

RESOLUTION NO. 22-163
MEETING DATE: 08-03-2022

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

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

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. Potential Property Acquisition

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/Davis, C/McLaughlin, C/Zabrosky, M/Ferro
NAYS: None
ABSTAIN: None
ABSENT: DM/Morris

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Township Committee of the Township of Millstone on August 3, 2022.

Kathleen Hart, RMC
Municipal Clerk

RESOLUTION NO. 22-164

SCHEDULE 22-08 S

CONSOLIDATED BILL LIST

TOWNSHIP OF MILLSTONE VOUCHERS FOR PAYMENT PRESENTED TO
THE TOWNSHIP COMMITTEE AT A MEETING
HELD ON August 3, 2022

SEE SCHEDULE 22-08 ATTACHED

A resolution was passed by the Township Committee for the payment of the vouchers listed on Schedule 22-08 attached.

Al Ferro, Mayor

Chris Morris, Deputy Mayor

Eric Davis, Committeeman

Michael McLaughlin, Committeeman

Tara Zabrosky, Committeewoman

Attest: _____
Kathleen Hart
Municipal Clerk

TOWNSHIP OF MILLSTONE
RESOLUTION NO. 22-164
August 03, 2022

BE IT RESOLVED by the Township Committee of the Township of Millstone that the vouchers listed on Schedule 22-08, August 3, 2022, Consolidated Bill List, and the vouchers listed below as Schedule 22-08 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: \$ 9,117,726.36

SCHEDULE 22-08 S

PAYROLL FUND

TOTAL PAYROLL TRUST FUND \$ 373.51

GENERAL CAPITAL FUND

TOTAL GENERAL CAPITAL FUND \$ 5,776.12

GRANT FUND

TOTAL GRANT FUND \$ 468.60

RESERVE TRUST FUND

TOTAL RESERVE TRUST FUND \$ 1,912.32

BASIN MAINTENANCE TRUST

TOTAL BASIN MAINTENANCE TRUST \$ 79.28

SHADE TREE TRUST

TOTAL SHADE TREE TRUST \$ 0.00

COAH TRUST FUND

TOTAL COAH TRUST FUND \$ 0.00

OPEN SPACE FARMLAND TRUST FUND

TOTAL OPEN SPACE FARMLAND TRUST FUND \$ 5,407.62

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 \$ 45,853.02

ANIMAL CONTROL TRUST FUND

TOTAL DOG TRUST FUND \$ 288.44

TOTAL FOR ALL FUNDS \$ 9,177,885.27

ESCROW

DEVELOPERS ESCROW ACCOUNT UNDER \$5,000

TOTAL DEVELOPERS ESCROW UNDER \$5,000 \$ 2,608.00

DEVELOPERS ESCROW ACCOUNT OVER \$5,000

TOTAL DEVELOPERS ESCROW OVER \$5,000 \$ 6,403.25

TOTAL FOR ESCROW \$ 9,011.25

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

AYES: C/Davis, C/McLaughlin, DM/Morris, C/Zabrosky, M/Ferro

NAYS: None

ABSTAIN: None

ABSENT: None

RESOLUTION NO. 22-165
MEETING DATE: 08-03-2022

**RESOLUTION AUTHORIZING THE RENEWAL OF ALCOHOL BEVERAGE
2022-2023 LICENSE FOR KMK REALTY ASSOCIATES, LLC,
LICENSE NO. 1332-33-006-001**

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

WHEREAS, application for renewal of KMK Realty Associates, LLC for the 2022-2023 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 2022-2023 license from The State of New Jersey, Office of the Attorney General on July 18, 2022; and

WHEREAS, the Municipal filing 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, 2022 TO JUNE 30, 2023. 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/Davis, C/McLaughlin, DM/Morris, C/Zabrosky, M/Ferro

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 August 3, 2022.

