

**RESOLUTION NO.: 19-130**  
**MEETING DATE: 06-05-19**

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

---

**DM/Grbelja** offered the following Resolution and moved its adoption, which was second by **C/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:
  1. COAH
  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, 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 June 5, 2019.

---

Kathleen Hart, RMC  
Deputy Municipal Clerk

RESOLUTION NO. 19-131

SCHEDULE 19-06 S

CONSOLIDATED BILL LIST

TOWNSHIP OF MILLSTONE VOUCHERS FOR PAYMENT PRESENTED TO  
THE TOWNSHIP COMMITTEE AT A MEETING  
HELD ON June 5, 2019

SEE SCHEDULE 19-06 ATTACHED

A resolution was passed by the Township Committee for the payment of the vouchers listed on Schedule 19-06 attached.

\_\_\_\_\_  
Fiore Masci, Mayor

\_\_\_\_\_  
Nancy Grbelja, Deputy Mayor

\_\_\_\_\_  
Gary Dorfman, Committeeman

\_\_\_\_\_  
Albert Ferro, Committeeman

\_\_\_\_\_  
Michael Kuczinski, Committeeman

Attest: \_\_\_\_\_  
Kathleen Hart  
Deputy Municipal Clerk

**TOWNSHIP OF MILLSTONE**  
**RESOLUTION NO. 19-131**  
June 5, 2019

BE IT RESOLVED by the Township Committee of the Township of Millstone that the vouchers listed on Schedule 19-06, June 5, 2019, Consolidated Bill List, and the vouchers listed below as Schedule 19-06 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: \$ 285,745.05

**SCHEDULE 19-06 S**

**PAYROLL FUND**

TOTAL PAYROLL TRUST FUND \$ 18,044.59

**GENERAL CAPITAL FUND**

TOTAL GENERAL CAPITAL FUND \$ 68,264.59

**GRANT FUND**

TOTAL GRANT FUND \$ 988.66

**RESERVE TRUST FUND**

TOTAL RESERVE TRUST FUND \$ 1,529.43

**BASIN MAINTENANCE TRUST**

TOTAL BASIN MAINTENANCE TRUST \$ 102.14

**SHADE TREE TRUST**

TOTAL SHADE TREE TRUST \$ 0.00

**COAH TRUST FUND**

TOTAL COAH TRUST FUND \$ 12,536.40

**OPEN SPACE FARMLAND TRUST FUND**

TOTAL OPEN SPACE FARMLAND TRUST FUND \$ 10,439.78

**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 \$ 11,367.32

**ANIMAL CONTROL TRUST FUND**

TOTAL DOG TRUST FUND \$ 476.55

**TOTAL FOR ALL FUNDS \$ 409,494.51**

**ESCROW**

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

TOTAL DEVELOPERS ESCROW UNDER \$5,000 \$ 2,750.00

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

TOTAL DEVELOPERS ESCROW OVER \$5,000 \$ 3,925.00

**TOTAL FOR ESCROW \$ 6,675.00**

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

AYES: C/DORFMAN, C/FERRO, C/GRBELJA, C/KUCZINSKI, M/MASCI

NAYS: NONE

ABSTAIN: NONE

ABSENT: NONE

**RESOLUTION NO. 19-132  
MEETING DATE: 06-05-19**

**RESOLUTION AUTHORIZING THE RENEWAL OF ALCOHOL BEVERAGE 2019-  
2020 LICENSE FOR THE MILLSTONE TOWNSHIP ELKS NO. 2613  
LICENSE NO. 1332-31-005-002**

---

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

**WHEREAS**, the Millstone Elks, B.P.O.E. No. 2613 has complied with all requirements of Statue, Regulation and Municipal Ordinance to be issued a renewal for its Club Liquor License; and

**WHEREAS**, the Municipal filing fee of \$125.00 has been received by the Municipal Clerk and no objections have been made to the renewal of said licenses; and

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Millstone, County of Monmouth and State of New Jersey as follows:

1. It hereby renews the Club Liquor license for the 2019-2020 period for July 1, 2019 to June 30, 2020.
2. A certified copy of this Resolution shall be provided by the Municipal Clerk to each of the following:
  - a. Division of Alcoholic Beverage Control, CN 087, Trenton, NJ 08625
  - b. Millstone Township Elks, P.B.O.E.

