

TOWNSHIP OF MILLSTONE
Meeting Room
215 Millstone Road
Millstone Township, NJ 08535

**TOWNSHIP COMMITTEE MINUTES
JUNE 15, 2016 @ 8:00 PM**

Mayor Kinsey calls the meeting to order at 6:04 P.M.

ROLL CALL: Mayor Kinsey - present, Committeeman Dorfman –present, Committeeman Kuczinski – present, Committeeman Masci – absent. Committeewoman Grbelja - present. Also in attendance – Attorney – Duane Davison and Municipal Clerk/Administrator – 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 E-MAILED 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 10, 2016.

RESOLUTION TO GO INTO EXECUTIVE SESSION, (16-117) Moved C/Kuczinski, Second C/Dorfman. Committee Discussion: None

VOTE:

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion to adjourn executive session, Moved C/Dorfman, Second C/Kuczinski. ©

Time In 6:06 p.m., Time Out 8:23 p.m.

MAYOR KINSEY CALLS THE REGULAR MEETING TO ORDER AT 8:25 P.M. FOLLOWED BY A FLAG SALUTE AND A MOMENT OF SILENCE, AND KEEP IN YOUR PRAYERS THE VICTIMS IN ORLANDO, FLORIDA.

CORRESPONDENCE:

1. Letter dated May 31, 2016 from Rutgers, Office of Continuing Professional Education, confirming Daniel Specht has successfully completed the requirements of the NJ Recycling Certification Series.
2. Letter dated May 31, 2016 from Stony Brook-Millstone Watershed Association thanking Millstone Township for the financial support of the 2016 Stream Clean Up program.

ORDINANCES:

ORDINANCE NO. 16-10

FIRST READING ORDINANCE AUTHORIZING THE EXERCISE OF EMINENT DOMAIN, IF ADVISABLE, TO ACQUIRE FEE TITLE TO BLOCK 57, LOT 16, IN THE TOWNSHIP OF MILLSTONE

EXPLANATORY STATEMENT: This ordinance empowers the Township to acquire fee title to Block 57, Lot 16 and to exercise its power of eminent domain if deemed advisable.

Motion to adopt on first reading and authorize publication of same.

Moved C/Grbelja, Second C/Masci. Committee Discussion: None

VOTE:

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

NAYS: None

ABSTAIN: None

ABSENT: None

Second reading and Public Hearing to be held on July 6, 2016 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.

- 16-118 Payment of Vouchers
- 16-119 Resolution Requesting Approval of Items of Revenue and Appropriation, as per NJS 40A:4-87
- 16-120 Resolution General Comments and Recommendations to the 2015 Annual Audit
- 16-121 Resolution Authorizing the Renewal of Alcohol Beverage 2016/2017 License for Domal Restaurant Corp., T/A Tommy’s Inn at Millstone, License No. 1332-33-003-010
- 16-122 Resolution Authorizing the Renewal of Alcohol Beverage 2016/2017 License for the Millstone Township ELKS No. 2613, License No. 1332-31-005-002
- 16-123 Resolution Authorizing the Renewal of Alcohol Beverage 2016/2017 License for Indus Holdings, Inc. T/A Buy Rite Liquors, License No. 1332-44-004-007
- 16-124 Resolution Authorizing the Renewal of Alcohol Beverage 2016/2017 Pocket License to KMK Realty Associates, LLC
- 16-125 Resolution authorizing the Renewal of Alcohol Beverage 2016/2017 License for Clarksburg Inn, Inc. T/A Clarksburg Inn License No. 1332-33-001-009
- 16-126 Resolution Authorizing Shared Services Agreement between Millstone Township Board of Education and Millstone Township for Maintenance Services for HVAC and Electrical
- 16-127 Resolution Authorizing Defense of an Action Before the Office of Administrative Law Re: M.Ville, LLC & Don Vona vs. Monmouth County SADC and Millstone Township

Motion to adopt, Moved C/Masci, Second C/Dorfman. Committee Discussion: C/Masci states we are always looking for ways to save the tax dollars for the tax payers. Previous contracts have cost us up to \$96 per hour now we will paying closer to \$40 per hour, by having this shared services agreement with the Board of Education.

VOTE:

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

NAYS: None

ABSTAIN: None

ABSENT: None

CDBG Public Hearing: Improvements to the Millstone Township Community Center

Engineer Matt Shafai states that we will not be moving forward with this project.

