

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

**TOWNSHIP COMMITTEE MINUTES
AUGUST 21, 2019**

Mayor Masci calls the meeting to order at 8:00 p.m.

STATEMENT OF NOTICE AS REQUIRED BY P.L. 1975, C231 IS READ.

I HEREBY ANNOUNCE THAT PURSUANT TO THE OPEN PUBLIC MEETING ACT, ADEQUATE NOTICE OF THIS MEETING HAS BEEN PROVIDED IN THE ANNUAL NOTICE OF MEETINGS WHICH WAS MAILED TO THE ASBURY PARK PRESS AND THE TRENTON TIMES, POSTED ON THE PUBLIC ANNOUNCEMENTS BULLETIN BOARD IN TOWN HALL AND FILED IN THE OFFICE OF THE TOWNSHIP CLERK ON DECEMBER 19, 2018.

ROLL CALL: Mayor Masci - present, Committeeman Dorfman – present, Committeeman Ferro - present, Deputy Mayor Grbelja – present, Committeeman Kuczinski – present. Also in attendance: Robert Munoz, Township Attorney and Kathleen Hart, Deputy Municipal Clerk.

Deputy Municipal Clerk read Resolution 19-183 Authorizing the Holding of an Executive Session, at Which the Public Shall be Excluded, which was moved by C/Kuczinski, Second DM/Grbelja.

Committee Discussion: None

ROLL CALL VOTE:

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion to adjourn Executive Session and carry to end of the regular meeting was moved by DM/Grbelja, Second C/Kuczinski. All in Favor

Time In: 7:05 pm Time Out: 8:06pm

Mayor Masci calls the Regular Meeting to order at 8:11 P.M. followed by a flag salute and a moment of silence.

Mayor Masci read the following statement:

The Township of Millstone will be videotaping this meeting for replay on Millstone PEG Channel. By attending this evening, attendees acknowledge this recording and agree to allow their images to be recorded.

All attendees and participants agree to conduct themselves in a manner appropriate for public gathering. Individual speakers should be advised that no right of privacy protects a person's public comments made in a public forum. Accordingly, all participants bear responsibility for their own statements and commentary.

PRESENTATION: None

CORRESPONDENCE:

- 1. Resignation letter from Kathleen Hart

The Township Committee members commented on Ms. Hart’s resignation. They thanked her for her 13-1/2 years of service to the community and the Township. Deputy Township Clerk, Kathleen Hart, said it was a tough decision but thanked the Township Committee for their comments.

ORDINANCES: None

**RESOLUTIONS: CONSENT RESOLUTION POSTED ON BULLETIN BOARD.
ALL MATTERS LISTED UNDER ITEM “CONSENT AGENDA” ARE CONSIDERED ROUTINE BY THE TOWNSHIP COMMITTEE AND WILL BE ENACTED BY ONE (1) MOTION IN THE FORM LISTED BELOW. THERE WILL BE NO SEPARATE DISCUSSION ON THESE ITEMS, IF DISCUSSION IS DESIRED OF ANY ITEM, THAT ITEM WILL BE CONSIDERED SEPARATELY.**

- 19-184 Payment of Vouchers for August 21, 2019
- 19-185 Resolution Authorizing an Open Public Records Search System – Records Information Management Shared Services Agreement with the County of Monmouth
- 19-186 Resolution Authorizing the Execution of a Developer's Agreement for 106 Trenton Millstone, LLC, Block 53, Lots 4.04, 4.07 and 4.09, Site Plan No. PB17-10
- 19-187 Resolution Appointing Building Subcode Official
- 19-188 Resolution Appointing Building Inspector
- 19-189 Resolution Adopting Cash Management Plan

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

ROLL CALL VOTE:

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

Mayor Masci made the motion to amend the agenda to add Resolution 19-190, Resolution Authorizing Agreement to Resolve Issues Concerning the Township’s Affordable Housing Fair Share Obligations. Moved M/Masci, Second DM/Grbelja.

