



**Millstone Borough**  
**BOROUGH COUNCIL**  
**REGULAR MEETING MINUTES**  
**January 21, 2019**

---

**TIME:** 7:30 PM

**CALL TO ORDER – OPENING STATEMENT:** Councilwoman Smerdon 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:** Councilwoman Smerdon led those present on the flag salute

<b><u>ROLL CALL:</u></b>	Councilman Vincent Biviano	Present
	Councilman Derek Dandy	Present
	Councilman Alan Kidd	Absent
	Councilwoman Denene Smerdon	Present
	Councilman John Stashek	Absent
	Council President Scott Ross	Present via telephone
	Mayor Raymond Heck	Absent

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

---

**MINUTES:**

- January 3, 2019 Reorganization meeting

A motion to approve the minutes was approved by Councilman Dandy. Seconded by Council President Ross.

Roll Call: Biviano – yes, Dandy – yes, Smerdon – yes, Ross - yes

- January 3, 2019 Regular meeting

A motion to approve the minutes was approved by Councilman Dandy. Seconded by Council President Ross.

Roll Call: Biviano – yes, Dandy – yes, Smerdon – yes, Ross - yes

**REPORTS:**

- Assessor: no report
- Board of Health: no report
- Borough Clerk: no report
- Emergency Management/State Police/Millstone Valley Fire Department: no report
- Environmental Commission: no report
- Finance/Tax Collection: CFO Popick reported that the borough has a current tax collection rate of 97.5%.
- Historic Commission: no report
- Recreation Commission: no report

**COUNCIL REPORTS:**



**Millstone Borough**  
**BOROUGH COUNCIL**  
**REGULAR MEETING MINUTES**  
**January 21, 2019**

- Buildings and Grounds: no report
- Planning Board: Clerk Bonin reported that the Planning Board met for their reorganization but had no cases.
- Traffic and Roads: no report

**MAYOR’S REPORT:**

No report

A motion to approve the reports was offered by Councilman Biviano. Seconded by Council President Ross.

Roll Call: Biviano – yes, Dandy – yes, Smerdon – yes, Ross - yes

**MEETING OPEN TO THE PUBLIC:**

- Motion to Open the Meeting to the Public

A motion to open the meeting to the public was offered by Councilman Biviano. Seconded by Council President Ross.

Roll Call: Biviano – yes, Dandy – yes, Smerdon – yes, Ross - yes

- Motion to Close the Meeting to the Public

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

Roll Call: Biviano – yes, Dandy – yes, Smerdon – yes, Ross - yes

**APPROVAL OF CLAIMS FOR PAYMENT:**

A resolution to approve the claims for payment was offered by Councilman Dandy. Seconded by Council President Ross.

Roll Call: Biviano – yes, Dandy – 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.

CHECK	VENDOR	ACCOUNT	AMOUNT	PO NO.	ACCOUNT NO.
		<b>2018 RESERVE CURRENT FUND</b>			
4334	R & L Data Centers	Dec Payroll Services; Inv. 95852	\$143.00	8-020	8-20-100-20
4335	Wendy Heck	Reimb Polar Express Night	\$223.20	9-	8-20-110-20



