

RESOLUTION NO. 20-103
MEETING DATE: 03-18-2020

**RESOLUTION AUTHORIZING THE HOLDING OF AN EXECUTIVE SESSION, AT
WHICH THE PUBLIC SHALL BE EXCLUDED**

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

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:
 1. Items Falling Under Attorney/Client Privilege

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/Dorfman, C/Ferro, DM/Grbelja, C/Kuczinski, M/Masci
NAYS: None
ABSTAIN: None
ABSENT: None

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Township Committee of the Township of Millstone on March 18, 2020.

Kathleen Hart, RMC
Municipal Clerk

RESOLUTION NO. 20-104
ADOPTION DATE: 03-18-2020

**RESOLUTION ACKNOWLEDGING RECEIPT AND REVIEW OF
PLANNING BOARD CONSISTENCY REPORTS FOR
ORDINANCES 20-02, 20-03, 20-04, 20-05, 20-06 & 20-07**

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

WHEREAS, the Township Committee introduced Ordinance Nos. 20-02, 20-03, 20-04, 20-05, 20-06 & 20-07 on February 19, 2020 and referred them to the Planning Board pursuant to N.J.S.A. 40:55D-26(a); and

WHEREAS, on March 11, 2020, the Planning Board reported its findings on the Ordinances to the Township Committee.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee acknowledges receipt and has reviewed the Planning Board reports finding the ordinances to be consistent with the Master Plan.

BE IT FURTHER RESOLVED that the Township Committee has noted any substantive recommendations and notes the Planning Board's criticism of the Mount Laurel process; and

BE IT FURTHER RESOLVED that a copy of this Resolution, certified by the Township Clerk to be a true copy, be forwarded to the Planning Board Secretary.

ROLL CALL:

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

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Millstone Township Committee at its regular meeting of March 18, 2020.

KATHLEEN HART, RMC
Township Clerk

RESOLUTION NO. 20-105
MEETING DATE: 03-18-20

RESOLUTION TO ADOPT TEMPORARY EMERGENCY
APPROPRIATIONS #2

C/Ferro offered the following Resolution and moved its adoption, which was seconded by C/Kuczinski.

WHEREAS, N.J.S.A. 40A: 4-20 provides that an addition to temporary appropriations necessary for the period prior to the adoption of the budget and regular appropriations, the Governing Body may, by resolution adopted by 2/3 vote of the full membership thereof, make emergency temporary appropriations for any purpose for which the appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year.

WHEREAS, the total emergency temporary resolutions adopted in the year 2020 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A: 4-20) including this resolution total **\$604,389.00**.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Township of Millstone, that in accordance with the provisions of N.J.S.A. 40A: 4-20, the Chief Financial Officer be authorized to make the following emergency temporary budget appropriations in the 2020 current fund temporary budget and that said amounts be included under the correct headings in the municipal budget as adopted.

BE IT FURTHER RESOLVED that one certified copy of this resolution be filed with the Director of Local Government Services and one certified copy with the Chief Financial Officer.

<u>DEPARTMENT</u>	<u>S&W</u>	<u>OE</u>
General Administration	15,000	
Clerk	6,000	
Finance	500	
Tax Collector	8,500	
Tax Assessor	11,500	
Open Space	7,500	
Planning Board	3,000	
Zoning Board	3,000	
Construction	30,000	
Code Enforcement	5,000	
Streets & Roads	35,000	
Sanitation	5,200	
Buildings & Grounds	3,500	
Environmental Commission	250	
Recreation	5,500	
Court Clerk	11,000	\$4,000
Finance	10,000	
Audit	27,000	
Legal	10,000	
Engineering		2,000

Veterans Memorial	500
Planning Board	3,000
Zoning Board	1,500
Construction	5,000
Health Insurance	55,000
Streets & Roads	20,000
Unemployment	1,000
Sanitation	30,000
Buildings & Grounds	10,000
Vehicle Maintenance	10,000
Park Maintenance	2,500
Electricity	7,000
Street Lighting	18,000
Telephone	6,500
Natural Gas	10,500
Landfill	20,000
PERS	159,639
Social Security	15,000
DCRP	2,000
Court	<u>1,000</u>

Sub-Total \$150,450\$431,139

TOTAL \$581,589

ROLL CALL:

AYES: C/Kuczinski, C/Dorfman, C/Ferro, DM/Grbelja, M/Masci

NAYS: None

ABSTAIN: None

ABSENT: None

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 March 18, 2020.

Kathleen Hart, RMC
Municipal Clerk

RESOLUTION NO. 20-106
MEETING DATE: 03-18-2020

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

C/Kuczinski offered the following resolution and moved its adoption, which was second by **C/Dorfman**.

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 \$250,000.00 to fund Millstone Park Phase 2 Improvements, located at 4 Red Valley Road, Block 52 Lots 2, 13 and 14 on the Millstone Township Tax Map; and

WHEREAS, the total cost of the project including all matching funds is \$660,000.00; and

WHEREAS, the Township of Millstone is the owner of and controls the project site.

