

**RESOLUTION NO. 20-306**  
**MEETING DATE: 10-07-2020**

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

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**C/Dorfman** 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
  2. Contracts

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  
**NAYS:** None  
**ABSTAIN:** None  
**ABSENT:** C/Kuczinski, M/Masci

**I HEREBY CERTIFY** the foregoing to be a true copy of the Resolution adopted by the Township Committee of the Township of Millstone on October 7, 2020.

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Kathleen Hart, RMC  
Municipal Clerk

RESOLUTION NO. 20-307

SCHEDULE 20-10 S

CONSOLIDATED BILL LIST

TOWNSHIP OF MILLSTONE VOUCHERS FOR PAYMENT PRESENTED TO  
THE TOWNSHIP COMMITTEE AT A MEETING  
HELD ON October 7, 2020

SEE SCHEDULE 20-10 ATTACHED

A resolution was passed by the Township Committee for the payment of the vouchers listed on Schedule 20-10 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. 20-307**  
October 7, 2020

BE IT RESOLVED by the Township Committee of the Township of Millstone that the vouchers listed on Schedule 20-10, October 7, 2020, Consolidated Bill List, and the vouchers listed below as Schedule 20-10 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: \$ 195,401.64

**SCHEDULE 20-10 S**

**PAYROLL FUND**

TOTAL PAYROLL TRUST FUND \$ 4,993.85

**GENERAL CAPITAL FUND**

TOTAL GENERAL CAPITAL FUND \$ 17,966.00

**GRANT FUND**

TOTAL GRANT FUND \$ 2,617.95

**RESERVE TRUST FUND**

TOTAL RESERVE TRUST FUND \$ 234.00

**BASIN MAINTENANCE TRUST**

TOTAL BASIN MAINTENANCE TRUST \$ 135.18

**SHADE TREE TRUST**

TOTAL SHADE TREE TRUST \$ 0.00

**COAH TRUST FUND**

TOTAL COAH TRUST FUND \$ 8,746.00

**OPEN SPACE FARMLAND TRUST FUND**

TOTAL OPEN SPACE FARMLAND TRUST FUND \$ 26,194.20

**MUNICIPAL DRUG ALLIANCE FUND**

TOTAL MUNICIPAL DRUG ALLIANCE FUND \$ 0.00

**VETERAN'S MEMORIAL TRUST FUND**

TOTAL VET MEMORIAL TRUST FUND \$ 0.00

**RECREATION TRUST FUND (DEDICATION BY RIDER)**

TOTAL RECREATION TRUST FUND \$ 7,278.88

**ANIMAL CONTROL TRUST FUND**

TOTAL DOG TRUST FUND \$ 240.30

**TOTAL FOR ALL FUNDS \$ 263,808.00**

**ESCROW**

**DEVELOPERS ESCROW ACCOUNT UNDER \$5,000**

TOTAL DEVELOPERS ESCROW UNDER \$5,000 \$ 3,567.50

**DEVELOPERS ESCROW ACCOUNT OVER \$5,000**

TOTAL DEVELOPERS ESCROW OVER \$5,000 \$ 71,252.80

**TOTAL FOR ESCROW \$ 74,820.30**

RESOLUTION WAS OFFERED BY COMMITTEEPERSON FERRO  
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

NAYS: None

ABSTAIN: None

ABSENT: C/Kuczinski, M/Masci

**RESOLUTION NO: 20-308**  
**MEETING DATE: 10-07-2020**

**RESOLUTION APPOINTING A SECRETARY TO THE OPEN SPACE  
PRESERVATION COUNCIL AND AGRICULTURAL ADVISORY COUNCIL**

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

**WHEREAS**, the Administrator has interviewed candidates for the position and has selected and offered Robin Tillou the position of Secretary to the Open Space Preservation Council and Agricultural Advisory Council.

**BE IT RESOLVED**, by the Township Committee of the Township of Millstone that Robin Tillou is hereby appointed the Secretary to the Open Space Preservation Council and Agricultural Advisory Council for the Township of Millstone with an annual salary of \$50,000.00, effective October 12, 2020.

