



Millstone Borough

BOROUGH COUNCIL
REGULAR MEETING MINUTES
November 22, 2017

TIME: 7:30 PM

CALL TO ORDER – OPENING STATEMENT: Mayor Heck called the meeting to order with the reading of the following statement: 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 those present on the flag salute

<u>ROLL CALL:</u>	Councilman Derek Dandy	Absent
	Councilwoman Merry Emmich	Present
	Councilman Alan Kidd	Absent
	Councilwoman Denene Smerdon	Present
	Councilman John Stashek	Present
	Council President Scott Ross	Present
	Mayor Raymond Heck	Present

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PRESENTATION: FREEHOLDER DIRECTOR PETER PALMER

Mayor Heck recounted the contributions of Mr. Palmer to Somerset County and the residents of Millstone.

Mr. Palmer thanked those present for the proclamation and kind words.

Clerk Bonin read the following proclamation as Mayor Heck and Council President Ross presented it to Freeholder Director Peter Palmer.

WHEREAS, Peter S. Palmer, Director of the Somerset County Freeholders, has announced his retirement after a long and exceptionally notable career of public service; and

WHEREAS, Mr. Palmer is a lifelong resident of Somerset County and Bernardsville whose public service began when he served in the U.S. Army Signal Corps wherein he received an Honorable Discharge as 1st Lieutenant;

WHEREAS, he began serving the residents of Somerset County as a member of the Bernardsville Board of Education in 1962, and was elected to be a member of the Bernardsville Borough Council in 1968 wherein he was elected Mayor of Bernardsville from 1985 through 1994; and

WHEREAS, he was appointed to the Somerset County Planning Board in 1995 and elected as a County Freeholder in 1997, serving as the Director of the Freeholder Board numerous years; and

WHEREAS, his illustrious public career has benefitted many citizens in Somerset County having been active on many boards and organizations including the Agriculture Development Board, Business



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Partnership, Joint Insurance Fund, Leadership Somerset, New Jersey Association of Counties (voting member), North Jersey Transportation Planning Authority, Office of the Prosecutor, Park Foundation, Planning Board, Raritan Valley Community College Board of School Estimate, Raritan Valley Rail Coalition, Somerset County Governing Officials Association, Superintendent of Schools, Vocational Board of School Estimate, Youth Leadership Somerset and Youth Services Commission (alternate); and

WHEREAS, his accomplishments and positive impact on Somerset County residents will be a lasting tribute to a career of selfless giving and good governance; and

WHEREAS, Mr. Palmer is known as a man of distinguished character whose presence will be missed, although his legacy will be remembered for years to come.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Millstone, County of Somerset, State of New Jersey that it hereby extends our sincere appreciation to Freeholder Director Peter Palmer for providing the perfect example of good governance and exceptional public service to which all of us should aspire.

BE IT FURTHER RESOLVED that we wish him nothing but good fortune as he embarks on the next phase of his life and career.

PRESENTATION: EAGLE SCOUT ALEX FUNG

Mayor Heck commented on the fine character and personality of Alex Fung, also on the hard work involved to reach the rank of Eagle Scout.

Freeholder Director Palmer also commended Mr. Fung on this great accomplishment.

Clerk Bonin read the following proclamation as Mayor Heck presented it to Alex Fung.

WHEREAS, Alex Fung first joined scouting as a Tiger Cub in 2006 advancing through the ranks until crossing over to the Boy Scouts in 2011; and

WHEREAS, in 2016 Alex reached the rank of Life and began planning and working on his Eagle Scout project; and

WHEREAS, for his Eagle Scout Project, Alex chose a project that benefited the Oak Springs Girl Scout Camp which had a lack of storage for its tractor back-hoe allowing the equipment to be exposed to the elements reducing its life span and at times rendering the equipment inoperable; and

WHEREAS, the project included designing and building a shelter to protect the equipment thereby extending its useful life; and

WHEREAS, the project was funded by a spaghetti dinner fundraiser held at the Hillsborough Reformed Church which was promoted through flyers, word of mouth and announcements during church services; and



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WHEREAS, the fundraising efforts were so successful that Alex raised funds in excess of the project costs, the additional funds were donated to the Oak Springs Girl Scout Camp to help pay for much needed power tools; and

WHEREAS, having completed the requirements and having been examined by an Eagle Scout Board of Review, Alex has achieved the rank of Eagle Scout which is the highest rank attainable in the Boy Scouting program; and

WHEREAS, future plans for Alex include graduating from high school and attending college wherein his goal is to study nuclear engineering.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Millstone commend and acknowledge Alex Fung for the years of effort he has expended to attain the Eagle Scout status and recognize his deeds, studies and outstanding personal traits by presentation of this Proclamation.