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

1. Fiore Masci, 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. Fiore Masci, 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/Dorfman, C/Ferro, DM/Grbelja, C/Kuczinski, M/Masci
NAYS: None
ABSTAIN: None
ABSENT: None

CERTIFICATION

I, Kathleen Hart 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 18th day of March, 2020.

In Witness Whereof, I have hereunder set my hand and official seal of the municipality this 18th day of March, 2020.

Kathleen Hart, RMC
Municipal Clerk

RESOLUTION NO. 20-107
ADOPTION DATE: 03-18-2020

**RESOLUTION AWARDING CONTRACT FOR 2020 CURBSIDE SPRING CLEANUP
AND RESERVING OPTION FOR 2021 CONTRACT**

C/Kuczinski offered the following Resolution and moved its adoption which was seconded by **C/Dorfman**.

WHEREAS, on Wednesday, March 4, 2020, at 2:00 p.m. the Purchasing Agent accepted bids for the 2020 Curbside Spring Cleanup Program; and

WHEREAS, the following bids were received:

Central Jersey Waste & Recycling, Inc.	\$25,995.00, plus \$90.00/ton Disposal Fee Option for year 2: \$25,995.00, plus \$90.00/ton Disposal Fee
Freehold Cartage, Inc.	\$37,101.00, plus \$86.00/ton Disposal Fee Option for year 2: \$42,600.00, plus \$87.00/ton Disposal Fee

WHEREAS, the Township Purchasing Agent has recommended awarding the Contract to the lowest bidder, Central Jersey Waste & Recycling, Inc. in the amount of \$25,995.00, plus the \$90.00 per ton disposal fee and reserving the Township's discretion to exercise the option for year 2; and

WHEREAS, the award of this contract is contingent upon the adoption of the 2020 Township of Millstone budget.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Millstone hereby awards a Contract to Central Jersey Waste & Recycling, Inc. for the 2020 Curbside Spring Cleanup Program for the Base Bid in the total amount of \$25,995.00, plus the \$90.00 per ton disposal fee, subject to the condition set forth above and further reserving the Township's discretion to exercise the option for year 2.

BE IT FURTHER RESOLVED that a certified copy of the within Resolution be forwarded to the Township Attorney, CPWM, CFO, Purchasing Agent, Central Jersey Waste & Recycling, Inc. and the unsuccessful bidder together with the return of its bid security.

ROLL CALL VOTE:

AYES: C/Dorfman, C/Ferro, DM/Grbelja, C/Kuczinski, M/Masci

NAYS: None

ABSTAIN: None

ABSENT: None

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Millstone Township Committee at its meeting of March 18, 2020.

KATHLEEN HART, RMC
Township Clerk

**RESOLUTION NO. 20-108
MEETING DATE: 03-18-20**

**RESOLUTION AUTHORIZING CONTRACT WITH
STEWART, A XEROX COMPANY**

C/Kuczinski offered the following Resolution and moved its adoption, which was second by **C/Dorfman**:

WHEREAS, there is a need for an all inclusive printer service contract for parts and genuine HP toner, for all existing laser printers by the Township of Millstone; and

WHEREAS, Stewart, Inc., has provided an annual price of \$3,641.88; and

WHEREAS, the Certified Financial Officer has recommended that we enter a two (2) year contract with a one-year extension through March 18, 2023; and

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Millstone hereby authorized to execute a contract as described above in the amount of \$3,641.88, per year.

BE IT FURTHER RESOLVED that a copy of this Resolution, certified by the Township Clerk to be a true copy, is forwarded to the following:

- (a) Stewart, A Xerox Company
- (b) Township Qualified Purchasing Agent
- (c) Township Treasurer
- (d) Township CFO

ROLL CALL:

AYES: C/Dorfman, C/Ferro, DM/Grbelja, C/Kuczinski, M/Masci

NAYS: None

ABSENT: None

ABSTAIN: None

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Millstone Township Committee at its meeting of March 18, 2020.

Kathleen Hart, RMC
Municipal Clerk

RESOLUTION NO.20-109
MEETING DATE: 03-18-2020

**RESOLUTION DIRECTING TAX COLLECTOR TO CANCEL
REAL ESTATES TAXES LISTED ON SCHEDULE A**

C/Kuczinski offered the following Resolution and moved its adoption, which was second by **C/Dorfman**:

WHEREAS, certain properties have had assessment changes for the year 2020; and

WHEREAS, these properties will be exempt from taxes for the year 2020; and

WHEREAS, the following Taxpayer Schedule includes Preliminary Taxes that were billed on said properties for 2020 that will be cancelled; and

WHEREAS, the Tax Collector of the Township of Millstone has certified to the Township Committee of the Township of Millstone that the items designated with the word "CANCEL" on Schedule A be cancelled to the names appearing below.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millstone that the cancellations be made to the properties appearing on Schedule A.

