



Millstone Borough
BOROUGH COUNCIL
REGULAR MEETING MINUTES
May 21, 2018

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	Resigned as of May 17, 2018
	Councilman Alan Kidd	Present via telephone
	Councilwoman Denene Smerdon	Present
	Councilman John Stashek	Present via telephone
	Council President Scott Ross	Present
	Mayor Raymond Heck	Present

Also Present: Borough Attorney Stephen Offen, CFO Laura Popick, Borough Clerk Gregory Bonin

MINUTES:

- April 16, 2018 Executive meeting minutes
- April 16, 2018 Regular meeting minutes

Mayor Heck asked that these minutes be tabled to a future meeting. The Borough Council agreed.

REPORTS:

- Assessor: no report
- Board of Health: no report
- Borough Clerk: Clerk Bonin reminded everyone that June 5, 2018 is the primary election day, polls are open from 6:00 AM to 8:00 PM.
- Emergency Management/State Police/Millstone Valley Fire Department: no report
- Environmental Commission: no report
- Finance/Tax Collection: CFO Popick reported that as of the end of April the Borough's tax collection rate was around 62%. She stated this was not unreasonable for this time in the year.
- Historic Commission: no report
- Recreation Commission: Mayor Heck reported that the Borough wide yard sale is scheduled for June 2nd and asked that the borough clean-up day be scheduled for June 5th. Councilwoman Smerdon stated she would contact the disposal company and asked Clerk Bonin to send out the post cards alerting residents to the clean-up day.

COUNCIL REPORTS:

- Buildings and Grounds: no report
- Planning Board: no report
- Traffic and Roads: no report



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

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

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 Council President Ross.

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

- Motion to Close the Meeting to the Public

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

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

APPROVAL OF CLAIMS FOR PAYMENT:

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

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

CHECK	VENDOR	ACCOUNT	AMOUNT	PO NO.	ACCOUNT NO.
		2018 CURRENT FUND			
4168	R&L DataCenters, Inc.	April 2018 Services; Inv. 93710	\$164.85	8-020	8-20-100-20
4169	Gannett NJ /Courier News	4/18 Pub; Cap Ord, Budget; Inv.#0001631323	\$131.06	8-025	8-20-110-20
4170	Stephen M. Offen, Esq.	April 2018; Inv. 10839219; non-litigation	\$300.00	8-015	8-20-155-20
4170	Stephen M. Offen, Esq.	April 2018; Inv. 10839218;Afford Housing Litigation	\$100.00	8-015	8-20-155-20



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4171	Miller Porter & Muller, PC	March & April 18; Inv. 12979; Gen planning services	\$1,722.00	8-022	8-21-180-20
4172	Middlesex Cty Joint Insurance Fund	2018 Insurance Coverage Assessment - 2nd Install -25%	\$3,275.00	8-051	8-23-220-20
4173	NJ American Water	April 2018; Acct 1018-210022797651; Fire Hydrant	\$1,098.00	8-017	8-25-265-20
4174	Somerset County Treasurer	Snow/Salting, 3/8,3/13,3/21-22, 4/2; Inv.#1076, 1086	\$4,512.64	8-007	8-26-290-20
4175	NJ American Water	April 2018; Acct 1018-210022093410; Mun Bldg	\$24.07	8-016	8-26-300-20
4176	SDG Security	2nd Qtr Monitoring; Inv. R180882	\$147.80	8-027	8-26-300-20
4177	Republic Services	April 2018 Serv.; Inv. 865-001569964	\$2,538.10	8-019	8-26-305-20
4178	Somerset Cty Treasurer (Recycling)	1st Qtr 2018 Recycling	\$989.78	8-047	8-26-305-20
4179	PSE&G	April 2018; Acct No. 66-363-804-03	\$97.69	8-011	8-31-435-20
4180	PSE&G	April 2018; Acct No. 65 081 353 09	\$100.14	8-010	8-31-435-20
4181	PSE&G	March 2018; Acct No. 13-014-015-01; Master Accts	\$884.81	8-009	8-31-435-20
4182	Century Link	May 2018 Services; Acct No. 309982488	\$105.58	8-008	8-31-440-20
4183	Hillsborough Township	School Taxes - 4th Qtr; Invoice #00208	\$234,328.25	8-049	Fund Balance
		2018 CURRENT FUND - PREPAID			
4164	Verizon	April 2018; Inv. 9806064876; 4/26-5/25/2018	\$184.17	8-013	8-31-440-20
4165	Somerst County Treasurer	2018 2nd Qtr Taxes County	\$42,220.52	8-048	Fund Balance
4166	Somerset County Treasurer	2018 2nd Qtr Taxes Library	\$6,199.49	8-048	Fund Balance
4167	Somerset County Treasurer	2018 2nd Qtr Taxes Open Space	\$3,999.91	8-048	Fund Balance
		TOTAL 2018 CURRENT FUND	\$303,123.86		
		MAY PAYROLL			
		Mun. Clerk, S&W	\$1,050.00		
		Tax Collection, S&W	\$916.67		
		Tax Assessment, S&W	\$583.33		
		Planning Board, S&W	\$458.33		
		Finance, S & W (QPA)	\$133.33		
		O.A.S.I.	\$240.34		
		TOTAL PAYROLL	\$3,382.00		
Transfer	Millstone Payroll Fund		\$3,500.00		
4184	Larry Pollex	Reimbursement for Out of Pocket Expenses for Payroll	\$915.55	8-050	
		TOTAL BILL LIST	\$310,921.41		