**Millstone Borough**  
**BOROUGH COUNCIL**  
**REGULAR MEETING MINUTES**  
**January 21, 2019**

				011	
4335	Wendy Heck	Reimb coffee with Mayor	\$15.34	9-011	8-20-110-20
4336	JPMonzo Municipal Consult.	Webinar for Mayor Raymond Heck on 12/13/18	\$50.00	8-094	8-20-101-20
4337	Rebecca Newman	Reimb out of pocket expenses office supplies, postage	\$112.84	9-012	8-20-145-20
4338	Stephen M. Offen, Esq.	Dec Inv. 10909724 -Afford Housing Litigation	\$55.00	8-015	8-20-155-20
4338	Stephen M. Offen, Esq.	Dec Inv. 10909726 -Elev & Relocation	\$165.33	8-015	8-20-155-20
4338	Stephen M. Offen, Esq.	Dec Inv. 10909725 -Non litigation Services	\$300.00	8-015	8-20-155-20
4339	NJ American Water	Dec 2018; Acct 1018-210022797651; Fire Hydrant	\$1,066.72	8-017	8-25-265-20
4340	Township of Branchburg	2018 Leaf Pick up and Disposal	\$6,000.00	8-060	8-26-290/305-20
4341	NJ American Water	Dec 2018; Acct 1018-210022093410; Mun Bldg	\$25.30	8-016	8-26-300-20
4342	Republic Services	Dec 2018 Sanitation Services; Inv. 0865-001662912	\$2,538.10	8-019	8-26-305-20
4353	Franklin Police Department	December Services; Inv. FTPD013193-5	\$2,100.00	8-021	8-42-240-20
		<b>2018 RESERVE CURRENT FUND - PREPAID</b>			
4333	Verizon	Dec 2018; Inv. 9821037996; Dec 26 - 1/25	\$154.15	8-013	8-31-440-20
Wire	State of NJ-Div of Pensions & Benefits	4th Quarter Pension/Life Insurance Payment	\$749.44	8-043	Fund Balance
		<b>2019 CURRENT FUND</b>			
4343	NJCM	2019 Membership Dues	\$295.00	9-001	9-20-101-20
4344	NJCM	2019 Mayors Winter Summit - Jan 31, 2019	\$120.00	9-006	9-20-101-20
4345	Mailbox Business Center	Dog/Cat Licenses Renewal - Rev	\$163.51	9-019	9-27-340-20
4346	PSE&G	Jan 2019; Acct No. 66-363-804-03; Amwell Rd	\$101.02	9-015	9-31-435-20
4347	PSE&G	Jan 2019; Acct No. 65-081-353-09; Amwell & Main	\$103.50	8-016	9-31-435-20
4348	PSE&G	Jan 2019; Acct 13-014-015-01; Master Acct	\$721.24	9-017	9-31-435-20
4349	CenturyLink	January 2018 comm services; Acct #309982488	\$107.26	9-013	9-31-440-20
4350	County of Somerset	2019 1st Quarter Taxes - County	\$43,297.73	9-018	Fund Balance
4351	County of Somerset	2019 1st Quarter Taxes - Library	\$6,420.26	9-018	Fund Balance



**Millstone Borough**  
**BOROUGH COUNCIL**  
**REGULAR MEETING MINUTES**  
**January 21, 2019**

4352	County of Somerset	2020 1st Quarter Taxes - Open Space	\$4,094.96	9-018	Fund Balance
		<b>2019 CURRENT FUND - PREPAID</b>			
4332	Middlesex Cty Joint Ins Fund	First Installment 2019 Midd Cty Joint Ins Assessment	\$3,350.00	9-003	9-23-220-20
Transfer	Millstone Payroll Fund	January Payroll	\$1,500.00		
Transfer	Millstone Payroll Fund	January Payroll	\$1,800.00		
		<b>TOTAL CURRENT FUND</b>	<b>\$75,772.90</b>		
		<b>PAYROLL FUND</b>			
		Mun. Clerk, S&W	\$1,111.50		
		Tax Collection, S&W	\$953.67		
		Tax Assessment, S&W	\$606.92		
		Planning Board, S&W	\$476.83		
		Finance, S & W	\$138.75		
		O.A.S.I.	\$251.51	9-008	
		<b>TOTAL PAYROLL</b>	<b>\$3,539.18</b>		

**NEW BUSINESS:**

- **PUBLIC HEARING/ADOPTION OF ORDINANCE No. 2019-001: AN ORDINANCE AUTHORIZING THE ACQUISITION OF 13 SOUTH RIVER STREET, ALSO KNOWN AS BLOCK 4, LOTS 3 AND 4 IN THE BOROUGH OF MILLSTONE, COUNTY OF SOMERSET, STATE OF NEW JERSEY**

- Motion to open the public hearing

A motion to open the public hearing was offered by Councilman Biviano. Seconded by Councilwoman Smerdon.