BE IT FURTHER RESOLVED that the Tax Collector is hereby authorized to make corrections and notations upon the Municipal records as may be necessary to affect this Resolution.

BE IT FURTHER RESOLVED that a copy of this Resolution, certified by the Township Clerk to be a true copy, be forwarded to the Tax Collector, the Chief Financial Officer, and the Monmouth County Board of Taxation.

ROLL CALL:

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

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Millstone Township Committee at its meeting of March 18, 2020.

Kathleen Hart, RMC
Township Clerk

SCHEDULE A
2020 PRELIMINARY TAXES – CANCEL

Block 28 Lot 12.02Q	MONMOUTH COUNTY 36 PINEHILL RD MILLSTONE, NJ 08510	\$74.95
Block 44 Lot 7	MONMOUTH COUNTY 229 SWEETMANS LN MILLSTONE, NJ 08510	\$3,438.06
Block 44 Lot 7Q	MONMOUTH COUNTY SWEETMANS LN MILLSTONE, NJ 08510	\$ 250.60
Block 44 Lot 7.05	MONMOUTH COUNTY 227 SWEETMANS LN MILLSTONE, NJ 08510	\$3,226.11
TOTAL		<u>\$6,989.72</u>

TOTAL CANCELLED\$6,989.72

RESOLUTION NO. 20-110
MEETING DATE: 03-18-2020

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
MILLSTONE TO FUND THE ACCESSORY APARTMENT COMPONENT OF THE
2020 AMENDED HOUSING ELEMENT AND FAIR SHARE PLAN**

C/**Kuczinski** offered the following Resolution and moved its adoption, which was second by C/**Dorfman**:

WHEREAS, the New Jersey Municipal Land Use Law N.J.S.A. 40:55D-1 et seq. confers upon the local Planning Board jurisdiction to prepare, adopt and amend a Master Plan with a component or the components thereof, pursuant to N.J.S.A. 40:55D-28; and

WHEREAS, Southern Burlington County NAACP v. Tp. of Mount Laurel, 92 N.J. 158 (1983) (hereinafter "Mount Laurel I"), the Fair Housing Act, N.J.S.A. 52:27D-301, *et seq.*, the regulations adopted by the Council On Affordable Housing (hereinafter "COAH"), and other applicable laws require all New Jersey municipalities to create a realistic opportunity for the provision of low and moderate income housing (hereinafter "affordable housing"); and

WHEREAS, pursuant to N.J.S.A. 40:55D-28 and N.J.S.A. 52:27D-310 the Master Plan shall include a municipal housing element designed to achieve the goal of access to affordable housing to meet present and prospective needs, with particular attention to low and moderate income housing; and

WHEREAS, it has been determined that the Municipality must address its obligation of its affordable housing Fair Share Plan, meaning the Municipality must provide a realistic opportunity for the creation of units affordable to low and moderate income households and conforming to the regulations of COAH and the Uniform Housing Affordability Controls ("UHAC"); and

WHEREAS, pursuant to In Re N.J.A.C. 5:96 and 5:97, 221, N.J. 1 (2015) (Mount Laurel IV) the Township of Millstone filed the Declaratory Judgment action entitled In the Matter of the Application of the Township of Millstone and the Planning Board of the Township of Millstone, County of Monmouth Docket No. MON-L-2501-15 on July 2, 2015 seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan satisfies its "fair share" of the regional need for low and moderate income housing pursuant to the Mount Laurel Doctrine; and

WHEREAS, the Township simultaneously sought and ultimately secured an Order protecting the Township from all exclusionary zoning lawsuits while it pursues approval of its Amended Housing Element and Fair Share Plan; and

WHEREAS, the immunity secured by the Township remains in place as of this date; and

WHEREAS, the Township has reached a Settlement Agreement of the above litigation dated September 5, 2019 which was approved by the Honorable Linda G. Jones, J.S.C. by Order dated November 12, 2019 which Order requires the Planning Board and the Township to adopt and endorse an Amended Housing Element and Fair Share Plan consistent with the terms of the Settlement Agreement; and

WHEREAS, the Planning Board has, through its professionals, prepared and adopted the Amended Housing Element and Fair Share Plan consistent with the terms of the Settlement Agreement; and

WHEREAS, the Amended Housing Element and Fair Share Plan and Affordable Housing Fee Spending Plan include provisions to address a portion the Municipality's obligation through an Affordable Accessory Apartment program to fund the development of 10 affordable accessory apartments; and

WHEREAS, at its meeting held on February 19, 2020 the Township Committee reviewed the Amended Housing Element and Fair Share Plan and the Affordable Housing Fee Spending Plan and endorsed same; and

