

October 20, 2010

TOWNSHIP OF MILLSTONE

OCTOBER 20, 2010

AGENDA

Mayor Grbelja calls the meeting to order at 6:34P.M.

ROLL CALL: Mayor Nancy Grbelja – present, Committeeman Dorfman – present, Committeeman Kinsey – present, Committeeman Kuczinski – present, Committeeman Masci – present. Also in attendance – Attorney – Duane Davison, Labor Counsel Ray Cassetta 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 ON THE PUBLIC ANNOUNCEMENTS BULLETIN BOARD IN TOWN HALL AND FILED IN THE OFFICE OF THE TOWNSHIP CLERK ON OCTOBER 15, 2010.

RESOLUTION 10-190 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 the Attorney/Client Privilege
- Contracts
- 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/Kuczinski, C/Masci, M/Grbelja

NAYS: None

ABSTAIN: None

ABSENT: None

Executive session began 6:35p.m

Motion to carry executive session to end of meeting, Moved C/Kinsey, Seconded C/Kuczinski. ©

MAYOR GRBELJA CALLS THE REGULAR MEETING TO ORDER AT 8:29

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P.M. FOLLOWED BY A FLAG SALUTE AND A MOMENT OF SILENCE.

M/Grbelja announces that the Environmental Commission received an award from ANJEC and introduces Eric Davis the Environmental Commission Chairman. Eric Davis states they received the ANJEC award thanks to all the hard work of the Environmental Commission, Lisa Spaziano of the Avakian firm, Duane Davison and his legal expertise and with the help of the Township Committee in adopting the T&E Ordinance. Mr. Davis introduces the Environmental Commission members. Barry Frost, Eric Davis, Doug Lischick, Jeff Torno, Mary Pinney, Marianne Heyesey, Benny Quaglierini, Rene Peerboom and Marjorie Martorella. Only commission member Tara Zabrosky was unable to attend. Chairman Eric Davis said he felt very strongly about the ordinance and was proud the commission was able to accomplish it.

Barry Frost said that residents should be aware that the ordinance was a combined effort of the commission and governing body. It's very difficult to get this kind of legislation to pass, you supported us. Mr. Frost also thanks Maria Dellasala and Pam D'Andrea for helping with all the paper work that needed to be submitted in a short amount of time, thank you. Mr. Frost added that people at the awards ceremony were surprised at the cooperation between the Township Committee and the Environmental Commission. All residents benefit from a stronger ordinance that protects the way of life we treasure.

Eric Davis presents to M/Grbelja the plaque and M/Grbelja reads the following:

Environmental Achievement Award

The Association of New Jersey Environmental Commissions recognizes

Millstone Township Environmental Commission

For outstanding accomplishment in local environmental protection for its project:

Threatened & Endangered Species Ordinance Enactment

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M/Grbelja said the residents know that Millstone is an environmentally sensitive community but sometimes find it difficult to live by that mantra and the township is blessed to have the people it does on the Environmental Commission, Planning Board and Zoning Boards. It's one reason our community stands out among others. It's like coming home to paradise every night.

CORRESPONDENCE:

1. Letter received from Monmouth County Solid Waste Coordinator, Larry Zaayenga requesting if Millstone would like to be a drop facility for computers and televisions.

DEFAULT HEARING:

Orleans at Millstone, LLC – Attorney Duane Davison asks if anyone is present from either Orleans at Millstone LLC or from Surety Company - XL Insurance Company – no one in attendance. Mr. Davison states that the developers agreement was recorded on October 1, 2004 and have two years to complete improvements, its now six years later. Mr. Davison swears in Engineer Matt Shafai and goes over the following exhibits:

Exhibit T-1 - Developer's Agreement which was recorded on November 18, 2004.

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Exhibit T-2 - Performance Bond No. SB0082806 issued by XL Specialty Insurance Company in the amount of \$1,711,739.63.

Exhibit T-3 - Letter dated July 15, 2010 from Township Engineer to Orleans Homebuilders, Inc. requesting a schedule of when improvements would be completed and if Developer failed to respond, Township Engineer would recommend default.

Exhibit T-4 - Letter dated August 24, 2010 from Township Engineer to Township Attorney with list of uncompleted improvements.

Exhibit T-5 - Letter dated August 27, 2010 from Township Attorney to Developer and Surety by regular and certified mail, return receipt requested, advising of default hearing scheduled for October 20, 2010.

Exhibit T-6 - Green, return receipt cards from August 27, 2010 default hearing notification letters to Developer and Surety, signed by Orleans at Millstone, LLC and XL Specialty Insurance Company, respectively.

Exhibit T-7 - Letter dated September 2, 2010 from XL Specialty Insurance Company to Township Attorney requesting Township Engineer's report.

Exhibit T-8 - Letter dated September 16, 2010 from Township Attorney to XL Specialty Insurance Company enclosing Township Engineer's report of deficiencies/uncompleted improvements.

Exhibit T-9 - Letter dated September 1, 2010 from Orleans Homebuilders, Inc.'s General Counsel to Township Attorney advising that Orleans at Millstone, LLC declared bankruptcy on March 1, 2010 and expects to emerge from bankruptcy as a viable company in late Fall 2010.

Thirteen lots have been sold, two remaining, one under construction and one vacant lot.

