have been some changes in their plans...there are a few issues to workout. William Stone representing Buck Mining states they have had the flagman out all but two days; it's possible the flagman was in the mine going over the routes with truck drivers when he wasn't out on the road. We are doing the best we can. Meeting has been scheduled with Freehold Soil Conservation and Campo. C/Masci states you advocated for the flagman and made a commitment for this flagman how can you now fix the situation? Mr. Stone replies again the flagman could have been in the pit having the truck drivers sign off on the route maps, we also are thinking of getting like those realtor sign to put in the roadway with arrows pointing out the route.

M/Grbelja motions for time extension to September 15, 2010, second C/Dorfman, Roll Call C/Kinsey – yes, C/Masci – yes, C/Kuczinski – absent, C/Dorfman – yes, M/Grbelja – yes.

2. Preston Properties – Duane Davison states Preston Properties was before the committee at the July 21, 2010 meeting and there is an issue to the driveway access. The Engineer and I contacted the Attorneys for both Preston and O'Donnell for additional information. According to the information received from both parties access does exist for the trucks to get into the mine. The size of the access is what needs to be determined however that is not to be determined by the township committee but the owner of the property and the neighbors. Duane Davison states that his concerns have been abated and the governing body can now take action on the license. Matt Shafai states that everything is in order and recommends the approval of a two year permit. M/Grbelja motion to approve, second C/Dorfman, Roll Call C/Dorfman – yes, C/Kuczinski – absent, C/Kinsey – yes, C/Masci – yes, M/Grbelja – yes. C/Masci states both parties should

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try to make this work, we do not have the right to make determination, both parties need to reach out to each other and suggests again the both parties sit down together before you have to get attorneys involved.

ORDINANCE

ORDINANCE 10-20

SECOND READING ORDINANCE AMENDING CHAPTER XXXV (LAND USE), ARTICLE VI (CONDITIONAL USES), SECTION 6-3 (WIRELESS COMMUNICATION FACILITIES), SUBSECTION 6-3.7 (REQUIREMENTS FOR FIRST PRIORITY LOCATIONS) OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MILLSTONE, COUNTY OF MONMOUTH, STATE OF NEW JERSEY.

EXPLANATORY STATEMENT: This Ordinance amendment provides that the approval of an application by Millstone Township for the first priority location of a Wireless Communication Antenna within the Township shall expire twenty-four (24) months after the date the plans are signed by the Township Engineer. It further provides for a twelve (12) month extension upon written request, along with a fee of \$300.00, and approval by the Township Engineer and the Township Land Use Planner.

Affidavit of publication presented.

Mayor Grbelja opens the public hearing at 9:18 p.m.

No Public Comment.

Mayor Grbelja closes the public hearing at 9:18 p.m.

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

Committee Discussion: None

VOTE:

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

NAYS: None

ABSTAIN: None

ABSENT: C/Kuczinski

ORDINANCE 10-21

FIRST READING BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$50,000 FOR 2010 ROAD IMPROVEMENT PROGRAM IN AND BY THE TOWNSHIP OF MILLSTONE, IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$47,500 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION.

EXPLANATORY STATEMENT:

2010 Road Improvement Program including but not limited to various road and drainage improvements to Baird Road, Hampton Hollow Road, Hidden Pines Drive, Chadwick Road and David Court, including all work and materials necessary therefor and incidental thereto.

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Motion to adopt on first reading and authorize publication of same, Moved C/Kinsey, Second C/Dorfman.

Committee Discussion: None

VOTE:

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

NAYS: None

ABSTAIN: None

ABSENT: C/Kuczinski

Second reading and Public Hearing to be held on September 15, 2010 at 8:00 p.m. at the Millstone Township Meeting Room, 215 Millstone Road, Perrineville, New Jersey.

ORDINANCE 10-22

FIRST READING ORDINANCE AMENDING CHAPTER XXXV (LAND USE), ARTICLE XI, DESIGN AND PERFORMANCE STANDARDS AND CONSTRUCTION SPECIFICATIONS), BY CREATING SECTION 11-32 (TREE CLEARING) OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MILLSTONE, COUNTY OF MONMOUTH, STATE OF NEW JERSEY.

EXPLANATORY STATEMENT: This Ordinance creates Tree Clearing regulations within the Township of Millstone to protect property owners from clearing within prohibited areas; preserve and protect critical environmental areas; to protect existing conservation easements; to minimize erosion and sedimentation; to minimize the need for and maintenance of drainage facilities; to minimize adverse effects on ground and surface waters; and to prevent indiscriminate clearing of vegetation.

Motion to adopt on first reading and authorize publication of same, Moved M/Grbelja, Second C/Masci.

Committee Discussion: None

VOTE:

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

NAYS: None

ABSTAIN: None

ABSENT: C/Kuczinski

Second reading and Public Hearing to be held on September 15, 2010 at 8:00 p.m. at the Millstone Township Meeting Room, 215 Millstone Road, Perrineville, New Jersey.

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.

