

**RESOLUTION NO. 23-53**  
**MEETING DATE: 01-18-2023**

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

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

**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. Litigation

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 January 18, 2023.

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Kathleen Hart, RMC  
Municipal Clerk

RESOLUTION NO.23-54  
ADOPTION DATE: 01-18-2023

RESOLUTION AUTHORIZING EXECUTION OF A SECOND AMENDED SHARED  
SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF MILLSTONE AND THE  
MILLSTONE TOWNSHIP FIRE DISTRICT

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

WHEREAS, on August 19, 2020, the Township of Millstone entered into a Shared Services Agreement with the Millstone Township Fire District (hereafter "Fire District") for the performance of Emergency Medical Technician Services; and

WHEREAS, the Shared Services Agreement set forth payment by Millstone Township to the Fire District for the calendar years 2020 and 2021; and

WHEREAS, on June 1, 2022, the Township of Millstone entered into an Amended Shared Services Agreement with the Fire District which removed fuel costs from operations costs for which the Township reimbursed the Fire District and included payment for the services provided for the calendar year 2022; and

WHEREAS, the Township of Millstone and the Fire District wish to amend the Shared Services Agreement to include payment for the calendar year 2023, wherein payment will be made in the following manner: \$50,000.00 by January 31, 2023 and \$100,000.000 by March 31, 2023; and

WHEREAS, if the Fire District determines that they require an additional \$50,000.00 payment for the calendar year 2023, they shall appear before the Township Committee no later than September 30, 2022, at which time a determination as to whether such additional payment will be forthcoming will be made; and

WHEREAS, it is necessary for the Township of Millstone and the Fire District to enter into a Second Amended Shared Services Agreement in order to allow for such payment for the calendar year 2023.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millstone that the Mayor and Township Clerk are hereby authorized to execute a Second Amended Shared Services Agreement with the Millstone Township Fire District in order to allow for payment to the Fire District for the calendar year 2023.

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

1. It hereby authorizes payment for the performance of EMT services to be provided by the Millstone Township Fire District for the calendar year 2023 as follows:
  - a. \$50,000.00 to the Millstone Township Fire District by January 31, 2023.
  - b. \$100,000.00 to the Millstone Township Fire District by March 31, 2023.

BE IT FURTHER RESOLVED, that if the Fire District requires an additional \$50,000.00 payment during the calendar year 2023, that the said Fire District shall appear before the Township Committee no later than September 30, 2023, however there is no obligation on the part of the Township to remit this payment.

BE IT FURTHER RESOLVED, that the Township Administrator be and is hereby authorized to undertake such acts as are reasonable and necessary to accomplish the purposes of 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 Township Purchasing Agent and the Millstone Township Fire District.

ROLL CALL:

AYES: C/McLaughlin, C/Zabrosky, C/Davis, 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 at its regular meeting held on January 18, 2023.

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KATHLEEN HART, RMC  
Township Clerk

RESOLUTION NO. 23-55

SCHEDULE 23-01 S

CONSOLIDATED BILL LIST

TOWNSHIP OF MILLSTONE VOUCHERS FOR PAYMENT PRESENTED TO  
THE TOWNSHIP COMMITTEE AT A MEETING  
HELD ON January 18, 2023

SEE SCHEDULE 23-01 ATTACHED

A resolution was passed by the Township Committee for the payment of the vouchers listed on Schedule 23-01 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. 23-55**  
January 18, 2023

BE IT RESOLVED by the Township Committee of the Township of Millstone that the vouchers listed on Schedule 23-01, January 18, 2023, Consolidated Bill List, and the vouchers listed below as Schedule 23-01 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: \$ 1,184,600.47

