



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

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**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.

<b><u>ROLL CALL:</u></b>	Councilwoman Merry Emmich	Present
	Councilwoman Denene Smerdon	Present
	Council President Scott Ross	Present
	Mayor Raymond Heck	Present

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Attorney Offen was not present for this meeting. Attorney Andrew Linden was present as a substitute for Mr. Offen.

**MINUTES:**

- June 19, 2017 – Regular meeting minutes

Tabled due to lack of voting quorum.

**REPORTS:**

- Assessor: no report
- Board of Health: no report
- Borough Clerk: Clerk Bonin reported that he is leaving Branchburg on August 4<sup>th</sup> and would ask the Borough Council to consider changing their meeting date as he would wish to remain with the Borough (his new position has a conflict with Millstone’s meeting date). The Borough Council discussed the matter and decided that the 4<sup>th</sup> Wednesday of each month would be acceptable. Clerk Bonin expressed his appreciation to the Borough Council and staff for making this change.
- Emergency Management/State Police/ Millstone Valley Fire Department: Mayor Heck stated that not much is happening as he is waiting for the relocation project to move forward. The final elevation project should be done by the end of the summer. The Borough has one year to complete the entire project or we will lose the remaining funding.
- Environmental Commission: no report
- Finance/Tax Collection: CFO Pollex reviewed the budget and tax collection reports. He stated that the borough collections for the first half of the year appear to be under by around \$22,000. CFO Pollex stated that the consultant for the septic study can start his work in the near future. Mayor Heck has reviewed what will be sent to the homeowners and has approved the mailing. CFO Pollex highlighted certain bills on the claims list. One in particular was the payment to the resident involved in the elevation project.
- Historic Commission: no report.
- Recreation Commission: no report.

**COUNCIL REPORTS:**

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



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

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

**MAYOR’S REPORT:**

No report.

**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 Smerdon.

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

- Motion to Close the Meeting to the Public

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: Emmich – yes, Smerdon – yes, Ross – yes, Heck – yes.

**APPROVAL OF CLAIMS FOR PAYMENT:**

Councilwoman Smerdon offered a resolution to approve the claims for payment. Seconded by Councilwoman Emmich.

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

	17-Jul-17	July 17, 2017 Payments	
		<b>2017 CURRENT FUND</b>	
3941	R&L Data, Inc.	Inv.#90958; 6&7/2017 Services	\$396.09
3942	Mun. Clerk's Assn. of N.J.	Greg Bonin annual membership	\$100.00
3943	Reimbursement; L.Pollex	Office Supplies & Postage Stamps	\$147.59
3944	MGL Printing Services	Printed Tax Bills for Collector; Inv. M074	\$297.00



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3945	Supplee Clooney & Co.	2016 Audit Fee	\$13,250.00
3946	Stephen M. Offen, Esq.	6/2017 non-lit. services, #10764268	\$300.00
3946	Stephen M. Offen, Esq.	6/2017, affordable housing, #10764267	\$100.00
3947	Middlesex County J.I.F.	Final Assessment for 2017	\$6,350.00
3948	N.J. American Water	Fire Hydrant Service; 6/2017	\$1,133.44
3949	SDG Security	Invoice #R-171689, 3rd Qtr. Alarm Serv.	\$147.80
3950	A&W Contracting	Inv.#43462-44078; June Services	\$440.00
3951	N.J. American Water	6/2017 Service	\$57.35
3952	Wendy Heck	Yard Sale Ad.No. 0002184403	\$33.75
3953	P.S.E.& G.#65-081-353-07	6/2017 Service	\$120.23
3954	P.S.E.& G.#66-363-804-03	6/2017 Service	\$116.76
3955	P.S.E.& G. Master Account	5/2017 Service	\$559.30
3956	Verizon Wireless	6/2017 Service, Inv.#9788168984	\$232.76
3957	Century Link	6/2017 Service	\$104.17
3958	Franklin Tp. Police Dept.	6/2017 Service #'s1131,32,33 & 1134	\$3,080.00
		<b>PRE-PAID BILLS</b>	
3937	Henry Wierzbowski	Elevation Grant, 1444 Millstone Riv.Rd.	\$68,054.18
3939	Somerset Union Soil Cons.Dist	Permit-Beardslee Road Improvements	\$695.00
		<b>June 2017 Payroll</b>	
		Mun. Clerk, S&W	\$1,183.33
		Tax Collection, S&W	\$1,166.67
		Tax Assessment, S&W	\$583.33
		Planning Board, S&W	\$458.33
		O.A.S.I.	\$259.47
		<b>TOTAL</b>	<b><u>\$3,651.13</u></b>
3938	Millstone Payroll Fund	July 2017 Payroll	\$1,000.00
3940	Millstone Payroll Fund	July 2017 Payroll (inc.Feb. balance owed)	<u>\$2,745.95</u>
		(includes 94.82 w/held from Feb P/R)	\$3,745.95
		<b>DOG TRUST</b>	
1018	State of N.J.	Animal Licensing fees due per Audit	\$126.60

**NEW BUSINESS:**

- **RESOLUTION ACCEPTING AND ACKNOWLEDGING THE 2016 MILLSTONE BOROUGH AUDIT.**

Council President Ross offered a resolution to accept the 2016 audit. Seconded by Councilwoman Smerdon.