Resolution 19-190, Resolution Authorizing Agreement to Resolve Issues Concerning the Township’s Affordable Housing Fair Share Obligations was read in full by Kathleen Hart, Deputy Municipal Clerk:

WHEREAS, pursuant to State regulation and case law, the Township filed litigation on July 2, 2015 seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan (hereinafter “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 Trial Court appointed a “Special Master” in the litigation, as is customary in Mount Laurel matters; and

WHEREAS, with the Special Master’s assistance, the Township and the other parties to the litigation (collectively, the “Parties”) have engaged in good faith negotiations and have reached an amicable accord on the various substantive provisions, terms and conditions of the Township’s Fair Share Plan; and

WHEREAS, through that process the Parties agreed to settle the litigation and present that settlement to the Trial Court recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower income households; and

WHEREAS, because the Township’s fair share obligations have yet to be definitively determined by a court, it is appropriate for the Parties to arrive at a settlement regarding the Township’s affordable housing obligation need instead of doing so through the adjudication process; and

WHEREAS, an Agreement entitled “Agreement to Resolve Issues Between the Township of Millstone, Fair Share Housing Center and Showplace Farms, LLC Concerning the Township’s Mount Laurel Fair Share Obligations and the Means by Which the Township Shall Satisfy Same” (hereinafter the “Agreement”) sets forth the terms of the settlement referenced above.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Millstone hereby approve of the Agreement.

BE IT RESOLVED that the Mayor and Deputy Township Clerk are hereby authorized to execute the Agreement on behalf of the Township and that the Township representatives are hereby authorized to take such further action as is necessary to comply with the terms of the Agreement.

BE IT FURTHER RESOLVED that a copy of the Agreement be made available for inspection and review by any interested person in the office of the Township Clerk during regular business hours.

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

- (a) Michael Steib, Esq., Millstone Township Special Counsel.
- (b) Michael P. Bolan, P.P., A.I.C.P., court appointed Special Master.
- (c) Kevin D. Walsh, Esq., attorney for Fair Share Housing Center.
- (d) Richard J. Hoff, Jr., Esq., attorney for Showplace Farms, LLC.

Prior to a roll call vote, Township Committee members took turns expressing their dissatisfaction in having to be in this situation, risks associated with failure to pass this resolution at this time and the importance of voting.

DM/Grbelja said the Township has been making plans for the past 4 years in regards to addressing the 3rd Round Obligation for Affordable Housing. Members of the COAH group have met over the last four years addressing the needs set forth by the Court. The Plan was submitted last year to the Court and was contested by an intervener, Showplace Farms. There have been lots of rumors going around regarding whether or not we could have an extension. It has always been Millstone Township’s intention to have 100% affordable housing, our own municipally sponsored units. Funding was not available and we were forced to have one inclusionary development which is, for us, a nightmare but it was the only thing that we could do. The Township found a location that would be least intrusive to what our master plan dictates, which means no sewers and water in Millstone Township.

DM/Grbelja read a statement from the Special Counsel Attorney, Michael Steib, Esq. regarding the consequences if the agreement is not signed. If the agreement is not signed, the Township will have to prepare to try the case in November. There are no extensions.

DM/Grbelja said that when they originally went to court, Fair Share Housing thought Millstone should have at least 400 affordable housing units in Millstone. Because of the fact that we went to the court in an amicable situation, we agreed to settle on 231 instead of 396. That was part of the agreement with Fair Share Housing. DM/Grbelja said that this is the best plan presented. It is not right for the residents of Millstone to bear the cost of the Affordable Housing that we are required to have.

Committeeman Dorfman said that COAH doesn't account for differences in towns with lack of sewers and water. It literally falls to the decision of a judge petitioned by the parties on behalf of people who want low income housing and at the direction of the court. There is no sense of a ceiling of how many. There were proposals of 600 homes. Our ability to take this down from 400 to 260 was a big accomplishment. The plan we are being forced to agree to is clearly the best plan under the circumstances.

Committeeman Kuczinski said this plan has 100 percent been in everyone's radar for at least a year, if not longer. We pushed the agreements to the max every single time. We are here right now with a do or die decision. We must sign this tonight. We do not have extensions. It was presumed that we had extensions. If we had them, we would continue to use them. We don't. It has been reiterated 3 to 4 times. This is the best possible plan that we could put forth.

Mayor Masci said COAH is a challenge to everyone in the State. There used to be a time when we could buy credits in other communities and that was a good thing. If you go back and look at history, the idea was to have people be put in the position where they could have access to transportation and jobs. Hopefully one day we will get some people down in Trenton that will change and go back to how it used to be – to get credits in other areas and present opportunities for people who need them. Until then, we have to deal with what's at hand and Millstone is certainly doing right by its residents. None of us are happy. This is the best plan and the new warehouse will bring a tremendous amount of funding and that reduces the tax burden put on all of us.