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NEW BUSINESS:

- **PUBLIC HEARING/ADOPTION OF ORDINANCE 2018-002: CALENDAR YEAR 2018 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14) AND SET THE PUBLIC HEARING FOR MAY 21, 2018**

- Motion to open the meeting to the public

Councilwoman Smerdon offered a motion to open the public hearing. Seconded by Council President Ross.

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

- Motion to close the meeting to the public

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

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

- Motion to adopt ordinance 2018-002 on second reading

Councilwoman Smerdon offered a motion to adopt Ordinance 2018-002. Seconded by Council President Ross.

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

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage 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 CY 2018 budget by up to 3.5% 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 \$13,764.31 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 full authorized membership of this governing body affirmatively concurring, that, in the CY 2018 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 \$13,764.31, and that the CY 2018 municipal budget for the Borough of Millstone be approved and adopted in accordance with this ordinance; and,



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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 said Director within 5 days after such adoption.

• **RESOLUTION OF GOVERNING BODY CERTIFYING COMPLIANCE WITH U.S. EEO HRING PRACTICES PER P.L. 2017, C.183**

Councilwoman Smerdon offered a resolution certifying compliance with U.S. EEO Hiring practices. Seconded by Council President Ross.

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

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit’s hiring practices comply with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” as amended, 42 U.S.C. § 2000e et seq., (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Millstone,, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit’s hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

GOVERNING BODY CERTIFICATION PURSUANT TO P.L. 2017, C.183 OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION’S

“Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964”

**GROUP AFFIDAVIT FORM FOR MUNICIPALITIES AND COUNTIES
NO PHOTO COPIES OF SIGNATURES**

**STATE OF NEW JERSEY
COUNTY OF SOMERSET**

We, members of the governing body of the Borough of Millstone being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Borough Council of the Borough of Millstone in the county of Somerset;



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2. Pursuant to P.L. 2017, c.183, we have familiarized ourselves with the contents of the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” as amended, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012);
3. We are familiar with the local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history;
4. We certify that the local unit’s hiring practices comply with the above-referenced enforcement guidance.

(L.S.)	(L.S.)
(L.S.)	(L.S.)
(L.S.)	(L.S.)
(L.S.)	(L.S.)
(L.S.)	(L.S.)

Sworn to and subscribed before me this _____ day of _____
 Notary Public of New Jersey

 Gregory J. Bonin
 Borough Clerk

 The Municipal Clerk (or Clerk of the Board of Chosen Freeholders as the case may be) shall set forth the reason for the absence of signature of any members of the governing body.
IMPORTANT: This certificate must be executed before a municipality or county can submit its approved budget to the Division of Local Government Services. The executed certificate and the adopted resolution must be kept on file and available for inspection.

• **PUBLIC HEARING ON THE 2018 MILLSTONE BOROUGH MUNICIPAL BUDGET**

- Motion to open the meeting to the public

Councilwoman Smerdon offered a motion to open the public hearing. Seconded by Council President Ross.

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

- Motion to close the meeting to the public

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

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



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• **RESOLUTION TO ADOPT THE 2018 MILLSTONE BOROUGH BUDGET**

Councilwoman Smerdon offered a resolution to adopt the 2018 Borough budget. Seconded by Council President Ross.

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

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for year 2018; and

BE IT FURTHER RESOLVED, that said Budget was published in the Courier News in the issue of April 18, 2018; 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 2018:

RECORDED VOTE

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

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 April 16, 2018.

A hearing on the Budget and Tax Resolution was held in the Borough Hall, on May 21, 2018 at 7:30 PM at which time comments, including objections, to said Budget and Tax Resolution for the year 2018 were presented by taxpayers or other interested persons.