**BE IT FURTHER RESOLVED** that the Township Clerk will forward a certified true copy of this Resolution to:

- 1) The Open Space Preservation Council
- 2) The Agricultural Advisory Council
- 3) Robin Tillou - OSFP & Ag Council Secretary
- 4) Kevin Abernethy, Business Administrator/Acting CFO
- 5) Melissa Peerboom, Deputy CFO
- 6) Amanda Salerno, Treasurer

**ROLL CALL:**

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

**I HEREBY CERTIFY** the foregoing to be a true copy of the resolution adopted by the Millstone Township Committee at its meeting of October 7, 2020.

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Kathleen Hart, RMC  
Township Clerk

RESOLUTION NO. 20-309  
ADOPTION DATE: 10-07-2020

RESOLUTION APPOINTING FULL-TIME DEPUTY CHIEF FINANCIAL OFFICER

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

WHEREAS, by way of Resolution No. 20-156, duly adopted on June 17, 2020, Melissa Peerboom was appointed to serve as the part-time Deputy Chief Financial Officer while also serving as the Open Space Preservation Council and Agricultural Advisory Council Secretary; and

WHEREAS, the Township wishes to appoint Melissa Peerboom to serve as the full-time Deputy Chief Financial Officer, while also providing assistance to the newly appointed Open Space Preservation Council and Agricultural Advisory Council Secretary; and

BE IT RESOLVED by the Township Committee of the Township of Millstone that Melissa Peerboom be and is hereby appointed to serve as the full-time Deputy Chief Financial Officer for the Township of Millstone, effective October 7, 2020 with a term expiring December 31, 2020, at an annual salary of \$66,000.00, wherein Melissa Peerboom shall also receive a stipend in the amount of \$479.00 for providing assistance to the newly appointed Open Space Preservation Council and Agricultural Advisory Council Secretary; and through December 31, 2020, thereby totaling \$66,479.00.

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

- a. Melissa Peerboom, Deputy Chief Financial Officer
- b. Kevin Abernethy, Township Administrator/Acting CFO.
- c. Amanda Salerno, Township Treasurer.

**ROLL CALL:**

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

I HEREBY CERTIFY the foregoing to be a true copy of the resolution adopted by the Millstone Township Committee at its meeting of October 7, 2020.

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Kathleen Hart, RMC  
Township Clerk

**RESOLUTION NO. 20-310**  
**ADOPTION DATE: 10-07-2020**

**RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES  
FOR XXXIII ASSOCIATES/RIVERSIDE CENTER, LLC, SUBDIVISION NO. P06-02  
(BLOCK 18, LOT 2.02)**

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

WHEREAS, the developer of Subdivision No. P06-02, located on State Highway 33, requested that certain performance guarantees be reduced due to the completion of certain items required pursuant to the posted performance guarantees; and

WHEREAS, the Township Engineer has, in a letter dated October 2, 2020, a copy of which is annexed hereto as Exhibit "A", recommends the following:

Letter of Credit No. 1283, issued by Ocean Frist Bank, dated April 1, 2017, previously reduced to \$1,106,382.37, be further reduced to \$384,588.00.

Cash performance guarantee previously reduced to \$122,931.37, be further reduced to \$42,732.00.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millstone as follows:

1. It hereby authorizes the reduction of performance guarantees in accordance with the recommendation of the Township Engineer conditioned upon the following:

(a) The Developer presenting the Township Clerk with a certification of the Township Treasurer that all inspection fees have been paid in full.

(b) The Developer by accepting the reduction approved herein, agrees to post maintenance bonds for the improvements at such time as required by the Township Engineer, but in no circumstance later than the release of the balance of the performance guarantee.

2. A certified copy of this Resolution shall be provided by the Township Clerk to each of the following:

(a) Township Engineer

- (b) Township Treasurer
- (c) Township Attorney
- (d) Developer

ROLL CALL:

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

NAYS: None

ABSTAIN: None

ABSENT: C/Kuczinski, M/Masci

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 October 5, 2020.

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Kathleen Hart, RMC  
Township Clerk

LEON S. AVAKIAN, INC. *Consulting Engineers*

788 WAYSIDE ROAD • NEPTUNE, NEW JERSEY 07753

LEON S. AVAKIAN, P.E., P.L.S. (1953-2004)  
PETER R. AVAKIAN, P.E., P.L.S., P.P.  
MEHRYAR SHAFAI, P.E., P.P.  
GREGORY S. BLASH, P.E., P.P.  
LOUIS J. LOBOSCO, P.E., P.P.  
GERALD J. FREDA, P.E., P.P.  
RICHARD PICATAGI, L.L.A., P.P.  
JENNIFER C. BEAHM, P.P., AICP  
CHRISTINE L. BELL, P.P., AICP  
SAMUEL J. AVAKIAN, P.E.

