



**Millstone Borough**  
**BOROUGH COUNCIL**  
**REGULAR MEETING MINUTES**  
**April 17, 2017**

---

**TIME:** 8:10 PM (due to a lack of quorum the meeting start was delayed)

**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.

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

---

**MINUTES:**

- March 20, 2017 – Regular meeting minutes

Councilman Dandy offered a motion to approve the minutes. Seconded by Councilman Kidd.

Roll Call: Dandy – yes, Kidd – yes, Smerdon – yes.

**REPORTS:**

- Assessor: no report.
- Board of Health: no report.
- Borough Clerk: Clerk Bonin stated that the only nominating petitions received for the upcoming primary election were for Council President Ross and Councilman Kidd.
- Emergency Management/State Police/ Millstone Valley Fire Department: Mayor Heck stated there is a OEM conference in May if anyone wishes to attend.
- Environmental Commission: no report.
- Finance/Tax Collection: CFO Pollex reported that he did not receive a tax collection report. He commented that the budget adoption was on the agenda this evening but that the Borough Council will first have to amend the introduced budget.
- Historic Commission: no report
- Recreation Commission: Mayor Heck reported that the annual Easter Egg hunt was held this past weekend with over 60 children participating.

**COUNCIL REPORTS:**

- Buildings and Grounds: Mayor Heck stated that work in the Ann Street Park will commence next week to get it ready for the season.
- Planning Board: no report.
- Traffic and Roads: Mayor Heck reported that he expects the reconstruction of Ann Street to start in June of this year.



**Millstone Borough**  
**BOROUGH COUNCIL**  
**REGULAR MEETING MINUTES**  
**April 17, 2017**

---

**MAYOR'S REPORT:**

No report.

**MEETING OPEN TO THE PUBLIC:**

- Motion to Open the Meeting to the Public

Councilwoman Smerdon offered a motion to open the meeting to the public. Seconded by Councilman Kidd.

Roll Call: Dandy – yes, Kidd – yes, Smerdon – yes.

- Motion to Close the Meeting to the Public

Councilwoman Smerdon offered a motion to close the meeting to the public. Seconded by Councilman Kidd.

Roll Call: Dandy – yes, Kidd – yes, Smerdon – yes.

At his time the Borough Council choose to enter into executive session while awaiting the arrival of Council President Ross. Just after taking the vote to enter executive session Council President Ross arrived.

**EXECUTIVE SESSION:**

A resolution to enter into executive session at 8:20 PM was offered by Councilman Kidd. Seconded by Councilwoman Smerdon.

Roll Call: Dandy – yes, Kidd – yes, Smerdon – 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 concluded

The Borough Council returned from Executive session at 8:25 PM.

**APPROVAL OF CLAIMS FOR PAYMENT:**

Councilman Kidd offered a motion to approve the claims for payment. Seconded by Council President Ross.



**Millstone Borough**  
**BOROUGH COUNCIL**  
**REGULAR MEETING MINUTES**  
**April 17, 2017**

Roll Call: Dandy – yes, Kidd – yes, Smerdon – yes, 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.

<b>April 17, Payments</b>			
<b>2016 CURRENT FUND</b>			
3877	NJ Planning Officials	MLUL attendance/mat.; Stashek	\$155.00
3878	Som. Cty. Treasurer	Engineering Services, Inv. #234(2016)	\$608.63
<b>2017 CURRENT FUND</b>			
3879	R&L Data, Inc.	Inv.#89861; 2/2017 Services	\$200.79
3880	N.J. Press Media Solutions	Invoice #0002002647; Publish Budget	\$72.84
3880	N.J. Press Media Solutions	Invoice #0002003106; Publish COLA	\$51.34
3881	Inst. For Profession. Dev.	Payroll Seminar; 4/7/17	\$99.00
3876	NJ Conf. of Mayors	Spring 2017 Conference	\$470.00
3882	Raymond Heck	2017 NJ Emer. Mgmt. Conference	\$135.00
3878	Som. Cty. Treasurer	Engineering Services, Inv. #234(2017)	\$892.65
3883	Stephen M. Offen, Esq.	3/2017 services, COAH, #10742797	\$55.00
3883	Stephen M. Offen, Esq.	3/201,7 non-litigation, #10742798	\$300.00
3883	Stephen M. Offen, Esq.	FEMA grant meetings, #10742799	\$600.00
3884	Carter Van Dyke Assoc.,Inc.	Inv.#17600, 2/2017	\$448.37
3885	Middlesex Cty.JIF	2nd Installment (25%)	\$3,175.00
3886	N.J. American Water	Fire Hydrant Service; 2&3/2017	\$2,266.88
3887	Som. Cty. Treasurer	Snow Removal Inv.# 834; 3/2017 Serv.	\$1,782.48
3888	N.J. American Water	3/2017 Service	\$23.26
3889	Bodner Fence & Const.LLC	Clear Snow from sidewalks specified.	\$275.00
	Republic Services	3/2017, Invoice # 0865-	
3890	MGL Printing Services	Inv.#145822;100 Dog & Cat tags	\$399.00
	P.S.E.& G.#65-081-353-07	3/2017 Service	
	P.S.E.& G.#66-363-804-03	3/2017 Service	
	P.S.E.& G. Master Accounts	3/2017 Service	
3875	Verizon Wireless	3/2017 Service, Inv.#9782802757	\$115.38
	Century Link	3/2017 Service	
3891	Franklin Tp. Police Dept.	2/2017 Service	\$2,660.00
3891	Franklin Tp. Police Dept.	3/2017 Service	\$3,080.00