MINUTES:

- October 25, 2017 Executive meeting minutes

A motion to approve the minutes was offered by Council President Ross. Seconded by Councilwoman Smerdon.

Roll Call: Emmich – yes, Smerdon – yes, Stashek, Ross – yes.

- October 25, 2017 Regular meeting minutes

A motion to approve the minutes was offered by Council President Ross. Seconded by Councilwoman Smerdon.

Roll Call: Emmich – yes, Smerdon – yes, Stashek, Ross – yes.

REPORTS:

- Assessor – no report
- Board of Health – Councilwoman Emmich reported that the Board met and decided the free rabies clinic dates will be held on January 20, 2018 with a rain date of January 27, 2018. Councilwoman Emmich also commented that the Board of Health discussed the problem of sub-par septic companies doing work in the area. A discussion has ensued as to how problems caused by these companies might be prevented in the borough.
- Borough Clerk – Clerk Bonin reported that the General Election was conducted with no issues in the Borough.
- Emergency Management/Millstone Valley Fire Department/State Police – Mayor Heck stated the tree lighting ceremony for the East Millstone fire company is coming up as well as the Santa tour. Mayor Heck will send out the dates and reminded everyone that residents are invited back to fire house for refreshments.
- Environmental Commission – no report



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- Finance/Tax Collection – Larry Pollex reported that he has been working with Laura Popick as he transitions to retire at the end of the year. He stated they have been working on the budget and would welcome comments from the Mayor and Council on budget items for next year. Mayor Heck stated he is meeting with PSE&G next week to discuss changing the street lights in the borough which to more cost efficient lights. CFO Pollex stated that he has discussed with the Borough Council cash management and the investment of idle funds with other financial institutions. The Borough Council last month passed a resolution adding another bank, CFO Pollex asked if the Borough Council would like to hold off on investments until the new federal rate is struck in the new year. The Borough Council agreed to wait. Mayor Heck asked CFO Pollex to explain to the Borough Council about the impacts of the possible new Federal tax code and the possible elimination of taking exemptions for the State And Local Tax (SALT). CFO Pollex reviewed with the Borough Council the two proposed Federal bills that are currently before Congress that would potentially have an impact on NJ residents. Attorney Offen explained that both bills do away with exemptions for State income tax. A brief discussion ensued as to how these bills may affect our community. CFO Pollex stated he would request a closed session for the purpose of contract negotiations.
- Historic Commission – no report
- Recreation Commission – no report

COUNCIL REPORTS:

- Buildings and Grounds – no report
- Planning Board – Attorney Offen stated that the planning board attorney wrote to Mr. Whittman about his client doing work without permission. To date there has been no response.
- Traffic and Roads – Mayor Heck stated they are looking to get work done on the few remaining roads, Van Doren Dr and Ann St, and then the borough roads will only require maintenance for a few years. Mayor Heck stated he would also like to see the Borough Hall and other parking lots in town sealed for preservation.

MAYOR'S REPORT:

Mayor Heck stated he attended the NJSLOM conference and was interviewed about our flood project by the Comcast Newsmakers program. He also stated that Paul Miller is working on seeking grants for new homeowners who would like to participate in the flood mitigation program. The remaining property in our current program needs to be completed by September of 2018.

MEETING OPEN TO THE PUBLIC:

- **Motion to Open the Meeting to the Public**

Council President Ross offered a motion to open the meeting to the public. Seconded by Councilwoman Emmich

Roll Call: Emmich – yes, Smerdon – yes, Stashek, Ross – yes.

- **Motion to Close the Meeting to the Public**



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There being no public wishing to be heard, Council President Ross offered a motion to close the meeting to the public. Seconded by Councilwoman Emmich.

