

BOROUGH OF MILLSTONE
BOROUGH COUNCIL REGULAR MEETING MINUTES
March 17, 2008

TIME: 7:30 pm

CALL TO ORDER – OPENING STATEMENT: Mayor Heck read the following notice: The Regular meeting of the Borough Council, Borough of Millstone will please come to order. Adequate notice of this meeting has been noticed to the Hillsborough Beacon and Courier News. If any member of this body believes this meeting is being held in violation of the Open Public Meetings Act, please state your views at this time, stating the reason for which you feel the notice is improper. Hearing none, we proceed to the next item on the agenda.”

PLEDGE TO THE FLAG: Mayor Heck led the pledge of allegiance.

ROLL CALL:

- Councilman Joe Dempster - present
- Councilwoman Carol Halm - present
- Councilman Robert McCarthy - absent
- Councilman Scott Ross - present
- Councilwoman Denene Smerdon - present
- Council President William Poch - present
- Mayor Raymond Heck - present

REPORTS:

- Assessor – Marcia Sudano was present and asked Millstone Borough Council if they have questions on the reassessment program. She handed out a Q&A on the reassessment program and stated the borough has been on annual reassessment since 1990 ms explained the program and benefits to the borough.
- Clerk – Clerk Bonin reminded those present that the ethics forms are due soon and the BOE elections are April 15
- Emergency Management – Councilman Dempster reported on county all hazards mitigation plan meeting progress, this plan will allow us to make application to FEMA
- Finance – CFO Della Pia handed out budget information. He stated the 2008 budget will be presented at the April meeting. Waiting for possible change in state aid figures.
- Historic Commission – Scott Ross reported on W3R planning discussions and a discussion on the upgrades of the Historic Preservation ordinances.
- Millstone Valley Fire Department – no report
- Recreation Commission – Mayor Heck report that new park equipment has been installed and is being used by many children. The Easter egg hunt at Borough Hall this weekend.
- State Police – Mayor Heck stated that with the death of a teacher from Hillsborough there will be a funeral at local church in addition to our Easter egg hunt. Council President Poch reported that funeral goers will be encouraged to park at St. Joseph’s church and be bussed to Hillsborough Reformed Church.
- Tax Collection – no report.

Councilman Ross offered a motion to accept the reports. Seconded by Councilwoman Smerdon.

Roll Call: Dempster – yes, Halm – yes, Ross – yes, Smerdon – yes, Poch – yes.

COUNCIL REPORTS:

- Buildings and Grounds – Councilman Dempster stated community service worker has been working at borough hall.

BOROUGH OF MILLSTONE
BOROUGH COUNCIL REGULAR MEETING MINUTES
March 17, 2008

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- Planning Board – Councilwoman Halm reported that an informal discuss with Michael Ford from Van Cleef Engineering regarding prospective tenants in “Gardener to Gardener” building. She stated the new tenants wish to use site as parking only for landscaping biz and general contractor biz equipment. Also discussed was ANJEC open space grant application and the need to replace a Planning Board member who has resigned.
 - Traffic and Roads – Council President Poch reported that on April 7th at 7:30 PM in the Millstone Borough hall will be a public hearing on culvert on Amwell Road run by Somerset County. Tentative start date for project is last day of school.

Council President Poch reminded Millstone Borough Council that a date needs to be picked for heavy trash pick up. Mayor Heck stated recreation director will be surveying public for a date. Possible date is June 21st.

Council President Poch asked Attorney Offen to review recycling ordinance so it can be introduced. He stated that paperwork must be submitted by April 30th. Attorney Offen suggested that the Millstone Borough Council could introduce the ordinance tonight on first reading and adopt at 4/21 regular meeting.

Mayor Heck started a brief discussion regarding traffic calming devices for the reconstruction of Amwell Road.

Councilman Ross offered a motion to accept the reports. Seconded by Councilwoman Smerdon.

Roll Call: Dempster – yes, Halm – yes, Ross – yes, Smerdon – yes, Poch – yes.

MAYOR’S REPORT

Mayor Heck commented that the borough must continually deal with flooding in the borough. A number of initiatives are under way including a possible land swap with the County. The borough has been researching many ways to resolve the long standing problem with long term solutions.

MEETING OPEN TO THE PUBLIC:

- Motion to Open the Meeting to the Public

Councilman Ross offered a motion to open the meeting to the public at 8:20 PM. Seconded by Councilwoman Smerdon.

Roll Call: Dempster – yes, Halm – yes, Ross – yes, Smerdon – yes, Poch – yes.

Ms. Wagner thanked Mayor Heck for submitting the letter to the County regarding the flooding problem.

Mayor Heck reasserted that the Millstone Borough Council is focusing on this problem but must deal with many levels of government.

Mary Patrick commented that the Millstone Borough Council must be aware of the water flow throughout the borough. She opined the problems may be a result of the development activity in Hillsborough.

Mary Patrick also commented on the Borough’s aid to seniors and the concept of supplying water to the Beardslee Road area. Mayor Heck stated water supply is not in the process but the Borough is working towards obtaining sewers for the borough residents.

BOROUGH OF MILLSTONE
BOROUGH COUNCIL REGULAR MEETING MINUTES
March 17, 2008

- Motion to Close the Meeting to the Public

Councilwoman Halm offered a motion to close the meeting to the public at 8:46 PM. Seconded by Councilman Dempster.

Roll Call: Dempster – yes, Halm – yes, Ross – yes, Smerdon – yes, Poch – yes.

NEW BUSINESS:

- Introduction of ordinance regarding yard waste.