**SCHEDULE 23-01 S**

**PAYROLL FUND**

TOTAL PAYROLL TRUST FUND \$ 6,604.55

**GENERAL CAPITAL FUND**

TOTAL GENERAL CAPITAL FUND \$ 0.00

**GRANT FUND**

TOTAL GRANT FUND \$ 1,680.66

**RESERVE TRUST FUND**

TOTAL RESERVE TRUST FUND \$ 1,373.63

**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 \$ 8,760.75

**OPEN SPACE FARMLAND TRUST FUND**

TOTAL OPEN SPACE FARMLAND TRUST FUND \$ 333,182.47

**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 \$ 1,142.32

**ANIMAL CONTROL TRUST FUND**

TOTAL DOG TRUST FUND \$ 488.68

**TOTAL FOR ALL FUNDS \$ 1,537,833.53**

**ESCROW**

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

TOTAL DEVELOPERS ESCROW UNDER \$5,000 \$ 2,194.30

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

TOTAL DEVELOPERS ESCROW OVER \$5,000 \$ 13,667.00

**TOTAL FOR ESCROW \$ 15,861.30**

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

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

NAYS: None

ABSTAIN: None

ABSENT: DM/Morris

**RESOLUTION NO. 23-56**  
**MEETING DATE: 01-18-2023**

**RESOLUTION: APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS FOR “MILLSTONE PARK IMPROVEMENTS – IMPROVEMENTS TO PROVIDE A CONTINUOUS PATH THROUGHOUT THE PARK”**

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

*Whereas*, the **Township of Millstone** desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately **\$100,000** to carry out a project to **Millstone Park Improvements – Improvement to provide a continuous path throughout the park.**

*Be it therefore RESOLVED*,

- 1) That the **Township of Millstone** does hereby authorize the application for such a grant; and,
- 2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the **Township of Millstone** and the New Jersey Department of Community Affairs.

*Be it further RESOLVED*, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

_____ <b>(signature)</b>	_____ <b>(signature)</b>
Al Ferro _____ <b>(type or print name)</b>	Kevin Abernethy _____ <b>(type or print name)</b>
Mayor _____ <b>(title)</b>	Township Administrator _____ <b>(title)</b>

**ROLL CALL:**

**AYES:** C/Zabrosky, C/Davis, C/McLaughlin, 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 Millstone Township Committee at its meeting of January 18, 2023.

Affix Gov't, Corporate  
Or Notary Seal

\_\_\_\_\_  
Kathleen Hart, RMC  
Township Clerk



**RESOLUTION NO. 23-57  
MEETING DATE 01-18-2023**

**RESOLUTION RE-APPOINTING TOWNSHIP TAX COLLECTOR**

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

**BE IT RESOLVED** by the Township Committee of the Township of Millstone that Elizabeth A. Kiernan be and is hereby re-appointed Township Tax Collector for the Township of Millstone, effective January 1, 2023.

**BE IT FURTHER RESOLVED** that in accordance with N.J.S.A. 40A:9-142, the term of office for the municipal tax collector shall be for a period of four (4) years, wherein the aforesaid appointment shall be effective January 1, 2023 through December 31, 2026.

**BE IT FURTHER RESOLVED** that a copy of this Resolution certified by the Township Clerk to be a true copy be forwarded to the New Jersey Department of Community Affairs and to the appointee.

ROLL CALL:

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

**I HEREBY CERTIFY** the foregoing to be a true copy of the Resolution adopted by the Millstone Township Committee at its meeting of January 18, 2023.

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Kathleen Hart, RMC  
Township Clerk

**RESOLUTION NO. 23-58**  
**MEETING DATE: 01-18-2023**

**RESOLUTION APPOINTING SPECIAL ENVIRONMENTAL COUNSEL AND  
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR  
PROFESSIONAL SERVICES**

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

**WHEREAS**, the Township of Millstone requires special counsel to perform professional legal services in connection with environmental services; and

**WHEREAS**, such specialized legal services can only be provided by licensed professionals and Joanne Vos, Esq. of the law firm of Maraziti Falcon, LLP is so recognized; and

**WHEREAS**, Joanne Vos, Esq. has submitted a proposal dated December 28, 2022 to provide special environmental legal services; and

**WHEREAS**, Maraziti Falcon, LLP has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Township of Millstone in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

**WHEREAS**, the law firm of Maraziti Falcon, LLP has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c271; and

**WHEREAS**, this contract is awarded as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5, for the period of January 1, 2023 through December 31, 2023 for an amount not to exceed \$15,000.00, at an hourly rate of \$235.00 per hour for licensed attorneys and \$90.00 per hour for law clerks; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available in account 3-01-20-155-127.