Kathleen Hart, RMC
Municipal Clerk

RESOLUTION NO. 22-166
MEETING DATE: 08-03-2022

**RESOLUTION CONDITIONALLY APPROVING A ONE YEAR MINING PERMIT
FOR BUCK MINING AND MATERIALS, INC., BLOCK 28, LOTS 11 & 13.01**

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

WHEREAS, Buck Mining and Materials (“Buck Mining”) whose address is 126 Bennett Place, Hightstown, New Jersey 08520 has made application for renewal of its mining permit for the purposes of conducting mining activities on Lots 11 and 13.01 in Block 28 (Pine Hill Road), as designated on the Millstone Township Tax Map; and

WHEREAS, the application has been reviewed by the Township Engineer who prepared a report dated July 13, 2022, which report is attached hereto as Exhibit A; and

WHEREAS, at its meeting of July 20, 2022, the Township Committee received a report from the Township Engineer indicating that Buck Mining is complying with its previous conditions of approval; and

WHEREAS, the Township Engineer has recommended conditional approval of the mining permit; and

WHEREAS, the Township Committee of the Township of Millstone held a public hearing on the application at which William Stone and Leslie Buck Stone appeared and were heard by the Township Committee; and

WHEREAS, the Township Committee of the Township of Millstone has determined that, subject to the conditions set forth by the Township Engineer, a conditional mining permit may be issued for a one-year period ending June 30, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millstone that a conditional mining permit may be issued for a one-year period ending June 30, 2023, subject to the following conditions:

1. Buck Mining will comply with all Township requirements as set forth in the Township Code, including but not limited to, Chapter 22-1 et. seq.
2. Any damage caused by trucks to Pinehill Road will be restored by Buck Mining.
3. Buck Mining will provide monthly reports of the status of their operation to the Township Engineer.
4. Buck Mining will update proof of general liability insurance upon expiration.

5. Compliance with all other provisions of the report of the Township Engineer dated July 13, 2022.

BE IT FURTHER RESOLVED that Buck Mining will not be required to submit the biannual review fee if seeking an extension of the one-year permit upon expiration of the conditional permit on June 30, 2023.

BE IT FURTHER RESOLVED that this Resolution is a resolution of memorialization of the action taken by the Township Committee of the Township of Millstone on July 20, 2022 and effective as of that date.

BE IT FURTHER RESOLVED that a copy of this Resolution, certified by the Township Clerk to be a true copy, be forwarded to the Applicant, the Township Engineer and the Township Attorney.

ROLL CALL:

AYES: C/Davis, C/McLaughlin, DM/Morris, C/Zabrosky, M/Ferro
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 August 3, 2022.

KATHLEEN HART, RMC
Township Clerk

July 13, 2022

Mayor & Township Committee
Millstone Township
470 Stage Coach Road
Millstone, NJ 08510

**Re: Mining Permit Renewal Application 2022/24
Buck Mining & Materials
Block 28 Lots 11 & 13.01
Our File MS 12-13**

Dear Mayor and Committee Members:

At your request, we have reviewed the Mining Permit Renewal Application for the above referenced mining site and report as follows:

1. Documents Submitted
 - A. “Soil Erosion and Sediment Control Plan/Revised Mining Plan”, Buck Mining & Materials, Inc., Lots 11 and 13.01, Block 28, consisting of five (5) sheets prepared by Sharif H. Aly, P.E. from AmerTech Engineering, Inc., dated July 19, 2010, last revised June 22, 2022.
 - B. “Environmental Impact Statement” for Buck Mining & Materials, Inc., prepared by Sharif H. Aly, P.E. from AmerTech Engineering, Inc., dated July 14, 2004, last revised March 11, 2019.
 - C. “Stormwater Management Report” for Buck Mining Pine Hill Materials, Inc., prepared by Sharif H. Aly, P.E. from AmerTech Engineering, Inc., dated July 20, 2010, last revised March 11, 2019.
2. Project Location & Description
 - A. The subject property is known as Lots 11 and 13.01, Block 28, consisting of approximately 22.27 Acres. The site has frontage and access on Pine Hill Road.

- B. The property is located within the RU-P (Rural reservation Zone District). The application incorrectly shows that this project is in the R-170 Zone.
- C. The site has been used for mining operations since the 1960's. The estimated amount of soil that remains to be removed is over 500,000 cubic yards.
- D. Haul Routes: the trucks leaving the mining site are required to turn right onto Pinehill Road and travel west to Millstone Road. The route then continues south along Millstone Road to Sweetman's Lane to Route 33. Trucks coming to the mine are required to use the same route. Any revisions to the approved haul route will require Township Committee review and approval.