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- 10-137 Resolution granting permission to pay certain bills prior to Committee Meeting.
- 10-138 Resolution designating August 26, 2010 as Women's Equality Day in Millstone Township.
- 10-139 Resolution establishing lien against Block 36, Lot 5, 35 Clarksburg Road.
- 10-140 Resolution establishing lien against Block 43, Lot 9.02 & 9.03, 19/23 Roberts Road.
- 10-141 Resolution establishing lien against Block 16, Lot 10.03, 35 Prodelin Way.
- 10-142 Resolution establishing lien against Block 12, Lot 10, 3 VanHise Drive.
- 10-143 Resolution establishing lien against Block 24.03, Lot 11.04, 7 Lyle Farm Lane.
- 10-144 Resolution authorizing the extension of a onetime grace period for the payment of third quarter taxes, 2010.
- 10-145 Resolution appointing Interim-Administrator.
- 10-146 Resolution appointing Community Development Alternate Representative for 2010.
- 10-147 Resolution appointing DPW Operator 1.
- 10-148 Resolution authorizing the submission of an application for the Millstone Township Municipal Alliance Grant for 2011, and recognizing the administrative terms and conditions therein.
- 10-149 Resolution General Comments & Recommendations to the 2009 Annual Audit.
- 10-150 Payment of vouchers 08-04-10 meeting.
- 10-151 Payment of vouchers.
- 10-152 Resolution establishing lien against Block 12.05 Lot 2, 3 Princess Court.
- 10-153 Resolution granting 60 day extension of current mining permit for Campo Construction, Inc. Block 28 Lots 13.02, 14.01, 14.02, 19, 20 and 21.
- 10-154 Resolution of memorialization granting a two year mining permit to Stavola Realty Company.
- 10-155 Resolution granting 60 day extension of current mining permit for Buck Mining and Materials, Inc, Block 28, Lots 11 & 13.01.
- 10-156 Resolution urging the advancement of Standard and Thoroughbred Horse Racing in New Jersey which benefits New Jersey's economy and quality of life.

Motion to adopt, Moved C/Kinsey, Second C/Dorfman.
Committee Discussion: None

VOTE:

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

REPORTS FROM VARIOUS DEPARTMENTS FOR JULY 2010:

Tax Collector \$ 322,405.44

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Clerks report	\$ 1,504.10
Dog License	\$ 201.00
Recreation	\$ 17,498.00
Building Department	\$ 19,131.00
COAH	\$ 681.00
Municipal Court	\$ 34,604.90
2010 Interest Revenue	\$ 23,107.29
Zoning/Code Enforcement Report	

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

APPLICATION FOR RAFFLE LICENSE:

1. Millstone B.P.O. Elks Lodge #2613 – July 1, 2010 – June 30, 2011 Year Round (Daily) Pull Tab Game of Chance.

Motion to approve: C/Kinsey, Second C/Masci ©

2. Horsemen’s Association of Millstone – Frogbridge Day Camp - September 19, 2010, Millstone Day 9am- 5pm.

Motion to approve: C/Dorfman, Second M/Grbelja ©

3. Millstone Eagles Football & Cheer Booster Club – 50/50 for 8/22, 8/29, 9/5, 9/12, 9/19, 9/26, 10/3, 10/10, 10/17, 10/24 and 10/31 from 9am-4pm.

Motion to approve: C/Dorfman, Second C/Kinsey ©

PRIVILEGE OF THE FLOOR:

Mayor Grbelja opens the meeting to the public at 9:30 p.m.

1. Sam Mezzacappa – Robins Nest Drive – Has spoken to Matt Shafai about putting an above ground pool in his backyard but Matt Shafai won’t approve. There are a number of concerns with the distance from the well and septic system. However Mr. Mezzacappa doesn’t understand why Matt Shafai won’t approve. Mr. Shafai has told him he needs to go to the DEP for approval. He doesn’t want to go to the DEP because it can take up 1 ½ - 2 years. The committee lets Mr. Mezzacappa know they can not help him and he must go through the DEP.
2. Frank Kark – 316 Sweetmans Lane – Regarding the Preston Mine asks if he can put soldier beams on his property line, and the issue he has is with the noise and dust from the trucks. M/Grbelja states she is disappointed that there has been no communication between the neighbor’s and the Preston’s.
3. Brendan O’Donnell – 175 Woodville Road – States you put conditions on the other mining operations why not on Preston. They are parking machinery on my brothers property, he has shown you pictures, these are the kind of things that split the town. M/Grbelja states we can not make recommendations on private

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property. Duane Davison states our issue was on the access and both sides have said there is access. We were hoping the other issues would be worked out. C/Kinsey states we do not have the right to say who trespassing on private property.

4. Bob O'Donnell – Perrine Circle – States that he has financed 78% of the new houses in Millstone Township. I even moved here and helped my children purchase their homes in Millstone. Back in July you charged the individuals to get together before next meeting. We even pay our taxes on time.

Mayor Grbelja closes the meeting to the public at 10:13 p.m.

Motion to adjourn, Moved C/Dorfman, Second C/Masci. © Time Out 10:13 p.m.

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

August 18, 2010 minutes approved at a Township Committee meeting held on September 15, 2010.

Maria Dellasala, RMC
Township of Millstone