WHEREAS, The Township Committee found that the Amended Housing Element and Fair Share Plan and the Affordable Housing Fee Spending Plan includes a review of the Statutorily required reexamination areas as set forth in N.J.S.A. 40:55D-28 and N.J.S.A. 52:27D-310 and also addresses the specific terms and conditions set forth in the Court approved Settlement Agreement dated September 5, 2019 and Order approving the Settlement Agreement entered November 12, 2019 including the Present Need/Rehabilitation component; and

WHEREAS, as a result of the foregoing, the Township Committee finds that it is appropriate to provide for funding of the Affordable Accessory Apartment component of the Amended Housing Element and Fair Share Plan as set forth in the Spending Plan.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Millstone, in the County of Monmouth and State of New Jersey on this 18th day of March, 2020 that the Amended Housing Element and Fair Share Plan Affordable Accessory Apartment component be funded as set forth in the Spending Plan.

ROLL CALL:

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

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Millstone Township Committee at its meeting of March 18, 2020.

Kathleen Hart, RMC
Township Clerk

RESOLUTION NO. 20-111
MEETING DATE: 03-18-2020

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
MILLSTONE APPROVING SPENDING PLAN**

C/Kuczinski offered the following Resolution and moved its adoption, which was second by **C/Dorfman**:

WHEREAS, the New Jersey Municipal Land Use Law N.J.S.A. 40:55D-1 et seq. confers upon the local Planning Board jurisdiction to prepare, adopt and amend a Master Plan with a component or the components thereof, pursuant to N.J.S.A. 40:55D-28; and

WHEREAS, **Southern Burlington County NAACP v. Tp. of Mount Laurel**, 92 N.J. 158 (1983) (hereinafter "Mount Laurel I"), the Fair Housing Act, N.J.S.A. 52:27D-301, *et seq.*, the regulations adopted by the Council On Affordable Housing (hereinafter "COAH"), and other applicable laws require all New Jersey municipalities to create a realistic opportunity for the provision of low and moderate income housing (hereinafter "affordable housing"); and

WHEREAS, pursuant to N.J.S.A. 40:55D-28 and N.J.S.A. 52:27D-310 the Master Plan shall include a municipal housing element designed to achieve the goal of access to affordable housing to meet present and prospective needs, with particular attention to low and moderate income housing; and

WHEREAS, it has been determined that the Municipality must address its obligation of its affordable housing Fair Share Plan, meaning the Municipality must provide a realistic opportunity for the creation of units affordable to low and moderate income households and conforming to the regulations of COAH and the Uniform Housing Affordability Controls ("UHAC"); and

WHEREAS, pursuant to **In Re N.J.A.C. 5:96 and 5:97**, 221, N.J. 1 (2015) (Mount Laurel IV) the Township of Millstone filed the Declaratory Judgment action entitled **In the Matter of the Application of the Township of Millstone and the Planning Board of the Township of Millstone, County of Monmouth Docket No. MON-L-2501-15** on July 2, 2015 seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan satisfies its "fair share" of the regional need for low and moderate income housing pursuant to the Mount Laurel Doctrine; and

WHEREAS, the Township simultaneously sought and ultimately secured an Order protecting the Township from all exclusionary zoning lawsuits while it pursues approval of its Amended Housing Element and Fair Share Plan; and

WHEREAS, the immunity secured by the Township remains in place as of this date; and

WHEREAS, the Township has reached a Settlement Agreement of the above litigation dated September 5, 2019 which was approved by the Honorable Linda G. Jones,

J.S.C. by Order dated November 12, 2019 which Order requires the Planning Board and the Township to adopt and endorse an Amended Housing Element and Fair Share Plan consistent with the terms of the Settlement Agreement; and

WHEREAS, the Planning Board has, through its professionals, prepared a Housing Element and Fair Share Plan and a Spending Plan consistent with the terms of the Settlement Agreement which it adopted on January 29, 2020; and

WHEREAS, at its meeting held on February 19, 2020 the Township Committee reviewed the Housing Element and Fair Share Plan, the Spending Plan and the Resolution of the Planning Board adopting same; and

WHEREAS, at its meeting held on February 19, 2020 the Township Committee endorsed the Housing Element and Fair Share Plan,

WHEREAS, The Township Committee finds that the Spending Plan is consistent with the Fair Housing Act, applicable COAH regulations and complies with the specific terms and conditions set forth in the Court approved Settlement Agreement dated September 5, 2019 and Order approving the Settlement Agreement entered November 12, 2019; and

WHEREAS, the Township Committee of the Township of Millstone desires to submit its Spending Plan to the Court in connection with the Compliance Action for review and approval.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Millstone, in the County of Monmouth and State of New Jersey on this 18th day of March, 2020 that the Spending Plan be and is hereby adopted and approved so that it can expend the funds in its Affordable Housing Trust Fund.

ROLL CALL:

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

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Millstone Township Committee at its meeting of March 18, 2020.