**NOW THEREFORE, BE IT RESOLVED** that the Township of Millstone does hereby authorize the award of a non-fair and open contract for professional services, for the period of January 1, 2023 through December 31, 2023, and appoints Joanne Vos, Esq., of the law firm of Maraziti Falcon, LLP to provide legal services as Special Environmental Counsel, for an amount not to exceed \$15,000.00.

**BE IT FURTHER RESOLVED** that this contract is awarded without competitive bidding

as a “Professional Service” in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i) because it is for services performed by persons authorized by law to practice a recognized profession.

**BE IT FURTHER RESOLVED** that the Mayor and Township Clerk of the Township of Millstone are hereby authorized and directed to execute a professional services contract for the aforesaid services with Maraziti Falcon, LLP and to cause notice of this decision to be published according to N.J.S.A. 40A:11-5 (1)(a)(i).

**BE IT FURTHER RESOLVED** that a copy of this Resolution certified by the Township Clerk to be a true copy, be forwarded to the Township Chief Financial Officer, Township Administrator and Maraziti Falcon, LLP.

**ROLL CALL:**

**AYES:** C/Zabrosky, C/Davis, C/McLaughlin, 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 Millstone Township Committee at its meeting of January 18, 2023.

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Kathleen Hart, RMC  
Township Clerk

**RESOLUTION NO. 23-59**  
**MEETING DATE: 01-18-2023**

**RESOLUTION APPOINTING SPECIAL COUNSEL FOR MT. LAUREL PROCEEDINGS  
AND AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR  
PROFESSIONAL SERVICES**

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

**WHEREAS**, the Township of Millstone requires Special Counsel for Mt. Laurel Proceedings to perform professional legal services and requests for proposals were properly advertised and received on December 1, 2022; and

**WHEREAS**, Michael B. Steib, Esq. has submitted a proposal dated December 1, 2022 to provide such legal services as Special Counsel for Mt. Laurel Proceedings; and

**WHEREAS**, such specialized legal services can only be provided by licensed professionals and Michael B. Steib, Esq. of the law firm of Michael B. Steib, P.A. is so recognized; and

**WHEREAS**, this contract is awarded as a fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5, for the period of January 1, 2023 through December 31, 2023 for an amount not to exceed \$40,000.00, at an hourly rate of \$140.00 per hour for licensed attorneys; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available in account 3-01-20-155-127.

**NOW THEREFORE, BE IT RESOLVED** that the Township of Millstone does hereby authorize the award of a fair and open contract for professional services, for the period of January 1, 2023 through December 31, 2023, and appoints Michael B. Steib, Esq., of the law firm of Michael B. Steib, P.A. to provide legal services as Special Counsel for Mt. Laurel Proceedings, for an amount not to exceed \$40,000.00.

**BE IT FURTHER RESOLVED** that this contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i) because it is for services performed by persons authorized by law to practice a recognized profession.

**BE IT FURTHER RESOLVED** that the Mayor and Township Clerk of the Township of Millstone are hereby authorized and directed to execute a professional services contract for the aforesaid services with Michael B. Steib, P.A. and to cause notice of this decision to be published according to N.J.S.A. 40A:11-5 (1)(a)(i).

**BE IT FURTHER RESOLVED** that a copy of this Resolution certified by the Township Clerk to be a true copy, be forwarded to the Township Chief Financial Officer, Township Administrator and Michael B. Steib, P.A.

**ROLL CALL:**

**AYES:** C/Zabrosky, C/Davis, C/McLaughlin, 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 Millstone Township Committee at its meeting of January 18, 2023.

