

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

**TOWNSHIP COMMITTEE MINUTES  
NOVEMBER 2, 2016 @ 8:00 PM**

**Mayor Kinsey calls the meeting to order at 7:39 P.M.**

**ROLL CALL:** Mayor Kinsey - present, Committeeman Dorfman –present, Committeeman Kuczinski – present, Committeeman Masci –absent, Committeewoman Grbelja - absent. Also in attendance – Attorney – Bob Munoz 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 PROVIDED IN THE ANNUAL NOTICE OF MEETINGS WHICH WAS 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 DECEMBER 17, 2015.**

**RESOLUTION TO GO INTO EXECUTIVE SESSION, (16-182) Moved C/Kuczinski, Second M/Kinsey. Committee Discussion: None**

**VOTE:**

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

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

Time In 7:05 p.m., Time Out 8:07 p.m.

**MAYOR KINSEY CALLS THE REGULAR MEETING TO ORDER AT 8:05 P.M. and asks that everyone keep in their prayers the Stinson family. C/Masci joins in via conference call at 8:05pm.**

**PROCLAMATIONS: National Pancreatic Cancer Awareness Month**

*WHEREAS, in 2016, an estimated 53,070 people will be diagnosed with Pancreatic Cancer in the United States and it is estimated that 41,780 deaths will occur from the disease in 2016;*

*WHEREAS, Pancreatic Cancer is one of the deadliest cancers, is currently the fourth leading cause of cancer death in the United States, and is projected to become the second by 2020;*

*WHEREAS, Pancreatic Cancer is the only major cancer with a five-year relative survival rate in the single digits at just 7%;*

*WHEREAS, when symptoms of Pancreatic Cancer present themselves, it is generally late stage, and 73% of Pancreatic Cancer patients die within the first year of their diagnosis while 93% of Pancreatic Cancer patients die within the first five years;*

*WHEREAS, with research, there is hope and The Lustgarten Foundation supports research to find a cure for Pancreatic Cancer, facilitates dialogue within the medical and scientific community, and educates the public about the disease;*

*NOW, THEREFORE, I, Robert J. Kinsey, Mayor of the Township of Millstone, join leaders around the country in recognizing the Month of November 2016 as*

***NATIONAL PANCREATIC CANCER AWARENESS MONTH***

*And declaring it to be so in Millstone Township.*

*Proclaimed, this the 2nd. day of November 2016.*

*Robert J. Kinsey, Mayor*

**CORRESPONDENCE:**

1. Letter of resignation received from David Kurzman - Millstone Township Planning Board - Mr. Kurzman states he has enjoyed working on the Planning Board for the past 10 plus years, however, he has moved to Florida.

**ORDINANCES:**

**ORDINANCE NO. 16-15**

**SECOND READING**

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$4,500,000 FOR MILLSTONE PARK IMPROVEMENTS – PHASE I IN AND BY THE TOWNSHIP OF MILLSTONE, IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$3,300,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION.

**EXPLANATORY STATEMENT:** This Bond Ordinance provides an appropriation of \$4,500,000 for Millstone Park Improvements - Phase I, in and by the Township of Millstone in the County of Monmouth, New Jersey, and authorizes the issuance of \$3,300,000 bonds or notes of the Township for financing part of the appropriation. Millstone Park is commonly known as 4 Red Valley Road, Block 52, Lots 2, 13 and 14.

Affidavit of Publication Presented

Mayor Kinsey opens the public hearing at 8:11 p.m.

No Public Comment

Mayor Kinsey closes the public hearing at 8:11 p.m.

Motion to adopt, Moved C/Masci, Second C/Dorfman. Committee Discussion: M/Kinsey states that this is the final step in moving forward with the Millstone Park project, resolutions awarding the contract will be at the December 7, 2016 meeting.

C/Masci states as a previous president of Pop Warner he has been to hundreds of parks, we take a lot of pride in the building of this park and are so proud of this project and am very glad to be a part of this project.

M/Kinsey thanks the Ad Hoc Committee for their 22 months of dedication to this project, there is a lot of diversity on the committee and again thanks each member, Mayor Bob Kinsey, Committeeman and former Pop Warner president Fiore Masci, Recreation Chairman Chris Morris, Open Space member Charlie Dinardo, Former Recreation Chairman Jim Bell, Open Space Secretary and resident Lori Maher, Maria Dellasala Purchasing Agent, Engineer Matt Shafai and his team, Environmental Commission and Shade Tree Commission member Rene

Peerboom, Recreation Commissioner Sharon Peake and resident Steve Lambros. This has been a long time coming, thank you everybody.