Kathleen Hart, RMC
Township Clerk

RESOLUTION NO. 20-112

SCHEDULE 20-3-B S

CONSOLIDATED BILL LIST

TOWNSHIP OF MILLSTONE VOUCHERS FOR PAYMENT PRESENTED TO
THE TOWNSHIP COMMITTEE AT A MEETING
HELD ON March 18, 2020

SEE SCHEDULE 20-03-B ATTACHED

A resolution was passed by the Township Committee for the payment of the vouchers listed on Schedule 20-03-B attached.

Fiore Masci, Mayor

Nancy Grbelja, Deputy Mayor

Gary Dorfman, Committeeman

Albert Ferro, Committeeman

Michael Kuczinski, Committeeman

Attest: _____
Kathleen Hart
Municipal Clerk

**TOWNSHIP OF MILLSTONE
RESOLUTION NO. 20-112
March 18, 2020**

BE IT RESOLVED by the Township Committee of the Township of Millstone that the vouchers listed on Schedule 20-03-B, March 18, 2020, Consolidated Bill List, and the vouchers listed below as Schedule 20-03-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: \$ 581,731.11

SCHEDULE 20-03-B S

PAYROLL FUND

TOTAL PAYROLL TRUST FUND \$ 10,907.81

GENERAL CAPITAL FUND

TOTAL GENERAL CAPITAL FUND \$ 0.00

GRANT FUND

TOTAL GRANT FUND \$ 3,810.62

RESERVE TRUST FUND

TOTAL RESERVE TRUST FUND \$ 4,125.81

BASIN MAINTENANCE TRUST

TOTAL BASIN MAINTENANCE TRUST \$ 0.00

SHADE TREE TRUST

TOTAL SHADE TREE TRUST \$ 0.00

COAH TRUST FUND

TOTAL COAH TRUST FUND \$ 7,941.30

OPEN SPACE FARMLAND TRUST FUND

TOTAL OPEN SPACE FARMLAND TRUST FUND \$ 11,453.75

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 \$ 1,947.94

ANIMAL TRUST FUND

TOTAL DOG TRUST FUND \$ 532.70

TOTAL FOR ALL FUNDS \$ 622,451.04

ESCROW

DEVELOPERS ESCROW ACCOUNT UNDER \$5,000

TOTAL DEVELOPERS ESCROW UNDER \$5,000 \$ 7,518.25

DEVELOPERS ESCROW ACCOUNT OVER \$5,000

TOTAL DEVELOPERS ESCROW OVER \$5,000 \$ 5,841.70

TOTAL FOR ESCROW \$ 13,359.95

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

AYES: C/Dorfman, C/Ferro, DM/Grbelja, C/Kuczinski, M/Masci

NAYS: None

ABSTAIN: None

ABSENT: None

RESOLUTION NO. 20-114
ADOPTION DATE: 03-18-2020

**RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN
THE TOWNSHIP OF MILLSTONE AND GERALD BALDACHINO PURSUANT TO
THE TOWNSHIP'S COMPLIANCE PLAN AND SETTLEMENT AGREEMENT FOR
BLOCK 11, LOT 19 and BLOCK 9, LOT 7**

C/**Kuczinski** offered the following Resolution and moved its adoption which was seconded by C/**Dorfman**.

WHEREAS, Gerald Baldachino, ("Developer") is the owner of property identified on the Township Tax Map as Block 11, Lot 19 consisting of 36.49 acres and Block 9, Lot 7 consisting of 8.45 acres, located along Perrineville Road (a/k/a County Route 1) (the "Property"); and

WHEREAS pursuant to the Mount Laurel Doctrine as expressed in Southern Burl. Co. NAACP v. Tp. Of Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II"), the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq. (the "FHA") and applicable regulations promulgated by the Council on Affordable Housing ("COAH") pursuant to the FHA (the "COAH Regulations"), the Township has a constitutional obligation to provide its fair share of the region's need for affordable housing; and

WHEREAS, the Mount Laurel Obligation was delineated by time periods, commonly referred to as Rounds, with the First Round addressed the period 1987-1993 and the Second Round addressing the cumulative period 1987-1999; and

WHEREAS, following the expiration of the Second Round, COAH attempted to adopt regulations for the Third Round (1999-2018), but the regulations were rejected by both the New Jersey Superior Court – Appellate Division and New Jersey Supreme Court; and

WHEREAS, after years of COAH's delay and ultimate failure to adopt constitutional regulations for the Third Round, the Fair Share Housing Center ("FSHC") moved

before the New Jersey Supreme Court requesting that the Supreme Court direct New Jersey trial courts to calculate and oversee implementation of Mount Laurel obligation for the Third Round; and

WHEREAS, on March 10, 2015, the New Jersey Supreme Court issued its decision In Re N.J.A.C. 5:96 & N.J.A.C. 5:97, 221 N.J. (2015) (“Mount Laurel IV”), granting FSHC’s Motion and, in relevant part, establishing a process whereby the New Jersey trial courts would assume jurisdiction over municipal compliance with the Mount Laurel Doctrine; and