**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 at its regular meeting held on June 5, 2019.

---

Kathleen Hart, RMC  
Deputy Municipal Clerk

**RESOLUTION NO: 19-133**  
**MEETING DATE: 06-05-19**

**RESOLUTION AUTHORIZING THE RENEWAL OF ALCOHOL BEVERAGE  
2019-2020 LICENSE FOR VESUVIO'S FAMILY RESTAURANT, LLC,  
LICENSE NO. 1332-33-001-010**

---

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

**WHEREAS**, application for renewal of Vesuvio's Family Restaurant, LLC. for the 2019-2020 Alcoholic Beverage License has been filed with the Municipal Clerk prior to the commencement of the new license term which is sought; and

**WHEREAS**, Notices of the application for renewal of Municipal Licenses, other than Seasonal Retail Consumption Licenses, issued by Municipal Issuing Authorities are not required to advertise Notice of Application. In lieu thereof, the director shall cause a General Notice of Application to be published once a week, from the week of April 1, through the week of June 1, in a newspaper printed in the English language and published and circulated in the Counties in which the premises of the application for such renewals are located; and

**WHEREAS**, the Municipal fee of \$2,500.00 has been received by the Municipal Clerk and no objections have been made to the renewal of said licenses; and

**WHEREAS**, said application is complete and in reliance upon the information contained therein.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Millstone, in the County of Monmouth, State of New Jersey, that the application of the below listed party be and is hereby approved for renewal of their Alcoholic Beverage License for the term year.

**PLENARY RETAIL CONSUMPTION LICENSE NO. 1332-33-001-010 TO VESUVIO'S FAMILY RESTAURANT, LLC , LOCATED AT 221 MILLSTONE ROAD, MILLSTONE TOWNSHIP, NJ 08535. EFFECTIVE DATE OF NEW LICENSE TERM, JULY 1, 2019 TO JUNE 30, 2020. FEE PAID \$2,500.**

**BE IT FURTHER RESOLVED**, that a copy of this Resolution, certified by the Municipal Clerk to be a true copy be forwarded to the Division of Alcoholic Beverage, CN 087, Trenton, N.J. 08625-0087 and to the applicant.

**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 June 05, 2019.

---

Kathleen Hart, RMC  
Deputy Municipal Clerk

**RESOLUTION NO. 19-134  
MEETING DATE: 06-05-19**

**RESOLUTION AUTHORIZING THE RENEWAL OF ALCOHOL BEVERAGE  
2019-2020 LICENSE FOR KMK REALTY ASSOCIATES, LLC,  
LICENSE NO. 1332-33-006-001**

---

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

**WHEREAS**, application for renewal of KMK Realty Associates, LLC for the 2019-2020 Alcoholic Beverage License has been filed with the Municipal Clerk prior to the commencement of the new license term which is sought; and

**WHEREAS**, Notices of the application for renewal of Municipal Licenses, other than Seasonal Retail Consumption Licenses, issued by Municipal Issuing Authorities are not required to advertise Notice of Application. In lieu thereof, the director shall cause a General Notice of Application to be published once a week, from the week of April 1, through the week of June 1, in a newspaper printed in the English language and published and circulated in the Counties in which the premises of the application for such renewals are located; and

**WHEREAS**, KMK Realty Associates, LLC has applied and has been granted Special Ruling to permit renewal of inactive license pursuant to NJSA 33:1-12.39 for the 2019-2020 license from The State of New Jersey, Office of the Attorney General on May 14, 2018; and

**WHEREAS**, the Municipal fling fee of \$2,500.00 has been received by the Municipal Clerk and no objections have been made to the renewal of said licenses; and

**WHEREAS**, said application is complete and in reliance upon the information contained therein.

**NOW THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Millstone, in the County of Monmouth, State of New Jersey, that the application of the below listed party be and is hereby approved for renewal of their Alcoholic Beverage License for the term year.

**PLENARY RETAIL CONSUMPTION LICENSE NO. 1332-33-006-001 TO KMK REALTY ASSOCIATES, LLC, POCKET LICENSE. EFFECTIVE DATE OF NEW LICENSE TERM, JULY 1, 2019 TO JUNE 30, 2020. FEE PAID \$2,500.**

**BE IT FURTHER RESOLVED**, that a copy of this Resolution, certified by the Municipal Clerk to be a true copy be forwarded to the Division of Alcoholic Beverage, CN 087, Trenton, N.J. 08625-0087 and to the applicant.