16-128 Resolution authorizing the Township of Millstone to apply for a Community Development Block Grant from the County of Monmouth for ADA Improvements to the Millstone Township Community Center **TABLED**

REPORTS FROM VARIOUS DEPARTMENTS FOR MAY 2016:

Tax Collector	\$6,661,259.35
Clerks report	\$ 1,560.10
Dog License	\$ 695.40
Recreation	\$ 125,219.00
Building Department	\$ 54,357.00
COAH	\$ 6,173.00
Municipal Court	\$ 17,826.00
2016 Interest Revenue	
BAN Sale	
Code Enforcement	

Motion to file, Moved C/Kuczinski, Second C/Grbelja. ©

TOWNSHIP COMMITTEE MINUTES:

1. Regular Session and Executive Session May 18, 2016

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

VOTE:

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

NAYS: None

ABSTAIN: None

ABSENT: None

NEW BUSINESS:

1. Campo Mining - Engineer Matt Shafai states that he has received a letter from Lorali Totten, P.E., P.P. from Crest Engineering Associates Inc. on behalf of Campo Mining Pit - On behalf of Maria Campo, we respectfully request a 6-month extension of the 2014-2016 mining permit. By extending the permit for 6 months, the expiration date would extend to December 1, 2016. The reason for the request is as follows :

The applicant is currently evaluating the amount of soil remaining and the economic feasibility of mining the remaining soil. Additionally, the applicant is pursuing options for the property other than mining. These include continued negotiations with Monmouth County, (conversations as recently as two weeks ago) and other options.

Ms. Lucy Campo, the administrator of the mine on behalf of the owner, has recently returned to work (March 1, 2016) from a serious illness that has kept her from pursuing these options from the onset of the illness on September 30, 2015 until March 1, 2016.

At this time, we respectfully request an extension to provide additional time for Ms. Campo to determine how to proceed.

Motion to extend 6-months, Moved M/Kinsey, Second C/Dorfman. Committee Discussion: None ©

2. Preston Mining - Engineer Matt Shafai states new fees have been paid however updated mining plans are due in 2 to 3 weeks. Recommends a 60 day extension.

Motion to extend 6-days, Moved M/Kinsey, Second C/Dorfman. Committee Discussion: None ©

3. Stavola Mining - Engineer Matt Shafai states we have an old report, has been approved by Freehold Soil, property has not been mined in 12 years and submits the following report:

Documents Submitted

- A one sheet Mining Master Plan entitled "Stavola Mining Permit Renewal Block 39.01, Lots 21.04, 21.05 & 21.06 Tax Map Sheet No. 15 Master and Detailed Mining Plan" prepared by Thomas P. Branch, P.E., P.P., dated June 12, 2008, with no revisions.
- Environmental Impact Statement for Stavola Mining prepared by Thomas P. Branch, P.E., P.P., of Stavola Realty Company, not dated.
- Stormwater Management Report prepared by A.J. Garito, Jr., P.E. of Two River Engineering, dated February 4, 2008.
- Soil Erosion and Sediment Control Plans consisting of two (2) sheets, prepared by A.J. Garito, Jr., P.E. of Two River Engineering, dated February 26, 2004, last revised February 5, 2008.

Project Location & Description

- The subject property is known as Lots 21.04-21.06 , Block 39.01 consisting of approximately 21.88 Acres. The site is located along the northern side of Back Bone Hill Road, approximately 1,500 feet east of Schoolhouse Road and accessed via existing easements through Lots 20.05, 20.02, 21.01 and 21.
- The property is located in the RU-P (Rural Preservation Zone District).
- The site has not been mined since 2002; however, the site has been maintained regularly by the mine operator. This application is for the removal of 272,868 cubic yards of material which represents the total material to be removed for the useful life of the mine.
- Vehicles coming to and leaving the mining site are required to use Back Bone Hill Road west to Schoolhouse road and south the Stagecoach Road. Since no mining was conducted during the current permit period, the mine site has caused no deterioration of the road within the past two years. The Applicant remains responsible for any deterioration of this hauling route that is attributable to truck traffic during the future permit period.

Conditions of Approvals

- All mining operations shall be pursuant to Ordinance Section 22-7.
- Township Attorney's review and approval of the \$135,000.00 Bond and \$33,080.00 Letter of Credit is required.
- Submission of copies of Access Easement through properties mentioned in this report.
- Renewal of Certificate of Liability Insurance which expired on June 1, 2016.