Roll Call: Biviano – yes, Dandy – yes, Smerdon – yes, Ross - yes

- Motion to close the public hearing

There being no public wishing to be heard, a motion to close the public hearing was offered by Councilman Dandy. Seconded by Councilwoman Smerdon.

Roll Call: Biviano – yes, Dandy – yes, Smerdon – yes, Ross - yes

- Motion to adopt Ordinance 2019-001

Attorney Offen explained the contents of the contract to the Borough Council.

A motion to adopt the ordinance was offered by Councilman Biviano. Seconded by Councilwoman Smerdon.

Roll Call: Biviano – yes, Dandy – yes, Smerdon – yes, Ross - yes

**WHEREAS**, Carl Kestner (“Kestner”) unmarried, is the owner of real property and the residence located at 13 South River Street, also known as Block 4, Lots 3 and 4 on the Millstone Borough Tax Map (the “Property”); and

**WHEREAS**, the Property is prone to flooding; and



**Millstone Borough**  
**BOROUGH COUNCIL**  
**REGULAR MEETING MINUTES**  
**January 21, 2019**

---

**WHEREAS**, the New Jersey Department of Environmental Protection has authorized the relocation of the residence on the Property to another location in Millstone Borough so that the Property can become open space for the Borough of Millstone under Project No. 13-0342 dated May 18, 2015; and

**WHEREAS**, the Borough of Millstone has entered into an agreement with the Federal Emergency Management Authority with partial funding of the Project to relocate the residents on the Property to another location in the Borough of Millstone; and

**WHEREAS**, the Borough of Millstone through Ordinance No. 2011-001 adopted an Amended Redevelopment Plan for a portion of the Borough of Millstone entitled "Main Street Redevelopment Plan; and

**WHEREAS**, through Ordinance No. 2014-004 the Borough designated as Somerset County Improvement Authority (the "Authority") as redevelopment entity pursuant to N.J.S.A. 40:37A-44 et seq. and N.J.S.A. 40A:12A-4(b)(3); and

**WHEREAS**, the Authority is the owner of Block 1.01, Lot 1.022 in the Borough of Millstone which was created for the purpose of relocating structures such as the residence located on the Property which are prone to flooding to safer locations within the Borough of Millstone; and

**WHEREAS**, Kestner desires to relocate his residence from the Property to Block 1.01, Lot 1.022; and

**WHEREAS**, the Borough of Millstone desires to obtain the Property for open space; and

**WHEREAS**, the Borough of Millstone, Kestner and the Authority will enter into a Kestner Relocation Agreement (the "Agreement") by which Block 1.01, Lot 1.022 will be transferred to Kestner and Kestner will transfer to the Borough of Millstone the Property; and

**WHEREAS**, the Borough of Millstone will pay no financial consideration to Kestner or the Authority for the acquisition of the Property.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MILLSTONE, SOMERSET COUNTY, NEW JERSEY THAT:**

1. In accordance with the Authority under N.J.S.A. 40A:12-5, the Borough of Millstone be and is hereby authorized to acquire the Property without the payment of any financial consideration to Kestner for the Property in accordance with the recitals set forth above; and
2. The Borough of Millstone be and is hereby authorized to enter into an Agreement with Kestner and the Authority for the acquisition of the Property and to execute any and all documents necessary to effectuate the acquisition of the Property; and
3. On behalf of the Borough, the Mayor and Clerk of the Borough are hereby authorized to execute the Agreement and such other documents as may be necessary to implement the actions approved by this ordinance.
4. This ordinance shall take effect upon its passage and publication, as provided by law.