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Kathleen Hart, RMC  
Township Clerk

RESOLUTION NO. 23-60  
ADOPTION DATE: 01-18-2023

RESOLUTION AWARDING CONTRACT FOR PROPOSED BUILDING AT CLARKSBURG  
CULTURAL CENTER - PHASE III IN THE TOWNSHIP OF MILLSTONE

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

WHEREAS, on Thursday, September 8, 2022 at 10:00 a.m., the Township Engineer accepted bids for the Proposed Building at Clarksburg Cultural Center – Phase III; and

WHEREAS, the following bids were received:

<u>Name of Bidder</u>	<u>Bid Amount for Proposed Building Plus Alternate Bid Items 2C and 2D (Asphalt Shingles)</u>
Gavan General Contracting, Inc.	\$548,769.00
Catel, Inc.	\$615,300.00
C.M.G. Group, Inc.	\$775,840.00; and

WHEREAS, the Township Engineer has recommended awarding the Contract to the lowest bidder, Gavan General Contracting, Inc., in the amount of \$548,769.00 for the building plus alternate bid items 2C and 2D (asphalt shingle roofing); and;

WHEREAS, in accordance with N.J.S.A. 40:11-24(a), the contracting unit shall award the contract or reject all bids within such time as may be specified in the invitation to bid, but in no case more than sixty (60) days, except that the bids of any bidders who consent thereto may, at the request of the contracting unit, be held for consideration for such longer period as may be agreed; and

WHEREAS, the lowest bidder, Gavan General Contracting, Inc., provided their consent

to hold the aforesaid bid for consideration for an additional seventy-four (74) days beyond the sixty (60) day timeframe; and

WHEREAS, the Township Attorney has determined that the bid of Gavan General Contracting, Inc. is in compliance with the applicable portions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Township Chief Financial Officer has certified funds are available in account T-16-56-100-023.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Millstone hereby awards a Contract to Gavan General Contracting, Inc. for Proposed Building at Clarksburg Cultural Center – Phase III for the bid amount plus alternate bid items 2C and 2D (asphalt shingles) in the total amount of \$548,769.00.

BE IT FURTHER RESOLVED that a copy of this Resolution certified by the Township Clerk to be a true copy be forwarded to Gavan General Contracting, Inc., the Township Engineer and to the unsuccessful bidders together with the return of their bid security.

ROLL CALL:

AYES: C/Zabrosky, C/Davis, C/McLaughlin, 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 Millstone Township Committee at its meeting of January 18, 2023.

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KATHLEEN HART, RMC  
Township Clerk

**RESOLUTION NO. 23-61**  
**ADOPTION DATE: 01-18-2023**

**RESOLUTION AMENDING RESOLUTION 22-193 APPROVING  
COMPENSATION FOR MEMBERS OF THE BOARD OF FIRE  
COMMISSIONERS FIRE DISTRICT NO. 1**

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

**WHEREAS**, N.J.S.A. 40A:14-88 provides that each member of the Board of Fire Commissioners shall receive as compensation such amounts as the Board shall fix; and

**WHEREAS**, N.J.S.A. 40A:14-88 further provides that the compensation so fixed shall be subject to review by the Governing Body wherein the Fire District is located; and

**WHEREAS**, the Township Committee adopted Resolution 22-193, Approving Compensation for Members of the Board of Fire Commissioners Fire District No. 1, on October 11, 2022; and

**WHEREAS**, the Board of Fire Commissioners has since amended the proposed compensation schedule; and

**WHEREAS**, the Township Committee has reviewed the amended proposed compensation schedule provided to it by the Commissioners of Fire District No. 1.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Millstone hereby approves of the amended compensation for the members of the Board of Fire Commissioners as proposed by Resolution of the Commissioners of Fire District No. 1.

**BE IT FURTHER RESOLVED** that a copy of this Resolution, certified by the Township Clerk to be a true copy be forwarded to the Commissions of Fire District No. 1.

**ROLL CALL:**

**AYES:** C/Zabrosky, C/Davis, C/McLaughlin, 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 Millstone Township Committee at its meeting of January 18, 2023.

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KATHLEEN HART, RMC  
Township Clerk