**ROLL CALL:**

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

**NAYS:**

**ABSTAIN:**

**ABSENT:**

**I HEREBY CERTIFY** the foregoing to be a true copy of the Resolution adopted by the Millstone Township Committee at its meeting of June 5, 2019.

---

Kathleen Hart, RMC  
Deputy Municipal Clerk

**RESOLUTION NO. 19-135  
MEETING DATE 06-05-19**

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND  
APPROPRIATION NJS 40A:4-87**

---

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

**WHEREAS**, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount,

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Millstone, in the County of Monmouth, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an additional item of revenue in the budget of the year 2019, which represents the additional grant money received in 2019, in the sum of \$41,566.83, which is now being appropriated for the 2019 Clean Communities Grant, in the additional amount of \$41,566.83.

**BE IT FURTHER RESOLVED**, that the like sum of \$41,566.83 is hereby appropriated under the caption 2019 Clean Communities Grant.

**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 at its regular meeting held on June 5, 2019.

---

Kathleen Hart, RMC  
Deputy Municipal Clerk

**RESOLUTION NO.: 19-136**  
**MEETING DATE: 06-05-19**

**RESOLUTION OF THE TOWNSHIP OF MILLSTONE TO APPROVE AND  
ENDORSE THE ACQUISITION OF A DEVELOPMENT EASEMENT BY THE  
MONMOUTH COUNTY AGRICULTURE DEVELOPMENT BOARD  
BLOCK 35 LOT 11**

---

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

**WHEREAS**, the Monmouth County Agriculture Development Board is considering the purchase of a development easement on a property located in the Township of Millstone, more specifically identified as:

Raymond and Jean Peplowski: Block 35 Lot 11 in Millstone Township, comprising approximately 8.6 acres, with one 0.25-acre nonseverable exception, one 0.75-acre nonseverable exception, zero residences on the net easement area, and zero agricultural labor housing units, all as depicted on Exhibit "A" attached.

**WHEREAS**, N.J.A.C. 2:76-6.7 requires the governing body to review applications for the purchase of development easements as a condition of receiving State Agriculture Development Committee grant funds; and

**WHEREAS**, the Township Committee of the Township of Millstone is aware of the future restrictions on property protected from development as a result of the purchase of a development easement in accordance with the Right to Farm Act and the Agriculture Retention and Development Act; and

**WHEREAS**, the Monmouth County Agriculture Development Board has established a policy of requiring local cost share commitment for all easement purchases; and

**WHEREAS**, the purchase price and certified market value of the agricultural easement is \$35,000 per acre; and

**WHEREAS**, Millstone's anticipated cost share is estimated at 16% of the total consideration, or \$5,600 per acre; and

**WHEREAS**, Millstone Township will use its Open Space Trust to fund this acquisition; and

**WHEREAS**, certification of the availability of funds is hereby attested to by the Chief Financial Officer; and

**WHEREAS**, the Monmouth County Agriculture Development Board will bear the cost of title searches, surveys, closing expenses and twenty-four percent (24%) of the total consideration; and

**WHEREAS**, the remaining sixty percent (60%) of the total consideration shall be paid by the grant funds from the State Agriculture Development Committee; and

**WHEREAS**, the use of an Installment Purchase Agreement is not anticipated.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Millstone, County of Monmouth, State of New Jersey does hereby approve and endorse the acquisition of the development easement on Block 35 Lot 11 comprising approximately 8.6 acres, with one 0.25-acre non-severable exception, one 0.75-acre nonseverable exception, zero residences on the net easement area, and zero agricultural labor housing units.

**BE IT FURTHER RESOLVED** that the tax revenues generated by the Township expressly for the purpose of preserving farmland be made available to assist the County in the purchase of development easements at the rate specified within the Monmouth County Agriculture Development Board's "Procedures Governing the Funding of Easement Purchases" policy adopted August 7, 2002 and recognizes that the estimated cost and Municipal Share is subject to adjustment.