Roll Call: Dandy – yes, Emmich – yes, Kidd – yes, Smerdon – yes, Stashek, Ross – yes.

APPROVAL OF CLAIMS FOR PAYMENT:

Council President Ross offered a motion to approve the claims for payment. Seconded by Councilwoman Smerdon.

Roll Call: Emmich – yes, Smerdon – yes, Stashek, Ross – yes.

WHEREAS, request for payment has been made in connection with the following claims against the Borough of Millstone on the below spread sheet; and

WHEREAS, the Chief Financial Officer has certified the availability of funds to pay for the following claims;

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MILLSTONE IN THE COUNTY OF SOMERSET, NEW JERSEY, that the proper Borough Officials are hereby authorized to pay the following bills, subject to and contingent upon appropriation of sufficient funds and that this authorizing Resolution be and is hereby made a part of the official records of the Borough of Millstone.

4042	R & L Data, Inc.	Oct. Services; Inv. #92049	\$143.85
4043	Lawrence Pollex	Reimb.-Postage Stamps, Office Supplies	\$85.33
4044	Stephen M. Offen, Esq.	10/2017- Affordable Housing Litigation Inv.10793377	\$300.00
4044	Stephen M. Offen, Esq.	10/2017-non-litigation services, Inv.10793378	\$300.00
4044	Stephen M. Offen, Esq.	10/2017-Elevation/Reloc.,Inv.10793379	\$135.00
4045	Tetra Tech, Inc.	Inv.#51247883; Eng Elev, Relocation (FEMA Grant)	\$460.00
4046	E. Millstone 1st Aid Squad	2017 First Aid Contribution	\$1,800.00
4047	Commissioners of Fire District No. 1	4th Qtr payment - Fire Services	\$9,340.58
4048	N.J. American Water	Oct. 2017 Fire Hydrant Service; 1018- 210022797651	\$1,133.44
4049	N.J. American Water	Oct. 2017 Water Service-Mun Bldg;1018- 210022093410	\$24.81
4050	A & W Contracting	Oct. Serv; Inv#46041,46078,46192,46269,46434,46475	\$480.00
4051	Republic Services	Oct. 2017 San. Services, Inv. #0865-001493335	\$2,465.00
4052	Wendy Heck	Reimb.-Spooky Movie Night supplies	\$172.75
4053	Public Service Elec. & Gas	Oct. 2017; Acct# 65 081 353 09	\$83.90
4054	Public Service Elec. & Gas	Oct. 2017; Acct# 66 363 804 03	\$81.74



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4055	Public Service Elec. & Gas	Oct. 2017; Master Accts #13-014-015-01	\$627.41
4056	Century Link	Oct. 2017 Communication services; Acct 309982488	\$105.66
4057	Franklin Twp (Police)	Oct. Police Services; Inv.#FTPD011619, 011620, 011621	\$2,992.50
4058	Top Line Construction	Beardslee Rd Improvement, Payment #3	\$2,369.20
PREPAID BILLS			
4041	Verizon Wireless	Oct. Services; Invoice #9795181709	\$181.04
4040	Henry Wierzbowski	Reimb. No. 2 - Final (FEMA Grant)	\$37,550.32
NOVEMBER 2017 Payroll			
		Mun. Clerk, S&W	\$1,050.00
		Tax Collection, S&W	\$1,166.67
		Tax Assessment, S&W	\$583.33
		Planning Board, S&W	\$458.33
		Finance (Q.P.A.)	\$133.33
		O.A.S.I.	\$259.47
4039	Millstone Payroll Fund	November 2017	\$3,651.13
		TOTAL PAYROLL:	\$3,651.13
TOTAL CURRENT FUND:			\$20,913.01
TOTAL CAPITAL:			\$2,369.20
TOTAL GRANT:			\$37,550.32
BILL LIST TOTAL:			\$64,483.66

NEW BUSINESS:

- **RESOLUTION AUTHORIZING CHANGE ORDER No. 1 FOR THE BEARDSLEE ROADWAY IMPROVEMENTS PROJECT IN AN AMOUNT NOT TO EXCEED \$133.21**

Council President Ross offered a resolution regarding a change order. Seconded by Councilwoman Emmich.

Roll Call: Emmich – yes, Smerdon – yes, Stashek, Ross – yes.