October 2, 2020

Kathleen Hart, Township Clerk  
Township of Millstone  
470 Stage Coach Road  
Millstone, NJ 08510

**Re: Bond Reduction  
XXXIII Associates/Riverside Center, LLC (P06-02)  
Block 18, Lot 2.02  
Our File MS 17-17**

Dear Ms. Hart:

On the letter dated September 29, 2020, the developer of the above referenced project has requested reduction of the amount of their Performance Guarantee.

We have completed our inspection of this project and find that the project is substantially complete, but there are some minor improvements that have not been completed. We, therefore, pursuant to Section 13-5C of the Township Ordinance recommend the Performance Guarantees to be reduced to 30% of the original amounts as follow:

Surety Bond	\$384,588.00
Certified Check	<u>\$ 42,732.00</u>
Total Guarantee	\$427,320.00

If you have any question regarding this matter, please call our office.

Very truly yours,

LEON S. AVAKIAN, INC.



Matt Shafai, P.E., P.P.  
Township Engineer

MS:mcs

cc: Robert Munoz, Esq., Twp. Attorney  
Amanda Salerno, Finance  
Peter Lacata, Esq.  
XXXIII Associates/Riverside Center, LLC

MS/1717-17b

**RESOLUTION NO.: 20-311**  
**ADOPTION DATE: 10-07-2020**

**RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE  
GUARANTEES FOR MCDONALDS RESTAURANT, SITE PLAN NO. Z17-09,  
(BLOCK 57.01, LOT 19.02)**

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

WHEREAS, the Developer for Site Plan No. Z17-09, located on Route 33, has requested a release of its performance guarantees previously posted with the Township of Millstone in accordance with its previously received Zoning Board approvals; and

WHEREAS, the Township Engineer has, in a letter dated October 5, 2020 (attached hereto as Exhibit "A") recommended that the following performance guarantees be released:

Performance Bond No. 404228311, dated June 20, 2018, issued by Liberty Mutual Insurance Company, in the amount of \$9,450.00.

Cash Bond Deposit in the amount of \$1,050.00.

WHEREAS, since all the improvements were private and within the existing parking area and did not require new drainage improvements, the Township Engineer has recommended waiving the posting of a maintenance bond.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millstone as follows:

1. It hereby authorizes the release of the performance guarantees set forth in the Township Engineer's letter dated October 5, 2020.

2. The Township Clerk, Township Treasurer and all other appropriate municipal officials are hereby authorized to execute such documents and to perform such acts as are necessary to effectuate the purpose of this Resolution.

3. Pursuant to the recommendation of the Township Engineer as set forth in the letter referred to above, the Township hereby accepts the public improvements, if any, and any easements and/or dedication of property to be accepted by the Township of Millstone pursuant to the Zoning Board approval.

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:

- (a) Township Engineer
- (b) Township Treasurer
- (c) Developer
- (d) Township Attorney

ROLL CALL:

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

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Millstone Township Committee at its meeting of October 7, 2020.

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KATHLEEN HART, RMC  
Township Clerk

Anna Move  
Paralegal  
amove@pashmanstein.com  
Direct: 201.488.0372

PashmanStein  
WalderHayden  
A Professional Corporation

August 19, 2020

**VIA UPS OVERNIGHT DELIVERY**

Kathleen Hart, Township Clerk  
Township of Millstone  
Municipal Building  
470 Stage Coach Road  
Millstone Township, New Jersey 08510

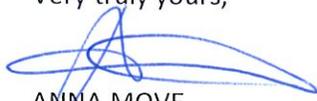
**Re: Application No. Z17-09-R-(McDonald's)**  
**Property: 542 Monmouth Road, Millstone, New Jersey 08510**  
**Block: 57.01**  
**Lots: 19.02**  
**Our File Number: 2858-016**  
**L/C: 029-1091**

Dear Ms. Hart:

Our office represents McDonald's Corporation on the above matter. As per Township's Treasurer, Amanda Salerno, we are requesting a refund of our Inspection and Performance Guarantee monies. Please provide us with the voucher and the check.

Please let me know if you have any questions.