3. Site Plan Review Comments

- A. The Applicant should provide status of the agreement to sell this property to the County Park System.
- B. The Applicant has submitted a status report dated June 15, 2022 with the application (copy attached).
- C. The Applicant has posted two (2) letters of credit totaling \$138,840.00 where a Site Restoration Cost Estimate AKA Performance Guarantee calculated in July 2016, is \$228,000.00.
- D. The NJDEP inspected this site and issued a report on March 7, 2022 stating some deficiencies. The mine owner has made some improvements and responded on March 31, 2022.
- E. The Detention Sediment Basin has not been completed yet, but it has been functioning satisfactorily.
- F. The haul route, Pine Hill Road has been repaired by the owner.
- G. The Freehold Soil Conservation District has issued a Biannual Renewal Permit until December 30, 2022.

H. Proof of general liability insurance should be provided.

Should you have questions regarding this application, please do not hesitate to contact this office.

Very truly yours,

LEON S. AVAKIAN, INC.



Matt Shafai, P.E.
Township Engineer

MS:mcs
cc: Kevin Abernethy, Twp. Administrator
Kathleen Hart, Municipal Clerk
Brian Chabarek, Esq., Twp. Attorney
Environmental Commission
Leslie Buck Stone
MS/12/12-13e

RESOLUTION NO. 22-167
MEETING DATE: 08-03-2022

RESOLUTION AUTHORIZING THE PURCHASE OF A KUBOTA U55-5R3AP MINI EXCAVATOR

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

WHEREAS, the Department of Public Works of the Township of Millstone wishes to purchase a Kubota U55-5R3AP Mini Excavator, from an authorized vendor under the ESCNJ Co-Op Program; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by Local Contracts Law, 40A: 11-12; and

WHEREAS, Cherry Valley Tractor Sales. is under the ESCNJ Co-Op Number 65MCESCCPS – ESCNJ 18/19-25; and 65MCESCCPS – ESCNJ 18/19-22; and

WHEREAS, the Qualified Purchasing Agent recommends the utilization of this contract on the grounds that they can provide the quality of product at the most reasonable price; and

WHEREAS, the cost for the purchase is not to exceed \$70,931.95; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this contract are available in the line-item number C-04-55-976-901.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee that the purchase of a Kubota U55-5R3AP Mini Excavator, using 65MCESCCPS – ESCNJ 18/19-25 and 18/19-22 and is ratified.

ROLL CALL:

AYES: C/Davis, C/McLaughlin, DM/Morris, C/Zabrosky, M/Ferro

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 August 3, 2022.

Kathleen Hart, RMC
Municipal Clerk

RESOLUTION NO. 22-168
MEETING DATE: 08-03-2022

RESOLUTION AUTHORIZING THE EXTENSION OF A ONE TIME GRACE PERIOD FOR THE PAYMENT OF THIRD QUARTER TAXES - 2022

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

WHEREAS, there was a delay in the County Tax Board certifying final tax rates for all taxing entities; and,

WHEREAS, in accordance with the Law, Millstone Township Tax Collector Elizabeth Kiernan is extending the tax payment grace period.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of The Township of Millstone in the County of Monmouth, herein confirms extension of the tax payment grace period until August 16, 2022.

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

ROLL CALL:

AYES: C/Davis, C/McLaughlin, DM/Morris, C/Zabrosky, M/Ferro
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 August 3, 2022.

Kathleen Hart, RMC
Municipal Clerk

RESOLUTION NO: 22-169
MEETING DATE: 08-03-2022

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
GREEN ACRES PROGRAM - ENABLING RESOLUTION

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

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Millstone has previously obtained a grant of \$6,075,000.00 from the State to fund the following project(s):

#1333-00-020/Millstone Township Planning Incentive – Project Evergreen; and

WHEREAS, the State and the Township of Millstone intend to increase Green Acres funding by \$500,000.00; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with its rules, regulations and applicable statutes, and is willing to enter into an Amendment of the Agreement with the State for the above-named project;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millstone in the County of Monmouth and State of New Jersey that:

1. The Mayor of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Project Evergreen, and; **[Note: Please authorize only one official to sign the project agreement on behalf of the local government or nonprofit.]**
2. The applicant has its matching share of the project, if a match is required, in the amount of \$6,575,000.00.
3. In the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
5. This resolution shall take effect immediately.

ROLL CALL:

AYES: C/Davis, C/McLaughlin, DM/Morris, C/Zabrosky, M/Ferro
NAYS: None
ABSTAIN: None
ABSENT: None

CERTIFICATION

I, Kathleen Hart, Municipal Clerk do hereby certify that the foregoing is a true copy of a resolution adopted by The Township Committee at a meeting held on the 3rd day of August 2022.

IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body this 3rd day of August, 2022.

Kathleen Hart, RMC
Municipal Clerk