

**RESOLUTION NO. 17-145
MEETING DATE: 08-16-17**

**RESOLUTION 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 **M/Kuczinski**:

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:

1. The public shall be excluded for the discussion of any action upon the here in after specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 - a. Land Acquisition
 - b. Items falling under attorney/client privilege
 - c. Litigation

It is anticipated at this time that the above stated subject matter will be made public in approximately six months or at such time as any litigation discussed is resolved.

3. This Resolution shall take effect immediately.

ROLL CALL:

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

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Township Committee of the Township of Millstone on August 16, 2017.

Maria Dellasala, RMC
Municipal Clerk

RESOLUTION NO. 17-146
MEETING DATE: 08-16-17

**RESOLUTION AUTHORIZING AN APPLICATION TO MONMOUTH COUNTY
MUNICIPAL OPEN SPACE GRANT PROGRAM**

C/Masci offered the following resolution and moved its adoption, which was second by C/Grbelja.

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the Governing Body of Millstone Township desires to obtain County Open Space Trust Funds in the amount of \$113,000.00 to fund Clarksburg Methodist Episcopal Church - CRC Phase II, Block 34 Lot 13.01, 510 Stage Coach Road, Millstone Twp., NJ 08510; and

WHEREAS, the total cost of the project including all matching funds is \$225,000.00; and

WHEREAS, the Township of Millstone will be holder of any interest acquired with County Open Space Trust Funds.

NOW, THEREFORE, BE IT RESOLVED BY the Township Committee of the Township of Millstone **THAT**:

1. Michael Kuczinski, Mayor of the Township of Millstone, or his successor to the office of Mayor is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the municipal contact person and correspondent of the above named municipality; and
2. The Township of Millstone is committed to this project and will provide the balance of funding necessary to complete the project as described in the grant application in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and

4. Michael Kuczinski, Mayor of the Township of Millstone, or his successor to the office of Mayor is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and

5. This resolution shall take effect immediately.

ROLL CALL:

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

CERTIFICATION

I, Maria Dellasala do hereby certify that the foregoing is a true copy of a resolution adopted by the Governing Body of the Township of Millstone at a meeting held on the 16th day of August, 2017.

In Witness Whereof, I have hereunder set my hand and official seal of the municipality this 16th day of August, 2017.

Maria Dellasala, RMC
Municipal Clerk

**RESOLUTION NO: 17-147
MEETING DATE: 08-16-17**

RESOLUTION CORRECTING TAX PAYMENT ON BLOCK 26, LOT 3.10

C/Masci offered the following Resolution and moved its adoption, which was second by **C/Grbelja**.

WHEREAS, an Added Assessment was placed and judgment entered on the property listed below; and

WHEREAS, this correction was made by the Tax Assessor for the 2018 tax year however, was not adjusted properly by the County for the 2017 tax year,

WHEREAS, the property owner was overbilled for the balance of the 2017 tax year,

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Millstone, hereby authorizes the adjustment of the following by the Tax Collector:

Block: 26, Lot: 3.10

Property Owner: Helene Muir

Amount: (3 qtr 2017) \$797.04 and (4 qtr 2017) \$797.03 totaling \$1,594.07

ROLL CALL:

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

NAYS: None

ABSTAIN: None

ABSENT: C/Dorfman

I HEREBY CERTIFY the foregoing to be a true and accurate copy of the resolution adopted by the Millstone Township Committee at its meeting held on August 16, 2017

Maria Dellasala, RMC
Municipal Clerk

RESOLUTION NO:17- 148
MEETING DATE: 08-16-17

RESOLUTION CANCELLING TAXES ON BLOCK 29, LOT 5.01

C/Masci offered the following Resolution and moved its adoption, which was second by **C/Grbelja**.