**BE IT FURTHER RESOLVED** that two certified copies of the Resolution be sent to the Monmouth County Agriculture Development Board office and one copy each to the Millstone Township Planning Board, Tax Assessor and Tax Collector.

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 June 5, 2019.

---

Kathleen Hart, RMC  
Deputy Municipal Clerk

**RESOLUTION NO. 19-137**  
**MEETING DATE: 06-05-19**

**RESOLUTION AUTHORIZING FILING OF LITIGATION TO COMPEL REMOVAL  
OF ENCROACHMENTS IN A CONSERVATION EASEMENT**

---

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

**WHEREAS**, the Township of Millstone (“Township”) holds a Conservation Easement granted by Deed recorded in the Monmouth County Clerk’s Office on January 26, 1999 at Deed Book 5789, Page 336 (“Conservation Easement”); and

**WHEREAS**, the Conservation Easement is subject to restrictions imposed by the Green Acres Program of the New Jersey Department of Environmental Protection (“Green Acres”); and

**WHEREAS**, pursuant to the Green Acres Program, the Township initiates steps to protect properties subject to Green Acres restrictions and to compel removal of any encroachments, restoration of the property or to allow minor encroachments upon terms and conditions approved by Green Acres; and

**WHEREAS**, Francis Grigoli is the owner of Block 62, Lot 21.06 as shown on the tax map of the Township of Millstone (“Subject Property”); and

**WHEREAS**, a significant portion of the Subject Property is encumbered by the Conservation Easement in which structures have been constructed, which structures are encroachments violative of not only the Deed establishing the Conservation Easement, but also violative of Green Acres restrictions; and

**WHEREAS**, efforts have been ongoing to effect removal of the encroachments and a restoration of the Conservation Easement area by the owner of the Subject Property; and

**WHEREAS**, the encroachments remain; and

**WHEREAS**, the Subject Property has been offered for sale and it may be necessary to initiate litigation in order to protect the interests of the Township and of the New Jersey Department of Environmental Protection Green Acres Program.

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

1. The Township Attorney is hereby authorized to continue to pursue an amicable resolution as may be approved by Green Acres.
2. The Township Attorney is hereby further authorized, in his discretion, to initiate litigation to compel removal of the encroachments into the Conservation Easement and otherwise to compel compliance with such requirements as imposed by Green Acres.
3. The Township Attorney is hereby further authorized to take any and all steps which, in the Township Attorney's opinion are reasonable and necessary to protect the interests of the Township in the Conservation Easement.

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

1. Jessica Patterson, Green Acres Program, Bureau of Legal Services and Stewardship, New Jersey Department of Environmental Protection, 501 East State Street, Mail Code 501-01, P.O. Box 420, Trenton, New Jersey 08625-0420.
2. Pam D'Andrea, Township Land Use Administrator.
3. Daniel Specht, Township Code Enforcement Officer.
4. Matt Shafai, Township Zoning Officer/Township Engineer.
5. Township Construction Official.
6. Township Administrator.
7. Township Attorney.

**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 June 5, 2019.

---

Kathleen Hart, RMC  
Deputy Township Clerk

**RESOLUTION NO. 19-138**  
**MEETING DATE: 06-05-19**

**RESOLUTION APPOINTING ELECTRICAL SUB-CODE OFFICIAL/ELECTRICAL INSPECTOR**

---

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

**WHEREAS**, there is an opening within the Construction Department for an Electrical Sub-Code Official/Electrical Inspector; and

**WHEREAS**, the Township Committee has reviewed the position for which appointment is necessary; and

**WHEREAS**, the Business Administrator held interviews; and

**WHEREAS**, the Business Administrator recommends that Matthew Pressey should be offered the position of Electrical Sub-Code Official/Electrical Inspector.

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Millstone that Matthew Pressey is hereby appointed as the Electrical Sub-Code Official/Electrical Inspector not to exceed 12 hours per week at an hourly rate of \$40.00 per hour.

**BE IT FURTHER RESOLVED** that the appointments made hereby are effective as of June 5, 2019.

**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) Annette Murphy - Chief Financial Officer
- (3) Roger K. Staib – Business Administrator
- (3) Department of Community Affairs
- (4) Matthew Pressey

**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 June 5, 2019.

---

Kathleen Hart, RMC  
Deputy Municipal Clerk