WHEREAS, pursuant to the direction of the Mount Laurel IV decision, the Township initiated the present matter captioned In the Matter of the Application of the Township of Millstone and the Planning Board of the Township of Millstone, County of Monmouth, Docket No. MON-L-2501-15, to establish the Township’s compliance with its Third Round Mount Laurel obligations (the “Township Compliance Action”); and

WHEREAS, Developer is an “interested party” in the Township Compliance Action, and is participating to ensure the Township’s satisfaction of its Third Round Mount Laurel obligation, which obligation would be determined by the trial court; and

WHEREAS, in evaluating properties appropriate for inclusionary development in accordance with N.J.A.C. 5:93-5.6, the Township has determined that the Property presents an opportunity for such development and is approvable, available, developable, and suitable meets the criteria of N.J.A.C. 5:93-1.3, 5.3-5.6; and

WHEREAS, the Township Committee has approved a Settlement Agreement (the “Settlement Agreement”) by and between Fair Share Housing Center, Showplace Farms, LLC, and the Township in which the Property is identified as a suitable site for inclusionary development that will go toward satisfying the Township’s Third Round Mount Laurel

Obligation as outlined in the Settlement Agreement, and the Township has determined to proceed with a rezoning initiative for the Property as outlined in the Settlement Agreement, and herein, which rezoning will assist the Township in addressing its Third Round Mount Laurel Obligation and which zoning initiatives will be an integral component of the Township's Third Round Housing Element and Fair Share Compliance Plan (the "Township Compliance Plan"); and

WHEREAS, the Special Counsel has prepared an Agreement for inclusion of the Property in the Township's Plan.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Millstone that the Mayor is hereby authorized to execute and the Township Clerk to attest the Agreement between the Township of Millstone and the Developer in accordance with the Township Compliance Plan and the Settlement Agreement.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be provided by the Township Clerk to each of the following: Township Engineer, Township Attorney, Township Planning Board, Special Counsel and the Developer.

ROLL CALL:

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

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Millstone Township Committee at its regular meeting of March 18, 2020.

KATHLEEN HART, RMC
Township Clerk

RESOLUTION NO. 20-115
ADOPTION DATE: 03-18-2020

**RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN
THE TOWNSHIP OF MILLSTONE AND THE AFFORDABLE HOUSING ALLIANCE,
INC., A NEW JERSEY NON-PROFIT CORPORATION, PURSUANT TO THE
TOWNSHIP'S COMPLIANCE PLAN AND SETTLEMENT AGREEMENT FOR "CKV
MILLSTONE WOODS," BLOCK 57, LOT 16.03**

C/_____ offered the following Resolution and moved its adoption which was seconded by C/_____.

WHEREAS, The Affordable Housing Alliance, Inc., a New Jersey non-profit corporation ("AHA or "Developer"), and the township of Millstone have conducted several discussions about creating a for sale community of 49 single family homes on Block 57, Lot 16,03; and

WHEREAS, Southern Burlington County NAACP v. Tp. of Mount Laurel, 92 N.J. 158 (1983) (hereinafter "Mount Laurel"), the Fair Housing Act, N.J.S.A. 52:27D-301, et seq., the regulations adopted by the Council On Affordable Housing (hereinafter "COAH"), and other applicable laws require all New Jersey municipalities to create a realistic opportunity for the provision of low and moderate-income housing (hereinafter "affordable housing"); and

WHEREAS, it has been determined that the Municipality must address its obligation of its affordable housing Fair Share Plan, meaning the Municipality must provide a realistic opportunity for the creation of units affordable to low and moderate-income households and conforming to the regulations of COAH and the Uniform Housing Affordability Controls ("UHAC"); and

WHEREAS, to address this obligation the Municipality and AHA have conducted several discussions with regard to creating a for sale community of 49 single family homes on Block 57, Lot 16,03; referred to as "CKV Millstone Woods," ("hereinafter "project") which contemplates

the construction of 49 single family for sale units which will be affordable to certified low and moderate-income households; and

WHEREAS, the Municipality is also cognizant that if CKV Millstone Woods Project fails to materialize, it must still address its obligation to satisfy a portion of its affordable housing obligations with for sale housing; and

WHEREAS, the Municipality has therefore committed to collaborating and forming an agreement with AHA; and

WHEREAS, the Municipality owns the CKV Millstone Woods parcel, the Municipality has committed to transferring ownership of this parcel to AHA at no cost to facilitate the construction of said units and to enhance the economic feasibility of the project; and

WHEREAS, AHA has developed and submitted to the Municipality a proposal for the construction and administration of a 49-unit, municipally- sponsored single family for sale program, attached hereto as Exhibit A; and

WHEREAS, the AHA proposal includes a development budget in conformity with N.J.A.C. 5:93-5.5; and