Motion to approve, Moved M/Kinsey, Second C/Dorfman. Committee Discussion: None ©

4. Buck Mining - Engineer Matt Shafai states we have received 2 letters (see last page) from Walter Toto, Esq. who represents Buck Mining & Materials, Inc and Stone Sand & Gravel LLC - who is requesting a 90-day extension. Mr. Shafai states the biggest issue is still the retention basin, half of the basin is gone and they are back to square one. A meeting has been scheduled with Freehold Soil. C/Grbelja states she doesn't know why we would grant an extension.

Walter Toto, Esq. states that he has spoken with Monmouth County regarding them purchasing the mine and there has also been a lack of work, we are trying to finish up the basin. Also this is a new permit for July 2016-June 2018.

Motion to extend to July 20, 2016, Moved M/Kinsey, Second C/Dorfman. Committee Discussion: None - all in favor except C/Masci.

COMMENTS FROM THE DAIS:

C/Masci states that it has been 2 months since the Spring Clean Up and over the next few days Code Enforcement will be going around the town and leave letters for residents who still have trash out. If the resident does not remove the trash they will receive a warning notice. We take pride in the beauty of our community. Some items that were not picked up during the Spring Clean Up were TV's, car tires or for the residents that had out more than the allotted 5X5X5 it is up to the resident to know have these items disposed of.

Administrator Maria Dellasala announces the Rabies Clinic will be held this Thursday June 16, 2016 from 7:00p.m. to 8:00p.m. at the Public Works Garage, 899 Perrineville Road.

PRIVILEGE OF THE FLOOR:

Mayor Kinsey opens the meeting to the public at 8:54p.m.

No Public Comment

Mayor Kinsey closes the meeting to the public at 8:54 p.m.

Motion to adjourn, Moved C/Grbelja, Second C/Masci. © Time Out 8:55 p.m.

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

June 15, 2016 minutes approved at a Township Committee meeting held on July 6, 2016.

Maria Dellasala, RMC
Municipal Clerk
Millstone Township

WALTER TOTO, ESQ.
ATTORNEY AT LAW
317 FORSGATE DRIVE
MONROE TWP., NJ 08831
732-656-7770 – Phone
732-656-7779 – Facsimile
Email: waltertoto@aol.com

June 14, 2016

**Via Facsimile – 732-922-0044 and
Email: MATTSHAFAI@aol.com**
Matt Shafai, PP,PE, CME,
Millstone Twp. Engineer
Leon Avakian Engineering, Inc.
788 Wayside
Neptune, NJ 07753

**Re: Buck Mining & Materials, Inc. and Stone Sand & Gravel LLC
Block: 28 Lots: 11 and 13.01
Buck Mining Permit Extension Request**

Dear Mr. Shafai:

I represent Lesley Buck Stone and the above business entities as legal counsel. It is my understanding that on Wednesday, June 15th, the Township Committee will hear Lesley's request for a 90-day extension of the existing mining permit relating to the above property.

Consistent with recent history, Lesley has been paying all of the costs associated with maintaining the mining permit and basin construction. This continues to cause her economic distress, which has been exacerbated by a lack of work. Indeed, the client has removed only 300 truck loads of material in 2016.

You should be aware that the basin was de-silted in January of 2016 and the client continues to address the construction of the basin at the rear of the lot. Your office and the Committee last approved a complete mining permit application for Buck in June of 2015.

The grant of an extension is not a threat to obtaining landowners or to the public health, safety or welfare of Millstone's residents, as there is hydraulic control of the surface water and soil erosion controls are in place and will be supplemented to prevent erosion at the subject property. Please note, the basin at the rear of the property successfully maintained control of 4" of rainwater that had fallen over a 3-day period in early spring.

My client will be at the property this upcoming weekend and throughout next week to re-establish the haul road and continue work on the basin.

Matt Shafai, PP, PE, CME
June 14, 2016
Page 2

I respectfully request that you recommend this brief extension to permit my client to continue to finish the rear basin with sales of material coming from the basin.

Very truly yours,

A handwritten signature in black ink, appearing to read 'WALTER TOTO', with a long horizontal flourish extending to the right.

WALTER TOTO

WT:mm

cc: Maria Dellasala, Clerk (Via Email: m-dellasala@millstonenj.gov)
M. Lesley Buck Stone