Very truly yours,



ANNA MOVE

AM/  
Enclosures

Court Plaza South  
21 Main Street, Suite 200  
Hackensack, NJ 07601

Phone: 201.488.8200  
Fax: 201.488.5556  
www.pashmanstein.com

RECEIVED

SEP 21 2020

MILLSTONE TOWNSHIP  
FINANCE OFFICE

**RESOLUTION NO: 20-312**  
**ADOPTION DATE: 10-07-2020**

**RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE  
GUARANTEES FOR US TANK PAINTING, INC., SITE PLAN NO. P17-16,  
(BLOCK 16, LOT 9.06)**

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

WHEREAS, the Developer for Site Plan No. P17-16, located at 900 Rike Drive, has requested a release of its performance guarantees previously posted with the Township of Millstone in accordance with its previously received Planning Board approvals; and

WHEREAS, the Township Engineer has, in a letter dated September 29, 2020 (attached hereto as Exhibit "A") recommended that the following performance guarantees be released:

Performance Bond No. 0214778, dated April 3, 2018, issued by Berkley Insurance Company, in the amount of \$5,702.40.

Cash Bond Deposit in the amount of \$633.60.

WHEREAS, as a condition of the release the Developer must post a Maintenance Bond or cash for a duration of two years, or a Maintenance Letter of Credit for a duration of two and one-half years, in the amount of \$5,995.65.00; and

WHEREAS, the balance of the Engineering Inspection Fee is to remain on account through the maintenance period.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millstone as follows:

1. It hereby authorizes the release of the performance guarantees set forth in the Township Engineer's letter dated September 29, 2020, subject to the conditions set forth above.

2. The Township Clerk, Township Treasurer and all other appropriate municipal officials are hereby authorized to execute such documents and to perform such acts as are necessary to effectuate the purpose of this Resolution.

3. Pursuant to the recommendation of the Township Engineer as set forth in the letter referred to above, the Township hereby accepts the public improvements, if any,

and any easements and/or dedication of property to be accepted by the Township of Millstone pursuant to the Planning Board approval.

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:

- (a) Township Engineer
- (b) Township Treasurer
- (c) Developer
- (d) Township Attorney

ROLL CALL:

AYES: C/Dorfman, C/Ferro, DM/Grbelja

NAYS: None

ABSTAIN: None

ABSENT: C/Kuczinski, M/Masci

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Millstone Township Committee at its meeting of October 7, 2020.

---

KATHLEEN HART, RMC  
Township Clerk

LEON S. AVAKIAN, INC. *Consulting Engineers*

788 WAYSIDE ROAD • NEPTUNE, NEW JERSEY 07753

LEON S. AVAKIAN, P.E., P.L.S. (1953-2004)  
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GERALD J. FREDA, P.E., P.P.  
RICHARD PICATAGI, L.L.A., P.P.  
JENNIFER C. BEAHM, P.P., AICP  
CHRISTINE L. BELL, P.P., AICP  
SAMUEL J. AVAKIAN, P.E.

September 29, 2020

Ms. Kathleen Hart, Township Clerk  
Township of Millstone  
470 Stage Coach Road  
Millstone, NJ 08510

**Re: Bond Release  
US Tank Painting Inc. (P17-16)  
900 Rike Drive  
Block 17, Lot 9.06  
Our File MS 18-06**

Dear Ms. Hart:

Pursuant to the developer's request for release of the performance guarantee for the above referenced project, our office inspected the improvements and finds them to be acceptable. We, therefore, recommend release of all performance guarantees.

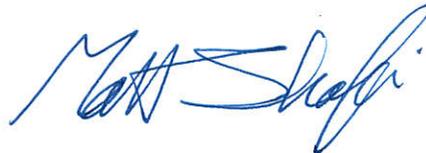
We make this recommendation conditional upon the developer posting a two (2) year maintenance guarantee in the amount of \$5,995.65 as required by the Township of Millstone Land Use and Development Regulations, Section 13-5.i.

As always, the release of performance guarantees is subject to payment of all outstanding bills from the Township professionals.

If you have any questions regarding this matter, please call our office.

Very truly yours,

LEON S. AVAKIAN, INC.



Matt Shafai, P.E.  
Township Engineer

MM:mcs

cc: Kevin, Abernethy, Twp. Administrator  
Robert Munoz, Twp. Attorney  
Amanda Salerno, Finance  
Bryan Batchler, US Tank Painting, Inc.

MS/18/18-06a