Motion to introduce 2008-001 and set the public hearing for April 21st was offered by Council President Poch. Seconded by Councilman Ross.

Roll Call: Dempster – yes, Halm – yes, Ross – yes, Smerdon – yes, Poch – yes.

AN ORDINANCE ESTABLISHING A PROGRAM FOR COLLECTION AND DISPOSAL OF YARD
WASTE AND TO CONTROL LITTER WITHIN THE BOROUGH OF MILLSTONE, COUNTY OF
SOMERSET, STATE OF NEW JERSEY

ORDINANCE NO. 2008-01

SECTION 1. Purpose:

An ordinance to establish a yard waste collection and disposal program and to establish requirements to control littering within the Borough of Millstone, County of Somerset, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- a. Containerized – means the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.
- b. Litter – any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings, or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing.
- c. Litter Receptacle – a container suitable for the depositing of litter.

BOROUGH OF MILLSTONE
BOROUGH COUNCIL REGULAR MEETING MINUTES
March 17, 2008

- d. Person - any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- e. Street - means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.
- f. Yard Waste – means leaves and grass clippings.

SECTION III. Yard Waste Collection

Sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is only allowed during the seven (7) days prior to a scheduled and announced collection, and shall not be placed closer than 10 feet from any storm drain inlet. Placement of such yard waste at the curb or along the street at any other time or in any other manner is a violation of this ordinance. If such placement of yard waste occurs, the party responsible for placement of the yard waste must remove the yard waste from the street or said party shall be deemed in violation of this ordinance.

SECTION IV. Prohibited Acts and Regulated Activities Regarding Littering.

- 1. It shall be unlawful for any person to throw, drop, discard or otherwise place any litter of any nature upon public or private property other than in a litter receptacle, or having done so, to allow such litter to remain.
- 2. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this ordinance, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this ordinance.

SECTION V. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$1,000.00.

SECTION VI. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be independent section, subsequent, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION VII. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

- Resolution Supporting the submission of a Smart Growth Planning Assistance Grant to the ANJEC (see attached documentation)

BOROUGH OF MILLSTONE
BOROUGH COUNCIL REGULAR MEETING MINUTES
March 17, 2008

Councilman Dempster offered a motion approving the submission of a grant application to ANJEC. Seconded by Councilman Ross.

Roll Call: Dempster – yes, Halm – yes, Ross – yes, Smerdon – yes, Poch – yes.

WHEREAS, the Borough of Millstone wishes to avail itself of the Smart Growth Planning Assistance grant from the Association of New Jersey Environmental Commissions; and

WHEREAS, the Borough would use these grants funds to offset the costs of smart growth management and land preservation within the Borough of Millstone; and

WHEREAS, the Borough Council has a clear understand that this grant is a matching, reimbursable grant; and

WHEREAS, the Borough Council guarantees that it will provide matching funds in an amount not to exceed \$2,000.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MILLSTONE that it hereby endorses the submission of this grant application and pledges the support of the Borough behind this grant in accordance with the above recitations and all requirements of the grant application.

- Motion to endorse a letter to Somerset County requesting a land transfer between Somerset County and the Borough of Millstone for the purposes of preserving historical sites within the borough through flood mitigation efforts. (see attached)

Councilman Dempster offered a motion to endorse sending the letter to the County. Seconded by Council President Poch.

Roll Call: Dempster – yes, Halm – yes, Ross – yes, Smerdon – yes, Poch – yes.

OLD BUSINESS:

Attorney Offen recommended the Millstone Borough Council review two items in executive session, both regarding litigation. The Millstone Borough Council agreed.

Councilwoman Smerdon asked if the Mayor Heck was considering the readjustment of work of certain employees. Mayor Heck stated he would like to address this further when more information is available.

Councilwoman Smerdon asked if the Millstone Borough Council was considering a vicious dog ordinance. Attorney Offen advised of State statute and borough operational ordinance.

PRESENTATION OF BILLS FOR PAYMENT:

Council President Poch offered a motion to accept the bill list. Seconded by Councilwoman Smerdon.

Roll Call: Dempster – yes, Halm – yes, Ross – yes, Smerdon – yes, Poch – yes.

EXECUTIVE SESSION (if necessary):

**BOROUGH OF MILLSTONE
BOROUGH COUNCIL REGULAR MEETING MINUTES
March 17, 2008**

A motion to adjourn to executive session at 9:15 pm for the purposes of litigation was offered by Council President Poch. Seconded by Councilman Dempster.

Roll Call: Dempster – yes, Halm – yes, Ross – yes, Smerdon – yes, Poch – yes.

WHEREAS, the law commonly known as the “Sunshine Law” requires that Borough Council meetings be open to the public except for the discussion of certain subjects; and

WHEREAS, the “Sunshine Law” requires that a closed session be authorized by Resolution;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Millstone that the balance of this meeting shall be closed to the public; and

BE IT FURTHER RESOLVED, that the meeting shall be adjourned at the end of the closed session; and

BE IT FURTHER RESOLVED, that the subjects to be discussed and the time of public release of the minutes of the closed session are indicated below:

<u>SUBJECT MATTER</u>	<u>TIME WHEN AND THE CIRCUMSTANCES UNDER WHICH THE SUBJECT MATTER CAN BE DISCLOSED</u>
Litigation (COAH)	Once the matter has been concluded

ADJOURNMENT:

A motion to adjourn the regular meeting at 9:36 pm was offered by Councilman Dempster. Seconded by Councilwoman Halm.

Roll Call: Dempster – yes, Halm – yes, Ross – yes, Smerdon – yes, Poch – yes.

Attested to:

Gregory J. Bonin, Borough Clerk