WHEREAS, AHA will endeavor to secure sufficient funding from several funding sources to complement the use of any municipal funds; and

WHEREAS, if AHA is unable to secure a portion of the funds necessary to complete this project, the Municipality has formally committed to fund any shortfall via Resolution entitled "A Resolution of the Township Committee of Millstone Township Expressing Its Intent to Fund for the Municipality's Affordable Housing Obligation," dated February 19, 2020; and

WHEREAS, the Municipality has also committed to act in good faith, to assist AHA to the extent possible in securing all permits necessary to commence construction of the proposed project and to zone the site for the purposes intended in this contract; and

WHEREAS, AHA will assure that the affordable units comply with all applicable regulations of COAH, UHAC and the terms of the Court approved Settlement Agreement between the Township of Millstone, Fair Share Housing Center and Showplace Farms in the Superior Court of New Jersey, Law Division, Monmouth County Docket No. MON-L-2501-15, including but not limited to those regulations concerning pricing, bedroom mix, low/moderate income split, affirmative marketing, and all other applicable COAH and UHAC regulations; and

WHEREAS, AHA shall comply with the Settlement Agreement requirement for 25 low and 24 moderate income units; and

WHEREAS, the subject property is a viable, approvable, developable and suitable, as those terms are defined in N.J.A.C. 5:93-5.3(b), for the project illustrated by Exhibit A to the agreement; and

WHEREAS, the Special Counsel has prepared an Agreement for inclusion of the Project in the Township's Plan.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Millstone that the Mayor is hereby authorized to execute and the Township Clerk to attest the Agreement between the Township of Millstone and the Developer in accordance with the Township Compliance Plan and the Settlement Agreement.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be provided by the Township Clerk to each of the following: Township Engineer, Township Attorney, Township Planning Board, Special Counsel and the AHA.

ROLL CALL:

AYES:

NAYS:

ABSTAIN:

ABSENT:

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Millstone Township Committee at its regular meeting of March 18, 2020.

KATHLEEN HART, RMC
Township Clerk

RESOLUTION NO. 20-116
ADOPTION DATE: 03-18-2020

**RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN
THE TOWNSHIP OF MILLSTONE AND THE AFFORDABLE HOUSING ALLIANCE,
INC., A NEW JERSEY NON-PROFIT CORPORATION, PURSUANT TO THE
TOWNSHIP'S COMPLIANCE PLAN AND SETTLEMENT AGREEMENT FOR "SHU
LEE APARTMENTS," BLOCK 57.01, LOT 21.02**

C/**Kuczinski** offered the following Resolution and moved its adoption which was seconded by C/**Dorfman**.

WHEREAS, The Affordable Housing Alliance, Inc., a New Jersey non-profit corporation ("AHA" or "Developer"), and the Township of Millstone have conducted several discussions about creating a for rental community of 30 apartments on Block 57.01, Lot 21.02; and

WHEREAS, Southern Burlington County NAACP v. Tp. of Mount Laurel, 92 N.J. 158 (1983) (hereinafter "Mount Laurel"), the Fair Housing Act, N.J.S.A. 52:27D-301, et seq., the regulations adopted by the Council On Affordable Housing (hereinafter "COAH"), and other applicable laws require all New Jersey municipalities to create a realistic opportunity for the provision of low and moderate-income housing (hereinafter "affordable housing"); and

WHEREAS, it has been determined that the Municipality must address its obligation of its affordable housing Fair Share Plan, meaning the Municipality must provide a realistic opportunity for the creation of units affordable to low and moderate-income households and conforming to the regulations of COAH and the Uniform Housing Affordability Controls ("UHAC"); and

WHEREAS, to address this obligation the Municipality and AHA have conducted several discussions about creating a rental community of 30 apartments on Block 57.01, Lot 21.02; referred to as the "Shu Lee Apartments," (hereinafter "project") which contemplates the

construction of 30 family rental units which will be affordable to certified low and moderate-income households; and

WHEREAS, the Municipality is also cognizant that if Shu Lee Apartment Project fails to materialize, it must still address its obligation to satisfy a portion of its affordable housing obligations with rental housing; and

WHEREAS, the Municipality has therefore committed to collaborating and forming an agreement with AHA; and

WHEREAS, the Municipality owns the Property and the Municipality has committed to transferring ownership of this parcel to AHA to facilitate the construction of said units and to enhance the economic feasibility of the project; and

WHEREAS, AHA has developed and submitted to the Municipality a proposal for the construction and administration of a 30-unit, municipally- sponsored family rental program; and

WHEREAS, the AHA proposal includes development budget in conformity with N.J.A.C. 5:93-5.5; and

WHEREAS, AHA will endeavor to secure sufficient funding from several funding sources to complement the use of any municipal funds; and

WHEREAS, if AHA is unable to secure a portion of the funds necessary to complete this project, the Municipality has formally committed to fund any shortfall via Resolution entitled "A Resolution of the Township Council of Millstone Township Expressing Its Intent to Fund for the Municipality's Affordable Housing Obligation," dated February 9, 2020; and