• **RESOLUTION APPROVING A PLACEMENT OF MUNICIPAL LIEN AGAINST PRIVATE PROPERTY**

Councilwoman Smerdon offered a resolution to place a municipal lien on a property. Seconded by Council President Ross.

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

WHEREAS, the Borough of Millstone has completed work with respect to the property known as 1367 Main Street, Millstone Borough, Somerset County, as shown on the tax map as Lot 1, Block 3 of the Borough of Millstone; and

WHEREAS, the work was required to protect the public health, welfare and safety of the community; and

WHEREAS, the work has been completed and confirmed by the zoning officer of the Borough of Millstone; and

WHEREAS, the cost of said work was \$18,050; and

WHEREAS, the governing body has reviewed the nature of the work and the cost and determined them to be reasonable and appropriate under the circumstances; and

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Borough Council of the Borough of Millstone, County of Somerset, State of New Jersey as follows:



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1. The governing body does hereby certify that the cost associated for the work at 1367 Main Street, Millstone Borough is reasonable and proper;
2. The governing body does hereby certify that the work completed was to protect the public health, safety and Welfare of the Borough of Millstone; and
3. A copy of this resolution be forwarded to the Tax Collector of the Borough of Millstone, and the Tax Collector be and is hereby directed to place a lien on 1367 Main Street in the amount of \$18,050 as a municipal lien against the property.

• **RESOLUTION TO RENEW THE LIQUOR LICENSE FOR MILLSTONE WINE AND LIQUORS FOR LICENSE YEAR 2018/2019.**

Councilwoman Smerdon offered a resolution to renew the liquor license for Millstone Wine and Liquors. Seconded by Council President Ross.

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

WHEREAS, Millstone Wine and Liquors has satisfied its requirements for renewal approval from the State of NJ and Borough of Millstone;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Millstone, that it hereby authorizes the renewal of the following liquor license effective July 1, 2018

<u>LICENSEE/ADDRESS</u>	<u>TYPE</u>	<u>LICENSE NO.</u>
Millstone Wine & Liquors Inc. 1377 Main Street Millstone, NJ 08844	Plenary Retail Consumption	1812-33-002-006

• **RESOLUTION AUTHORIZING SALARIES AND OTHER COMPENSATION FOR MUNICIPAL OFFICIALS AND EMPLOYEES IN THE BOROUGH OF MILLSTONE AND REPEALING ALL OTHER RESOLUTIONS INCONSISTENT HEREWITH.**

Councilwoman Smerdon offered a resolution to set salaries for employees. Seconded by Council President Ross.

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

BE IT RESOLVED by the Mayor and Council of the Borough of Millstone in the County of Somerset, State of New Jersey, that the following enumerated officials and employees of the Borough of Millstone be paid annually as follows;

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Millstone that the salaries set forth shall be paid when the Chief Financial Officer can certify that funding is available.



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Position		2018 Salary
Borough Clerk		\$ 11,444
Registrar		\$ 1,632
Chief Financial Officer		\$ 11,220
Deputy Treasurer		\$ 5,610
Planning Board Secretary		\$ 5,610
Tax Collector		\$ 11,220
Deputy Tax Collector		\$ 3,060
Tax Assessor		\$ 7,140
Zoning Officer		\$ 4,080
Qualified Purchasing Agent		\$ 1,632
Borough Marshall	per call	\$ 102

Any and all salary authorizations inconsistent with this Resolution are hereby repealed.

OLD BUSINESS:

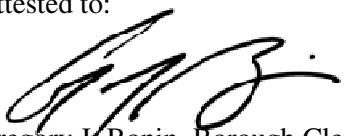
- Mayor Heck stated that the grass is overgrown at 39 Amwell Road and it will be his intention to have the property maintained at Borough expense and then place a lien on the property owner. The Borough Council agreed.
- Sewers – Attorney Offen reported that the slow down on working with the HMUA seems to be a result of that organization changing attorneys. He has been in contact with the new attorney and expects the agreement to move forward in the near future.
- FEMA Flood Mitigation Project – Mayor Heck stated there is a meeting scheduled for May 24, 2018 with the outstanding FEMA project residents to try and move the project forward rapidly.
- Borough Council vacancy – With the resignation of Councilwoman Emmich effective May 17, 2016, Attorney Offen reminded those present that the Borough Council is obligated to act within 30 days to fill her unexpired term. As such Mayor Heck suggested the Borough Council change its June meeting date from June 18th to June 11th so they can act within the given timeline. The Borough Council agreed and instructed Clerk Bonin to make proper notice of the meeting date change.

ADJOURNMENT:

Councilwoman Smerdon offered a motion to adjourn the regular meeting at 7:54 PM. Seconded by Council President Ross.

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

Attested to:


Gregory J. Bonin, Borough Clerk