**Millstone Borough**  
**BOROUGH COUNCIL**  
**REGULAR MEETING MINUTES**  
**April 17, 2017**

3892	Franklin Tp.(Prior Yr. bill)	Animal Control Services 2014 increase	\$40.00
		<b>February 2017 Payroll</b>	
		Mun. Clerk, S&W	\$1,050.00
		Tax Collection, S&W	\$1,166.67
		Tax Assessment, S&W	\$583.33
		Planning Board, S&W	\$458.32
		O.A.S.I.	\$249.28
		<b>TOTAL</b>	<u>\$3,507.60</u>
3874	April, 2017 Payroll Deposit		\$2,781.89
3873	Other Trust, Escrow Dep.		\$2,000.00

**NEW BUSINESS:**

• **RESOLUTION TO CLARIFY MAP TO BE ATTACHED TO ORDINANCE 2009-11**

Attorney Offen explained to the Borough Council that there is some confusion as to what map should have been attached to ordinance 2009-11. He presented a map to the Borough Council and asked that they review and pass a resolution approving this map as being attached to the ordinance.

Councilman Kidd offered a motion to approve the map. Seconded by Council President Ross.

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

WHEREAS, the Borough Council adopted ordinance 2009-11 which included a map; and

WHEREAS, the map attached to said ordinance appears not to be included in some materials; and

WHEREAS, the Borough Council seeks to confirm the map for ordinance 2009-11.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Millstone that the attached map with a last revision date of Feb. 21, 2011 be included with ordinance 2009-11 and the Clerk and Borough Attorney are instructed to attach said map to the ordinance.

• **PUBLIC HEARING/ADOPTION: ORDINANCE 2017-002: AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK WHEN THE COLA IS EQUAL TO OR LESS THAN 2.0% (N.J.S.A. 40A:4-45.14) AND SET THE PUBLIC HEARING FOR APRIL 17, 2017**

- Motion to open the meeting to the public

Councilman Kidd offered a motion to open the meeting to the public. Seconded by Councilman Dandy.

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

- Motion to close the meeting to the public

Councilman Kidd offered a motion to close the meeting to the public. Seconded by Councilman Dandy.



**Millstone Borough**  
**BOROUGH COUNCIL**  
**REGULAR MEETING MINUTES**  
**April 17, 2017**

---

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

- Motion to adopt ordinance 2017-002 on second reading

Councilman Kidd offered a motion to adopt the ordinance on second reading. Seconded by Council President Ross.

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

**WHEREAS**, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq, provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% or the Cost of Living Adjustment (COLA), whichever is , over the previous year’s final appropriations, subject to certain exceptions; and

**WHEREAS**, N.J.S.A. 40A:4-45.14 provides that a municipality may, in any year in which the COLA is equal or less than 2.0% increase its final appropriations by a percentage greater than the COLA, but not to exceed the 3.5% rate as specified in the law, when authorized by ordinance; and

**WHEREAS**, the COLA for 2017 has been certified by the Director of the Division of Local Government Services in the Department of Community Affairs as 0.5%; and

**WHEREAS**, N.J.S.A. 40A4-45.15a provides that a municipality may, in any year in which the COLA is equal to or less than 2.0%, may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% rate as an exception to its final appropriations in either of the next two succeeding years; and