WHEREAS, the Municipality has also committed to act in good faith, to assist AHA to the extent possible in securing all permits necessary to commence construction of the proposed project and to zone the site for the purposes intended in this contract; and

WHEREAS, AHA will assure that the affordable units comply with all applicable regulations of COAH, UHAC and the terms of the Court approved Settlement Agreement

between the Township of Millstone, Fair Share Housing Center and Showplace Farms in the Superior Court of New Jersey, Law Division, Monmouth County Docket No. MON-L-2501-15, including but not limited to those regulations concerning pricing, bedroom mix, low/moderate income split, affirmative marketing, and all other applicable COAH and UHAC regulations; and

WHEREAS, AHA shall comply with the statutory requirement for 13% of all affordable units to be affordable to very low-income households at 30% of the region's median income; and

WHEREAS, the subject property is a viable, approvable, developable and suitable, as those terms are defined in N.J.A.C. 5:93-5.3(b), for the project illustrated by Exhibit A; and

WHEREAS, the parties anticipate that the Municipality shall be entitled, pursuant to N.J.A.C. 5:93-5.15(d)1, to rental bonuses for some or all of the 30 family rental units provided pursuant to this project, which will address some of the Municipality's fair share obligation, and

WHEREAS, the Special Counsel has prepared an Agreement for inclusion of the Project in the Township's Plan.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Millstone that the Mayor is hereby authorized to execute and the Township Clerk to attest the Agreement between the Township of Millstone and AHA in accordance with the Township Compliance Plan and the Settlement Agreement.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be provided by the Township Clerk to each of the following: Township Engineer, Township Attorney, Township Planning Board, Special Counsel and AHA.

ROLL CALL:

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

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Millstone Township Committee at its regular meeting of March 18, 2020.

KATHLEEN HART, RMC
Township Clerk

RESOLUTION NO. 20-117
MEETING DATE: 03-18-2020

RESOLUTION APPOINTING ELECTRICAL INSPECTOR

C/Kuczinski offered the following Resolution and moved its adoption, which was second by **C/Dorfman**:

WHEREAS, there is an opening within the Construction Department for an Electrical Inspector; and

WHEREAS, the Administrator has interviewed candidates for the position and has selected and offered the position to James Kuipers as an Electrical Inspector.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Millstone that James Kuipers is hereby appointed Electrical Inspector at an hourly rate of \$40.00 per hour, not to exceed 18 hours per week, term expires December 31, 2020.

BE IT FURTHER RESOLVED that the appointments made hereby is effective as of March 11, 2020.

BE IT FURTHER RESOLVED that a copy of this Resolution certified by the Municipal Clerk to be a true copy shall be forwarded to each of the following:

- (1) Dennis Gibson – Temporary Construction Code Official
- (2) Kevin Abernethy – Business Administrator/Chief Financial Officer
- (3) Amanda Salerno – Treasurer
- (4) New Jersey Department of Community Affairs
- (5) James Kuipers

ROLL CALL:

AYES: C/Dorfman, C/Ferro, DM/Grbelja, C/Kuczinski, M/Masci

NAYS: None

ABSENT: None

ABSTAIN: None

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Millstone Township Committee at its meeting of March 18, 2020.

Kathleen Hart, RMC
Municipal Clerk

RESOLUTION NO. 20-118
MEETING DATE: 03-18-2020

RESOLUTION APPOINTING ELECTRICAL SUBCODE OFFICIAL

C/Kuczinski offered the following Resolution and moved its adoption, which was second by **C/Dorfman**:

WHEREAS, there is an opening within the Construction Department for an Electrical Subcode Official; and

WHEREAS, the Administrator has interviewed candidates for the position and has selected and offered the position to James Kuipers as an Electrical Subcode Official.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millstone that James Kuipers is hereby appointed Electrical Subcode Official for a four year term commencing March 11, 2020 and ending March 10, 2024 at an hourly rate of \$40.00 per hour, not to exceed 18 hours per week.

BE IT FURTHER RESOLVED that the appointment made hereby is effective as of March 11, 2020.

BE IT FURTHER RESOLVED that a copy of this Resolution certified by the Municipal Clerk to be a true copy shall be forwarded to each of the following:

- (1) Dennis Gibson – Temporary Construction Code Official
- (2) Kevin Abernethy – Business Administrator/Chief Financial Officer
- (3) Amanda Salerno – Treasurer
- (4) New Jersey Department of Community Affairs
- (5) Jeremy Kuipers

ROLL CALL:

AYES: C/Dorfman, C/Ferro, DM/Grbelja, C/Kuczinski, M/Masci

NAYS: None

ABSENT: None

ABSTAIN: None

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Millstone Township Committee at its meeting of March 18, 2020.

Kathleen Hart, RMC
Municipal Clerk