**VOTE:**

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

**ORDINANCE NO. 16-16**

**FIRST READING**

**ORDINANCE AUTHORIZING CONVEYANCE OF RIGHT-OF-WAY TO COUNTY OF MONMOUTH**

**EXPLANATORY STATEMENT:** This Ordinance authorizes the Township of Millstone to convey a right-of-way to the County of Monmouth for property known as Block 43, Lot 4, along Woodville Road (County Route 527).

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

Moved C/Dorfman, Second C/Kuczinski. Committee Discussion: None

Second reading and Public Hearing to be held on December 7, 2016 at 8:00 p.m. at the Millstone Township Meeting Room, 215 Millstone Road, Perrineville, New Jersey.

**VOTE:**

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

**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.**

- 16-183 Payment of Vouchers
- 16-184 Resolution Authorizing the Execution of a Developer's Agreement for NAP Construction, LLC, Block 58, Lot 4.06, Subdivision No. PB15-01
- 16-185 Resolution to Transfer Funds on Current Year Appropriations #1
- 16-186 Resolution Authorizing Cancellation of Prior Years' Grant Receivables and Appropriations
- 16-187 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)

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

**VOTE:**

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

**16-188 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.

**VOTE:**

**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.

**16-189 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

**VOTE:**

**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.

**APPOINTMENTS TO BE MADE BY THE MAYOR**

**Mayor Kinsey** appoints the following people to serve as members on the Millstone Township Planning Board.

**BE IT RESOLVED** that **Jeff Ziner** shall fulfill the unexpired term of David Kurzman as Class IV member to the Millstone Township Planning Board, term expires December 31, 2018.

**BE IT RESOLVED** that **Ed Kocur** shall fulfill the unexpired term of Jeff Ziner as Alternate I member to the Millstone Township Planning Board, term expires December 31, 2017.

**BE IT RESOLVED** that **Stacie Curtis** shall fulfill the unexpired term of Ed Kocur as Alternate II member to the Millstone Township Planning Board, term expires December 31, 2016.

**BE IT FURTHER RESOLVED** that a copy of these appointments be forwarded to the Millstone Township Planning Board and to the appointees.

**I HEREBY CERTIFY** the foregoing to be a true copy of the appointment made by the Mayor of the Township of Millstone at its meeting of November 2, 2016.

**APPLICATION FOR A RAFFLE LICENSE:**

1. Millstone Township PTSA - Off Premise 50/50 Raffle, December 2, 2016 to be held at the Millstone Township Elks, 22 Burnt Tavern Road, Millstone Twp.

2. Millstone Township PTSA - Bingo, December 2, 2016 to be held at the Millstone Township Elks, 22 Burnt Tavern Road, Millstone Twp.

Motion to approve, Moved C/Kuczinski, Second C/Dorfman. ©

**COMMENTS FROM THE DAIS:**

M/Kinsey congratulates the Millstone Township Fire Department Women's Auxiliary on another successful Halloween Parade.

Reminds everyone that Tuesday, November 8, 2016 is Election Day and the polls are open from 6:00am to 8:00pm.

Holiday Lighting will take place on Friday, December 2, 2016 in conjunction with the Millstone Township Fire Department at the Millstone Township Fire House from 6:00pm - 8:00pm.

Last couple days for brush drop off are November 5, 12 and 19 across from Wagner Farm Park from 8:00am - 1:00pm.

We will be holding our annual Veteran's Day Ceremony on Friday, November 11, 2016 at 11:00am.

**PRIVILEGE OF THE FLOOR:**

Mayor Kinsey opens the meeting to the public at 8:37 p.m.

1. Amish Patel - Vaughn Court asks about the following:

Site problem at the corner of Battleground Road and Morse Drive  
Massive Puddle on Battleground Road and Disbrow Hill Road  
Site issue Battleground Road and Disbrow Hill Road  
Curbs and walkways throughout Rosemount Farms development  
Snow Plowing  
When will Park be functional  
2. Sarita Dehury - Morse Drive - Asks about Millstone Park  
Mayor Kinsey closes the meeting to the public at 8:50 p.m.

Motion to adjourn, Moved C/Dorfman, Second C/Kuczinski. © Time Out 8:50 p.m.

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

November 2, 2016 minutes approved at a Township Committee meeting held on December 7, 2016.

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Maria Dellasala, RMC  
Municipal Clerk  
Millstone Township