WHEREAS, a contract was authorized with Top Line Construction for Improvements to Beardslee Road by adoption of a Resolution dated June 19, 2017 in the amount of **\$318,969.09**; and

WHEREAS, the Borough Engineer has requested changes to the contract for additional material quantities as shown on the attached submitted Change Order which recommends an adjusted contract price of **\$319,102.30**, an increase of **\$133.21 (0.04176%)** in the amount of the original contract award,

NOW, THEREFORE, IT IS RESOLVED by the Mayor and Council of the Borough of Millstone that Change Order No. 1 to the Beardslee Roadway Improvements contract is hereby approved in an amount not to exceed \$133.21.



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- **RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS IN THE BOROUGH OF MILLSTONE CALENDAR YEAR 2017 BUDGET AMONG CURRENT FUND APPROPRIATIONS PURSUANT TO N.J.S.A. 40A:4-59**

Council President Ross offered a resolution regarding a transfer of funds. Seconded by Councilwoman Smerdon.

Roll Call: Emmich – yes, Smerdon – yes, Stashek, Ross – yes.

WHEREAS, N.J.S.A. 40A: 4-59 authorizes the transfer of funds during the last two months of a fiscal year and during the first three months of the subsequent fiscal year; and

WHEREAS, certain calendar year 2017 appropriations as budgeted are insufficient to meet the needs for which appropriations were originally established while certain other appropriations appear to have surplus appropriations not currently required to pay claims against the Borough of Millstone for which they were budgeted; and

WHEREAS, the following details indicate the accounts to which funds need to be transferred and the accounts from which funds need to be transferred from to insure adequate appropriations exist where needed to pay claims against the Borough.

FROM:		TO:	
Legal Expense, O.E.		Mayor and Council, O.E.	
7-20-155-20	1,000.00	7-20-110-20	3,000.00
Fire District Contract, O.E.		Fire Hydrants, O.E.	
7-25-265-20	1,000.00	7-25-265-20	1.28
Sanitation, O.E.		Parks & Playgrounds, O.E.	
26-305-20	<u>2,976.86</u>	7-28-370-20	300.00
		Dog & Cat Regulation	
		7-27-340-20	100.00
		Telephone, O.E.	
		7-31-440-20	250.00
		Municipal Court, O.E.	
		7-43-490-20	<u>1,325.58</u>
TOTAL	\$4,976.86		\$4,976.86

NOW, THEREFORE, IT IS RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MILLSTONE IN THE COUNTY OF SOMERSET NEW JERSEY, THAT the proper Borough Officials are hereby authorized to transfer \$ **4,976.86** of funds as indicated in the foregoing details from those designated appropriations having apparent surplus balances to those designated appropriations having apparent insufficient balances to insure that adequate appropriation balances exist where needed.

- **RESOLUTION AUTHORIZING THE PROPER BOROUGH OFFICIALS TO ENTER INTO A CONTRACT WITH R&L DATA CENTERS, INC. TO PROVIDE FOR CERTAIN**



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PAYROLL RELATED SERVICES FOR THE OFFICERS AND EMPLOYEES OF THE BOROUGH OF MILLSTONE.

Council President Ross offered a resolution providing for a contract for payroll related services. Seconded by Councilwoman Smerdon.

Roll Call: Emmich – yes, Smerdon – yes, Stashek, Ross – yes.

WHEREAS, the Borough of Millstone requires the provision of certain payroll-related services for the officers and employees of the Borough, and

WHEREAS, the agreement is intended to comply with the requirements of N.J.A.C. 52:27D-20.1 and 5:30-17.1 et. seq. governing electronic disbursement controls for payroll purposes, and

WHEREAS, R&L Data Centers, Inc. has been the Millstone vendor reliably providing payroll services to the Borough for a period of time extending before the year 2010 to the present time, without complaint, and

WHEREAS, a contract is being requested for the purpose of insuring that the requirements of N.J.A.C. 52: 27D-20.1 and N.J.A.C. 5:30-17.1 et. seq. are met and

WHEREAS, the proposed contract has been reviewed by Legal Counsel for the Borough,

NOW, THEREFORE, IT IS RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MILLSTONE IN THE COUNTY OF SOMERSET, NEW JERSEY, that the proper Borough Officials are hereby authorized to enter into an agreement consistent with the recommendation of the Borough Attorney.