• **RESOLUTION TO AUTHORIZE THE PROPER BOROUGH OFFICIALS TO ENTER INTO A CONTRACT WITH R & L DATA CENTERS, INC. TO PROVIDE FOR PAYROLL RELATED SERVICES FOR THE OFFICERS AND EMPLOYEES OF THE BOROUGH OF MILLSTONE**



**Millstone Borough**  
**BOROUGH COUNCIL**  
**REGULAR MEETING MINUTES**  
**January 21, 2019**

---

A resolution to enter into a shared service was offered by Councilman Biviano. Seconded by Councilwoman Smerdon.

Roll Call: Biviano – yes, Dandy – yes, Smerdon – yes, 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**, R&L Data Centers, Inc. has been the Millstone vendor reliably providing payroll services to the Borough and there is the need to renew the contract for the year 2019; and

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

**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 with R & L DATA CENTERS, INC., 44 Main Street, PO Box 548, Bloomsbury, NJ 08804 for the calendar year 2019 as stated herein.

- **RESOLUTION CERTIFYING A SUBMISSION OF EXPENDITURE FOR TAXES PAID FROM THE BOROUGH OF MILLSTONE RECYCLING FUND PURSUANT TO P.L.2007, CHAPTER 311, IN 2018**

A resolution authorizing expenditures from the recycling fund was offered by Councilman Biviano. Seconded by Councilwoman Smerdon.

Roll Call: Biviano – yes, Dandy – yes, Smerdon – yes, Ross - yes

**WHEREAS**, The Recycling Enhancement Act, P.L.2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, There is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility.

**WHEREAS**, Whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the “Local Public Contracts Law”, the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

**NOW THEREFORE BE IT RESOLVED** by the Borough of Millstone that Borough of Millstone hereby certifies a submission of expenditure for taxes paid pursuant to P.L.2007, chapter 311, in 2018 in the amount of \$540.00. Documentation supporting this submission is available at 1353 Main Street, Millstone, New Jersey 08844 and shall be maintained for no less than five years from this date.

- **RESOLUTION APPROVING A MANDATORY SOURCE SEPARATION AND RECYCLING GRANT SUBMISSION**



**Millstone Borough**  
**BOROUGH COUNCIL**  
**REGULAR MEETING MINUTES**  
**January 21, 2019**

Councilwoman Smerdon explained that this action authorizes her to submit on behalf of borough by end of April.

A resolution authorizing expenditures from the recycling fund was offered by Councilman Biviano. Seconded by Councilwoman Smerdon.

Roll Call: Biviano – yes, Dandy – yes, Smerdon – yes, Ross - yes

**WHEREAS** the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS** the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, the recycling regulations impose on municipalities certain requirements as a condition for apply for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Borough of Millstone to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

**NOW, THEREFORE BE IT RESOLVED** by the Borough Council of the Borough of Millstone hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Denene Smerdon to ensure that the application was properly filed in 2019; and

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant by deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling

**OLD BUSINESS:**

- Sewers – Attorney Offen stated he and Mayor Heck met with county engineer Matthew Loper to discuss sewerage the borough. Mr. Loper stated he was not sewer engineer and that he would recommend consulting engineers for the borough to consider. Attorney Offen commented that at the same time Van Cleef wants to meet with us, but we should meet with our engineer first. The next and final step of this process is to sign the agreement with the HMUA.
- FEMA Flood Mitigation Project – Attorney Offen reported that the adoption of Ordinance 2019-001 is last borough action we needed to do and it is now up to Mr. Kestner to get the project completed.

Councilman Biviano asked if the Borough receives revenue from the police contract. CFO Popick stated that we do get revenue from tickets as defined by State law. Ms. Popick commented she would share the 2018 court revenue with the Borough Council.

**ADJOURNMENT:**



**Millstone Borough**  
**BOROUGH COUNCIL**  
**REGULAR MEETING MINUTES**  
**January 21, 2019**

---

A motion to adjourn the regular meeting at 7:45 PM was offered by Councilman Biviano. Seconded by Councilwoman Smerdon.

Roll Call: Biviano – yes, Dandy – yes, Smerdon – yes, Ross - yes

Attested to:

Gregory J. Bonin, Borough Clerk