Mayor Masci made a motion to adopt Resolution 19-190, Second by DM/Grbelja.

ROLL CALL:

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

NAYS: None

ABSTAIN: C/Ferro

ABSENT: None

APPOINTMENT TO BE MADE BY THE MAYOR:

1. Mayor's appointment to the Millstone Township Board of Adjustment, Mark Mangano, Alternate II member, term expiring December 31, 2020.
2. Mayor's appointment to the Millstone Township Shade Tree Commission, Bruce Wolf, regular member, term expiring December 31, 2023.

REPORTS FROM VARIOUS DEPARTMENTS FOR JULY 2019:

Tax Collector	\$1,011,393.83
Clerk	\$ 263.20
Dog License	\$ 733.20

Recreation	\$ 35,948.00
Building	\$ 48,253.00
COAH	\$ 8,448.00
Court	\$ 11,539.74
2019 Interest Revenue	

Motion to file, Moved C/Kuczinski, Second C/Dorfman. All in Favor

TOWNSHIP COMMITTEE MINUTES:

1. Regular Session – August 7, 2019

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

ROLL CALL VOTE:

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

APPLICATION FOR A SOCIAL AFFAIRS PERMIT

1. Friends of Millstone Township Historic Registered Properties – Social Affair Permit for September 21, 2019 from 3pm – 9pm located at 24 Baird Road.

Motion to approve, Moved DM/Grbelja, Second C/Dorfman. All in Favor

2. Millstone Twp. Elks BPOE 2613 - Social Affair Permit for September 22, 2019 from 12pm – 5pm located at 7 Yellow Meeting House Road.

Motion to approve, Moved C/Kuczinski, Second C/Dorfman. All in Favor

NEW BUSINESS:

C/Ferro suggested an idea on ways to beautify the town by bringing an outside organization, such as FFA, to plant trees and decorate certain areas throughout the township.

M/Masci asked residents to put down your cell phones while driving.

DM/Grbelja announced that the Open Space Pace Parade and Festival is scheduled on September 21, 2019 at the Freehold Racetrack. It is a full day of fun and excitement including lots of food, vendor booths, racing, music and fireworks with parade starting at 10:30AM in downtown Freehold, Hall of Records.

M/Masci stated that Millstone Township is celebrating its 175th year and would like to hold a Township Committee meeting at the Thomas Baird House in the next few months commemorating this special occasion.

OLD BUSINESS: None

COMMENTS FROM THE DAIS: None

PRIVILEGE OF THE FLOOR:

Mayor Masci opens the meeting to the public at 8:57 p.m.

Barry Frost, Environmental Commission Member discussed single use plastic bags and if Millstone Township should have an ordinance for businesses to limit the use plastic bags. He also stated that on many township and county roads the stripping is not visible.

William Reinholtz, 12 Wolcott Drive, gave accolades to the Department of Public Works for doing an excellent job with cleaning a property across from him and an outstanding job with snow removal. He congratulates Millstone Township's 175th Anniversary.

Jay Hyland, Jonathan Pinhas and Ed Struck discussed with the Township Committee the issues they have driving their farm equipment throughout the town and the overgrowth and low wires they encounter. Mr. Pinhas stated that this has been an issue for years. Mr. Hyland and Mr. Pinhas each submitted a Notice of Tort Claim for damages they sustained to their equipment.

Pat Butch, Prodelin Way thanked the Township Committee on their hard work with the affordable housing. She would like to see the Township Committee have workshop meetings.

Steve Morelli, Rose Oxley, Stacey Curtis all thanked the Township Committee on the hard work with COAH.

Mayor Masci closes the meeting to the public at 10:04 pm.

Mayor Masci made a motion to go back into Executive session at 10:07 pm.

Time Out: 11:15 p.m.

Township Committee reconvened into public session at 11:15 p.m. to adjourn.

ADJOURNMENT:

Motion to adjourn: Moved DM/Grbelja, Second M/Masci. All in Favor.

Time Out 11:15 pm.

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

August 21, 2019 minutes approved at a Township Committee meeting held on September 18, 2019.

Kathleen Hart, RMC
Municipal Clerk
Millstone Township