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

**WHEREAS**, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS**, the Annual Report of Audit for the year 2016 has been filed by a Registered Municipal Accountant with the Borough Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52-27BB-34; and

**WHEREAS**, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments  
Recommendations

; and

**WHEREAS**, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments  
Recommendations

as evidenced by the group affidavit form of the governing body; and

**WHEREAS**, such resolution of certification shall be adopted by the governing body no later than forty five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Boards of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office”.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Millstone, hereby states that it has complied with the promulgations of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.



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- **RESOLUTION RECEIVING AND APPROVING THE CORRECTIVE ACTION PLAN FOR THE AUDIT OF THE BOROUGH OF MILLSTONE IN THE COUNTY OF SOMERSET, NEW JERSEY FOR THE FISCAL YEAR ENDING ON DECEMBER 31, 2016. (letter from the CFO attached to the end of agenda)**

Council President Ross offered a resolution to approve the corrective action plan. Seconded by Councilwoman Smerdon.

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

**WHEREAS**, New Jersey Local Governmental units are required to be audited and to formulate a Corrective Action Plan in response to the annual audit within sixty (60) days of the receipt of the audit by the Municipal Governing Body; and

**WHEREAS**, the Mayor and Council of the Borough of Millstone in the County of Somerset, New Jersey received the report of Audit for the fiscal year ended December 31, 2016 within sixty days of the public meeting scheduled for Monday, July 17, 2017; and

**WHEREAS**, the Mayor and Council of the Borough of Millstone has received and considered the Corrective Action Plan for the 2016 audit

**NOW, THEREFORE, IT IS RESOLVED** by the Council of the Borough of Millstone in the County of Somerset, New Jersey that it has received and approved of the Corrective Action Plan for the report of Audit for the fiscal year ending on December 31, 2016.

- **RESOLUTION AUTHORIZING THE CLOSURE OF NORTH RIVER ST. FROM JULY 25<sup>TH</sup> TO JULY 28<sup>TH</sup> FOR THE PUPOSE OF FACILITATING THE REPAIRS TO A WALL AND PROPERTY AND THAT ROAD.**

Mayor Heck reported that the wall on North River Street is in need of immediate repair in order to protect the health, safety and general welfare of the community. Because of the physical nature of the road the only way to enact this repair is to close the road for a few days. He would ask the Borough Council for confirmation that they agree that the road should be closed on or about July 25<sup>th</sup> through July 28<sup>th</sup>. Further, the Mayor wants to allow residents on the street to traverse the road in the opposite direction of the stated “one way” as this will be the only way they can have access to their homes.

After a brief conversation, Council President Ross offered a resolution to approve the road closing action. Seconded by Councilwoman Smerdon.

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

**WHEREAS**, there is an emergency need to repair a wall on the roadway of North River Street in the Borough of Millstone; and

**WHEREAS**, the Mayor has the authority to enact roads closures when in the interest of the health, safety and general welfare of the public; and

**WHEREAS**, the road closure will require approving residents living on this street to drive against the stated “one way” flow of traffic.



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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 authorizes the closing of North River Street on or about July 25<sup>th</sup> thru July 28<sup>th</sup> 2017 for the purposes of repairing/removing the wall and any and all other work necessary to protect the public.

BE IT FURTHER RESOLVED that the Mayor and Borough Council do hereby authorize that residents on North River Street are allowed to travel against the established flow of traffic during the time the road is closed

• **RESOLUTION TO CHANGE THE BOROUGH COUNCIL MEETING DATES FOR THE REMAINDER OF 2017**

Council President Ross offered a resolution to change the Borough Council meeting dates. Seconded by Councilwoman Smerdon.

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

**BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Millstone, County of Somerset, State of New Jersey that the following is hereby established as a schedule of regular public meetings of the Borough Council for the remainder of the year 2017, all meetings starting at 7:30 PM in the Millstone Borough Hall, 1353 Main Street, Millstone, New Jersey:

- August 23
- September 27
- October 25
- November 22
- December 27
- January 4, 2018 (Reorganization Meeting)

**OLD BUSINESS:**

- Sewers – Mayor Heck stated there is movement on this matter and we will discuss further in executive session.
- FEMA Flood Mitigation Project – Mayor Heck reported that the last home has been elevated with some finishing work remaining. The relocation project is still being worked on as there have been some delays.

**EXECUTIVE SESSION:**

Councilwoman Emmich offered a resolution to enter into executive session at 7:52 PM. Seconded by Councilwoman Smerdon.

Roll Call: Emmich – yes, Smerdon – yes, Ross – yes, Heck – 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



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**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>
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Attorney Client (SRVSA matters)

When the matter is concluded.

**ADJOURNMENT:**

Council President Ross offered a motion to adjourn the regular meeting at 8:15 PM. Seconded by Councilwoman Smerdon.

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

Attested to:

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

Gregory J. Bonin, Borough Clerk