WHEREAS, the property listed below is Tax Exempt and has been since 2015, and;

WHEREAS, it has been brought to the attention of the Tax Assessor that the property was inadvertently placed on the tax rolls as taxable for 2017, due to a software communication error, and;

WHEREAS, the property owner was billed for the 2017 tax year;

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Millstone, hereby authorizes the cancellation of the following taxes by the Tax Collector:

Block: 29, Lot: 5.01
Property Owner: County of Monmouth
Location: 145 Baird Road
Amount: \$12,939.06 for 2017

ROLL CALL:

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

I HEREBY CERTIFY the foregoing to be a true and accurate copy of the resolution adopted by the Millstone Township Committee at its meeting held on August 16, 2017

Maria Dellasala, RMC
Municipal Clerk

RESOLUTION NO. 17-149

SCHEDULE 17-08-B S

CONSOLIDATED BILL LIST

TOWNSHIP OF MILLSTONE VOUCHERS FOR PAYMENT PRESENTED TO
THE TOWNSHIP COMMITTEE AT A MEETING
HELD ON August 16, 2017

SEE SCHEDULE 17-08-B ATTACHED

A resolution was passed by the Township Committee for the payment of the vouchers listed on Schedule 17-08-B attached.

Michael Kuczinski, Mayor

Fiore Masci, Deputy Mayor

Nancy Grbelja, Committeewoman

Robert J. Kinsey, Committeeman

Gary Dorfman, Committeeman

Attest: _____
Maria Dellasala
Municipal Clerk

**TOWNSHIP OF MILLSTONE
RESOLUTION NO. 17-149
August 16, 2017**

BE IT RESOLVED by the Township Committee of the Township of Millstone that the vouchers listed on Schedule 17-08-B, August 16, 2017, Consolidated Bill List, and the vouchers listed below as Schedule 17-08-B S, Supplement to Consolidated Bill List, as presented by the Township Treasurer, Amanda Salerno, to be paid from existing appropriations.

CURRENT FUND

TOTAL CURRENT FUND: \$ 1,276,121.82
SCHEDULE 17-08-B S

PAYROLL FUND

TOTAL PAYROLL TRUST FUND \$ 5,936.34

GENERAL CAPITAL FUND

TOTAL GENERAL CAPITAL FUND \$ 266,883.26

GRANT FUND

TOTAL GRANT FUND \$ 2,178.23

BASIN MAINTENANCE TRUST

TOTAL BASIN MAINTENANCE TRUST \$ 87.69

RESERVE TRUST FUND

TOTAL RESERVE TRUST FUND \$ 369.00

SHADE TREE TRUST

TOTAL SHADE TREE TRUST \$ 0.00

COAH TRUST FUND

TOTAL COAH TRUST FUND \$ 5,052.50

OPEN SPACE FARMLAND TRUST FUND

TOTAL OPEN SPACE FARMLAND TRUST FUND \$ 42,400.39

MUNICIPAL DRUG ALLIANCE FUND

TOTAL MUNICIPAL DRUG ALLIANCE FUND \$ 0.00

VET MEMORIAL FUND

TOTAL VET MEMORIAL FUND \$ 0.00

RECREATION TRUST FUND (DEDICATION BY RIDER)

TOTAL RECREATION TRUST FUND \$ 26,432.48

ANIMAL TRUST FUND

TOTAL DOG TRUST FUND \$ 293.24

TOTAL FOR ALL FUNDS \$ 1,625,754.95

ESCROW

DEVELOPERS ESCROW ACCOUNT UNDER \$5,000

TOTAL DEVELOPERS ESCROW UNDER \$5,000 \$ 1,367.50

DEVELOPERS ESCROW ACCOUNT OVER \$5,000

TOTAL DEVELOPERS ESCROW OVER \$5,000 \$ 7,191.00

TOTAL FOR ESCROW \$ 8,558.50

RESOLUTION WAS OFFERED BY COMMITTEEPERSON MASCI
AND MOVED ITS ADOPTION;
MOTION WAS SECOND BY COMMITTEEPERSON GRBELJA
RESOLUTION WAS ADOPTED ON THE FOLLOWING ROLL CALL VOTES:

AYES: C/GRBELJA, C/KINSEY, C/MASCI, M/KUCZINSKI

NAYS: NONE

ABSTAIN: NONE

ABSENT: C/DORFMAN

**RESOLUTION NO. 17-150
MEETING DATE 08-16-17**

**RESOLUTION AUTHORIZING EMERGENCY APPROPRIATIONS
FOR LEGAL SERVICES AND PLANNING BOARD**

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

WHEREAS, an emergency has arisen with respect to Legal and Master Plan Services and, no adequate provision was made in the 2017 Budget for the aforesaid purposes, and