OLD BUSINESS:

- **RESOLUTION AUTHORIZING THE PROPER BOROUGH OFFICIALS TO SUBMIT THE REQUIRED APPLICATION DOCUMENTS TO THE MIDDLESEX COUNTY MUNICIPAL JOINT INSURANCE FUND**

Councilman Stashek offered a resolution authorizing the submission of documents to the Middlesex County JIF. Seconded by Councilwoman Smerdon

CFO Pollex stated that Attorney Offen had raised a concern with the joint liability clause in the agreement. CFO Pollex stated that the JIF operates this way on a prorate basis based upon each members share of the total assessment. CFO Pollex stated that he believes this would not be an issue for the borough considering our assessment as a portion of the total budget.

Attorney Offen stated the agreement does not address the extra assessment as a proportion but the affirmation of the past practice does provide a comfort level that he would approve this agreement.

Mayor Heck stated that considering these understandings, he believes this would be an agreement worth signing.



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Roll Call: Emmich – yes, Smerdon – yes, Stashek, Ross – yes.

WHEREAS, the Borough of Millstone in the County of Somerset, N.J., has participated as a member of the Middlesex County Municipal Joint Insurance Fund (hereafter the “Fund”) existing pursuant to Chapter 372, Laws of 1983 (N.J.S.A. 40A: 10-36 et. seq.); and is desirous of continuing said membership for a term expiring on December 31, 2020; and

WHEREAS, the Governing Body of the Borough of Millstone has determined that membership in the fund is in the best interest of the municipality;

NOW, THEREFORE, IT IS RESOLVED by the Borough of Millstone in the County of Somerset and the State of New Jersey as follows:

SECTION 1. The Borough of Millstone hereby agrees to continue as a member of the Fund for a period commencing January 1, 2018, and terminating on December 31, 2020 for the purpose of securing the following types of insurance coverage:

- a.) Workers Compensation and Employer’s Liability.
- b.) General Liability Coverage (including Public Official, Police Professional).
- c.) Motor Vehicle and Equipment Liability Coverage.
- d.) Property Damage Coverage (including Building & Contents, Automobile Physical Damage, Contractors Equipment, Boiler & Machinery and Public Employee Blanket Bonds).

After the expiration of the said three (3) year period of membership, participation may be canceled or extended in accordance with the By-laws of the Fund.

SECTION 2. For the purposes of contribution of sums into the Fund to be designated for administrative costs and claims, the Borough of Millstone hereby agrees to obtain the types of coverage from the Fund as are set forth in Section 1 of this Resolution and the indemnity and Trust Agreement to be signed by it.

SECTION 3. The By-Laws of the Middlesex County Municipal Joint Insurance Fund, attached hereto, have been adopted and accepted.

SECTION 4. The Governing Body is hereby authorized and required to execute an Indemnity and Trust Agreement signifying continued membership.

• **DISCUSSION - FRANKLIN TOWNSHIP COURT SHARED SERVICES AGREEMENT**

This matter is to be discussed in Executive Session.

- FEMA – Attorney Offen commented that attorneys for Mr. Kestner attorney has responded to our request but he has not yet reviewed the matter.
- Sewers – Attorney Offen stated the agreement has been sent to the HMUA but no response has been received. Mayor Heck asked CFO Pollex about the septic survey. CFO Pollex responded that the



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surveyor has about 60% response rate which is very good. He will be following up with residents who have not yet responded.

EXECUTIVE SESSION:

A resolution to enter into executive session was offered by Council President Ross at 8:25 PM. Seconded by Councilwoman Smerdon.

Roll Call: Emmich – yes, Smerdon – yes, Stashek, Ross – 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 they intend to enter executive session and then return to the regular meeting of the Borough Council; 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>
Contract negotiations	When the matter is resolved.

ADJOURNMENT:

Upon return from Executive session, Council President Ross offered a motion to adjourn the regular meeting at 8:50 PM. Seconded by Councilwoman Emmich.

Roll Call: Emmich – yes, Smerdon – yes, Stashek, Ross – yes.

Attested to:

A handwritten signature in black ink, appearing to read "G. J. Bonin".

Gregory J. Bonin, Borough Clerk