**WHEREAS**, the Borough Council of the Borough of Millstone in the County of Somerset finds it advisable and necessary to increase its 2017 budget by more than 0% over the previous year’s final appropriations, in the interest of promoting the health, safety, and welfare of the citizens; and

**WHEREAS**, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$13,413.75 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS**, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated, as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Millstone, in the County of Somerset, a majority of the fully authorized membership of this governing body affirmatively concurring, that, in the 2017 budget year, the final appropriations of the Borough of Millstone shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$13,413.75, and that the 2017 municipal budget for the Borough of Millstone be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with the Director within 5 days after such adoption



**Millstone Borough**  
**BOROUGH COUNCIL**  
**REGULAR MEETING MINUTES**  
**April 17, 2017**

• **PUBLIC HEARING ON THE 2017 MILLSTONE BOROUGH MUNICIPAL BUDGET**

- Motion to open the meeting to the public

Councilman Kidd offered a motion to open the meeting to the public. Seconded by Council President Ross.

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

- Motion to close the meeting to the public

Council President Ross offered a motion to close the meeting to the public. Seconded by Councilman Kidd.

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

• **RESOLUTION TO AMEND THE 2017 BUDGET OF THE BOROUGH OF MILLSTONE**

Council President Ross offered a resolution to amend the 2017 budget. Seconded by Councilwoman Smerdon.

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

**WHEREAS**, the local municipal budget for the year 2017 was approved on the 16<sup>th</sup> day of March 2017, and:

**WHEREAS**, the public hearing on said budget has been held as advertised, and;

**WHEREAS**, it is desired to amend said approved budget, now

**THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Millstone, County of Somerset, that the following amendments to the approved budget of the 2017 be made:

RECORDED VOTE (INSERT LAST NAMES)	Ayes (Dandy (Kidd (Smerdon (Ross	Nays (	(	Abstained Absent	(	(Emmich (Stashek		
				<u>FROM</u>			<u>TO</u>	
General Revenues:								
Surplus Anticipated				\$198,159.00			\$238,000.00	
<b><u>SUMMARY OF REVENUES:</u></b>								
Surplus Anticipated				\$198,159.00			\$238,000.00	
Local Tax For Municipal Taxes Including Reserve For Uncollected Taxes				\$364,171.00			\$324,330.00	
Total Amount To Be Raised By Taxes For Support of Municipal Budget				\$364,171.00			\$324,300.00	

BE IT FURTHER RESOLVED, that two certified copies of the resolution be filed forthwith in the Office of the Director of Local Government Services for certification of the local municipal budget so amended.

It is hereby certified that this is a true copy of a resolution amending the budget, adopted by the governing body on the 17<sup>th</sup> day of April, 2014.



Millstone Borough
BOROUGH COUNCIL
REGULAR MEETING MINUTES
April 17, 2017

Certified by me

\_\_\_\_\_, 2017

\_\_\_\_\_  
Municipal Clerk

RESOLUTION TO ADOPT THE 2017 MILLSTONE BOROUGH BUDGET

Councilman Kidd offered a motion to adopt the 2017 budget. Seconded by Councilwoman Smerdon.

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

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for year 2017; and

BE IT FURTHER RESOLVED, that said Budget was published in the Courier News in the issue of march 23, 2017; and

BE IT FURTHER RESOLVED, that the Governing Body of the Borough of Millstone does hereby approve the document as the Budget for the year 2017:

RECORDED VOTE

AYES (Dandy (Kidd (Smerdon (Ross (
NAYS (
ABSTAINED (
ABSENT (Emmich (Stashek

Notice is hereby given that the Budget and Tax Resolution were approved by the Borough Council of the Borough of Millstone, County of Somerset, on March 18, 2017.

A hearing on the Budget and Tax Resolution was held in the Borough Hall, on April 17, 2017 at 7:30 PM at which time comments, including objections, to said Budget and Tax Resolution for the year 2017 were presented by taxpayers or other interested persons.

OLD BUSINESS:

- Sewers – no discussion
FEMA Flood Mitigation Project – no discussion

ADJOURNMENT:

Councilman Dandy offered a motion to adjourn the meeting at 8:40 PM. Seconded by Councilwoman Smerdon.

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

Attested to:

[Handwritten Signature]

Gregory J. Bonin, Borough Clerk