WHEREAS, N.J.S.A. 40A: 4-48 provides for the creation of emergency appropriations for the purposes mentioned above, and

WHEREAS, the total amount of the emergency appropriation created, including the appropriation to be created by this resolution is \$120,000.00, and three (3%) of the total operating appropriations in the budget for the year is \$121,496.61. The emergency amount requested for Legal Services, in the amount of \$95,000, is attributed to two lawsuits, and the emergency amount requested for Planning Board, in the amount of \$25,000 is attributed to additional expenses associated with the Master Plan, in order to comply with the December 31, 2017 deadline.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Township of Millstone, County of Monmouth, State of New Jersey (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A: 4-48 that:

1. An emergency appropriation be created and the same is hereby made for in the amount of \$120,000.00.
2. Said emergency shall be provided in full in the 2018 Budget.
3. The Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency.
4. Two certified copies of this resolution be filed with the Director, Division of Local Government Services.

ROLL CALL:

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

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 August 16, 2017.

Maria Dellasala, RMC
Municipal Clerk

RESOLUTION NO. 17-151
MEETING DATE: 08-16-17

RESOLUTION REVISING CHANGE FUND FOR TAX COLLECTOR

C/Masci offered the following Resolution and moved its adoption, which was second by C/Grbelja.

WHEREAS, the Tax Collector has determined that the previously established Change Fund in the amount of Three Hundred Dollars (\$300) may be reduced to Two Hundred Dollars (\$200); and

WHEREAS, the Custodian for the Tax Collection Change Fund, Dawn Mitchell, shall maintain records for these funds in a manner conducive to proper accounting and auditing procedures; and

NOW THEREFORE, BE IT RESOLVED, that the Township Committee hereby authorizes such action and that two copies of this Resolution be filed with the Divisions of Local Government Services, New Jersey Department on Community Affairs for approval.

ROLL CALL:

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

I HEREBY CERTIFY that the Resolution is a true copy of the Resolution adopted by the Millstone Township Committee at its meeting held on August 16, 2017.

Maria Dellasala, RMC
Municipal Clerk

RESOLUTION NO. 17-152
MEETING DATE: 08-16-17

**RESOLUTION URGING THE STATE LEGISLATURE TO PASS
COMMON SENSE AFFORDABLE HOUSING RULES**

C/Masci offered the following Resolution and moved its adoption, which was second by C/Grbelja.

WHEREAS, the Supreme Court of New Jersey in the first Mount Laurel Decision (Mount Laurel I) in 1975 and the second Mount Laurel Decision (Mount Laurel II) in 1983 ruled that all New Jersey Municipalities are required to take affirmative action toward providing their "fair share" of the region's need for affordable housing for low and moderate income persons and families; and

WHEREAS, in response to the litigation which followed the Mount Laurel I and Mount Laurel II Decisions, the New Jersey Legislature adopted the Fair Housing Act in 1985 which created the Council on Affordable Housing to adopt Rules and Regulations for assessing statewide, regional and local need for affordable housing to allocate the obligations of Municipalities to provide their fair share of such need and to create a process to review and approve Municipal housing plans designed to address the local fair share obligations; and

WHEREAS, the Municipal Land Use Law at N.J.S.A. 40:55D-28 and N.J.S.A. 40:55D-62.a. requires that Municipalities adopt a Master Plan with a housing plan element prior to the adoption of an Amendment to Zoning Ordinances which housing element must conform to the requirements of the Fair Housing Act, N.J.S.A. 52:27D-310; and

WHEREAS, COAH subsequently adopted first and second round Regulations, the validity of which were upheld by the Courts; and

WHEREAS, COAH subsequently adopted its third round Regulations on December 20, 2004 which required Municipalities to petition for third round substantive certification in order to remain under COAH jurisdiction; and

WHEREAS, on January 26, 2007 the Appellate Division of the New Jersey Superior Court issued a Decision requiring COAH to revise its third round rules and precluded COAH from issuing third round substantive certifications until the new Rules were adopted; and