ORDINANCES

ORDINANCE 10-23

SECOND READING

AN ORDINANCE AMENDING CHAPTER XXXV (LAND USE AND DEVELOPMENT REGULATIONS), ARTICLE III (ADMINISTRATION AND PROCEDURES) SECTION 3-9 (FEES AND FEE SCHEDULE), SUBSECTION 3-9.4 (FEE SCHEDULE) OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MILLSTONE, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY.

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EXPLANATORY STATEMENT: This ordinance amendment updates the fees for development applications and related development activities within the Township of Millstone.

Affidavit of publication presented.

Mayor Grbelja opens the public hearing at 8:51 p.m.
No Public Comment.
Mayor Grbelja closes the public hearing at 8:51 p.m.

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

Committee Discussion: None

VOTE:

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

ORDINANCE 10-24

FIRST READING AN ORDINANCE AMENDING CHAPTER V (FEES FOR CHAPTR XXIII: SOIL REMOVAL, SUBSECTION 23-3 (SOIL REMOVAL PERMIT FEES) OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MILLSTONE, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY.

EXPLANATORY STATEMENT: This ordinance amendment updates the fees for Soil Removal Permit Fees within the Township of Millstone.

Affidavit of publication presented.

Mayor Grbelja opens the public hearing at 8:52 p.m.
No Public Comment.
Mayor Grbelja closes the public hearing at 8:52 p.m.

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

Committee Discussion: None

VOTE:

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

ORDINANCE 10-25

SECOND 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.

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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.

Affidavit of publication presented.

Mayor Grbelja opens the public hearing at 8:53 p.m.

1. Jennifer Coffey, Policy Director of the Stony Brook-Millstone Watershed Association said she believes the ordinance will go a long way to protect the environment and the five different watersheds that originate in Millstone Township. About a half million people in the 265 square-mile Stony Brook-Millstone watershed depend on water with headwaters that originate in Millstone. You are the gold standard for the relationship between the Environmental Commission and the Township Committee.

Mayor Grbelja closes the public hearing at 8:54 p.m.

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

Committee Discussion: None

VOTE:

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

NAYS: None

ABSTAIN: None

ABSENT: None

ORDINANCE 10-26

SECOND READING AN ORDINANCE AMENDING CHAPTER V (FEES), SECTION 5-2 (FEES FOR CHAPTER II: ADMINISTRATION), PARAGRAPH C (RECREATION REGISTRATION) OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MILLSTONE, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY.

EXPLANATORY STATEMENT: This Ordinance adds a fee for Special Needs Basketball and amends registration fee for Millstone Township Lacrosse Program.

Affidavit of publication presented.

Mayor Grbelja opens the public hearing at 8:55 p.m.

No Public Comment.

Mayor Grbelja closes the public hearing at 8:55 p.m.

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

Committee Discussion: None

VOTE:

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

10-191 Payment of vouchers.

10-192 Resolution establishing lien against Block 39.01, Lot 19.15, 7 White Birch Drive, Millstone Twp., NJ 08510.

10-193 Resolution amendment to resolution 10-38 to establish official depositories for the Township of Millstone.

10-194 Resolution to effectuate agreement between Millstone Township and State of New Jersey, Department of Environmental Protection, Division of Fish and Wildlife, on Block 35, Lot 24.01 and Block 35, Lot 24.02.

10-195 Resolution establishing Lien against Block 12, Lot 10, 3 Van Hise Drive, Millstone Twp., NJ 08535.

10-196 Resolution establishing Lien against Block 24.03, Lot 11.04, 7 Lyle Farm Lane, Millstone Twp., NJ 08535.

10-197 Resolution establishing Lien against Block 16, Lot 10.03, 35 Prodelin Way, Millstone Twp., NJ 08535.

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

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

REPORTS FROM VARIOUS DEPARTMENTS FOR SEPTEMBER 2010:

Tax Collector	\$ 313,625.63
Clerks report	\$ 290.75
Dog License	\$ 103.00
Recreation	\$ 13,738.75
Building Department	\$ 24,951.00
COAH	\$ 2,011.00

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the municipal court, unfortunately the implementation grant funds have dried up however we need to move forward with Upper Freehold Township on this item. We have a meeting scheduled with Andrew Lucas, Mayor of Manalapan Township for an Inter-local Agreement for Animal Control Services as well as other departments.

Blood Drive – Sponsored by Millstone Township Girl Scouts – Saturday, November 13, 2010 from 10:00 am – 2:00pm at the Community Center – Stagecoach Road – To make an appointment call 732-842-5750 email millstonegirlscouts@hotmail.com or register online at www.cjbcblood.org use the “Donate Blood” tab – Sponsor code is 6175.

PRIVILEGE OF THE FLOOR:

Mayor Grbelja opens the meeting to the public at 9:16 p.m.

No Public Comment.

Mayor Grbelja closes the meeting to the public at 9:16 p.m.

Motion back into executive session Moved C/Kinsey, Seconded C/Dorfman

VOTE:

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

NAYS: None

ABSTAIN: None

ABSENT: None

Back into executive session 9:17pm

Motion to adjourn executive session, Moved C/Kinsey, Second C/Masci. ©

Time Out 10:18pm.

Motion to adjourn, Moved C/Kuczinski, Second C/Dorfman. Time Out 10:18 p.m.

Tapes of the meeting are available in the Municipal Clerks Office.

October 11, 2010 minutes approved at a Township Committee meeting held on November 3, 2010.

Maria Dellasala, RMC
Township of Millstone