WHEREAS, on May 6, 2008 COAH adopted new third round rules effective on June 2, 2008 followed by publication in the New Jersey Register as required which ultimately resulted in further litigation and the filing of amended Third Round certifications due on or before December 31, 2008; and

WHEREAS, the further litigation resulted in decisions requiring the new third round rules to be revised; and

WHEREAS, for the period from October 8, 2010 through October 2014 COAH failed to meet the deadline set by the Supreme Court for establishing new third round certification guidelines and subsequently the Supreme Court, on March 10, 2015 ordered that with the exhaustion of all administrative remedies, the Courts shall resume their role of evaluating municipal compliance with Mount Laurel obligations; and

WHEREAS, the effective date of the order was June 8, 2015; Municipalities that were under administrative review were permitted to file Declaratory Judgment actions with the Superior Court Law Division on or before July 8, 2015; and

WHEREAS, Municipalities, without State guidance on fair share housing obligations and due to insufficient time and resources, did not have the ability to conduct their own fair share housing studies; and

WHEREAS, a substantial number of Municipalities have formed a consortium in order to pool resources to have the necessary research done to establish their fair share obligations and have filed Declaratory Judgment actions in order to comply with the Supreme Court's directives in order to maintain their immunity from builders remedy lawsuits costing the municipalities many thousands of taxpayer dollars to fund the litigation, the research and the negotiation of terms acceptable to the Courts, interveners and interested parties; and

WHEREAS, the failure of the Governor and the Legislature of the State of New Jersey to adopt affordable housing rules is a major detriment to the long-term development of all Municipalities in the State whereby a Municipality cannot plan for future growth without the threat of builders remedy lawsuits; and

WHEREAS, Municipalities have spent millions of dollars complying with State Regulations only to see that money being wasted due to the constant changes promulgated by a State Agency and/or the Courts; and

WHEREAS, Municipalities are anxious to provide housing to all citizens. However, the inability of the State of New Jersey to pass common sense affordable housing Regulations has cost this State eighteen (18) years of inactivity during which little affordable housing was created; and

WHEREAS, tens of thousands of homeowners lost their homes during the Great Recession of 2008 and the lack of affordable housing policies has led to empty homes in every Municipality that were returned to lenders; and

WHEREAS, common sense affordable housing policy could have turned these empty homes into affordable housing for the many who need it without imposing additional growth on Municipalities; and

WHEREAS, common sense affordable housing policies would call for affordable housing to be concentrated in areas where there is already supporting infrastructure, existing transportation with mass transit and employment opportunities; and

WHEREAS, requiring all five hundred sixty-five (565) Municipalities to create housing in locations that do not have infrastructure, transportation or employment opportunities violates the principles of smart growth in accordance with the New Jersey State Development and Redevelopment Plan and common sense.

NOW THEREFORE BE IT RESOLVED, that the Governing Body of the Township of Millstone, County of Monmouth and State of New Jersey calls upon the governor of the State of New Jersey, the Legislature of the State of New Jersey and the Administrative Agencies of the State of New Jersey to pass common sense affordable housing rules that directs affordable housing to those locations with existing infrastructure, existing transportation networks, existing mass transit and employment opportunities; and

BE IT FURTHER RESOLVED, the Township recognizes the value of preserving green space, open areas and the quality of life in New Jersey as discussed in the New Jersey State Plan and in the principles of smart growth. The Township also recognizes the value of limiting the intensity of development in environmentally sensitive planning areas to that which can be handled naturally by the land without the need for the creation of artificial infrastructure. These Regulations should apply equally to all Municipalities in the State of New Jersey and give each Municipality an opportunity to comply with clear and concise Regulations that spell out precisely each town's role; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Governor and Lieutenant Governor of the State of New Jersey, the Senate President, Assembly Speaker, the Council on Affordable Housing and all Municipal Clerks in Monmouth County and the League of Municipalities.

ROLL CALL:

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

I HEREBY CERTIFY the foregoing to be a true and accurate copy of the resolution adopted by the Millstone Township Committee at its meeting held on August 16, 2017

Maria Dellasala, RMC
Municipal Clerk