



Millstone Borough
BOROUGH COUNCIL
REGULAR MEETING MINUTES
February 18, 2019

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 Vincent Biviano	Present
	Councilman Derek Dandy	Absent
	Councilman Alan Kidd	Absent
	Councilwoman Denene Smerdon	Present
	Councilman John Stashek	Absent
	Council President Scott Ross	Present
	Mayor Raymond Heck	Present

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

MINUTES:

- January 21, 2019 Regular meeting

Councilman Biviano offered a motion to approve the minutes. Seconded by Councilwoman Smerdon.

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

REPORTS:

- Assessor: no report
- Board of Health: no report
- Borough Clerk: Clerk Bonin reported that he has sent to each council member the list of registered cats and dogs in the borough to assist with any animal which may get loose. And agendas on line
- Emergency Management/State Police/Millstone Valley Fire Department: Mayor Heck reported that he continues to work on the HMGP flood mitigation grant. One last home to do. Also working on current haz mit plan with county. One fire call this month and one ems call. No state police calls.
- Environmental Commission: no report
- Finance/Tax Collection: no report.
- Historic Commission: no report
- Recreation Commission: Wendy Heck stated the Easter egg hunt will be on 4/20/19. Earth day clean up notice will be sent out to resident and put online.

COUNCIL REPORTS:

- Buildings and Grounds: no report



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- Planning Board: Vincent Biviano stated the Planning Board would like to know who owns the Blackshear house. Mayor Heck stated that it is currently owned by the Blackshear, it has been recently deeded by another person.
- Traffic and Roads: Mayor Heck reported that on tonight's agenda is a resolution for a shared service with county for Van Doren drive.

A motion to accept the reports was offered by Councilman Biviano. Seconded by Councilwoman Smerdon.

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

MAYOR'S REPORT:

Mayor Heck reported he is working on hazard mitigation update. He is also working on a full scale cert exercise this year. Mayor Heck stated he would like to submit CDBG application for walking path for 2019 which will connect to other towns as a regional path. Prepping road projects this year to reduce costs and enable borough to do more with grant funds. Mayor Heck stated he is safety and compliance officer and has been recertified for 3 years. Mayor Heck and Council President Ross met to discuss sewers. Mayor Heck stated he went to court on abandoned properties and the owner was a no show, could be arrested. He also talked about the borough becoming a "receivership" for vacant property not owners. This would require a new ordinance. The Borough incurs costs to maintain homes even with liens on the property.

Attorney Offen stated we may need to amend our ordinance if we want to accept through receivership. Mayor Heck agreed stating our ordinance does provide for fines but does not allow much more.

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: Biviano – yes, Smerdon – yes, Ross – yes, Heck -yes

Rebecca Newman, 25 Maple Terrace, asked how many quotes were received for trees, stating she submitted an OPRA request for the documents. Mayor stated he has those quotes. Ms. Newman asked how many homes are on the vacant home list. Mayor Heck stated 3 did not comply and one person is living in the house, the bank is not abandoned. Ms. Newman asked under what ordinance did we cut trees, Mayor Heck stated they were cut in preparation for road project. Mayor Heck explained the TTF funds cannot be used for tree removal. He consulted with county engineer and there is a plan to replace trees and all is part of road project. Ms. Newman asked about fire services inquiry. Mayor Heck stated that Council President Ross would respond to that as he is aware that the volunteers are on the project. Council President Ross stated the question list is with Hillsborough.

Mayor Heck asked Ms. Newman how the blue ribbon committee on the school savings is going. Ms. Newman stated she is not on any committee. Mayor Heck stated she accepted the task at a recent meeting. Mayor Heck stated that Hillsborough charges Millstone double and he asked Ms. Newman if she has any information about that matter. Ms. Newman stated she has no information

Zak Hubert, 1393 Millstone River Road, brought up the issue of shutters in driveway. He stated his intent to replace with historic shutters but has not received approval from the Historic Commission. He stated the pile of shutters in driveway are a hazard. Mayor Heck stated he toured and took pictures and that the historic commission stated that the application is incomplete. Mr. Hubert commented he has child and the property is unsafe. He commented that the hardware is historic



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and Mayor Heck asked that the historic commission visit the home and make a quick decision. Mr. Huber stated it is not cost effective to repair shutters. Mayor Heck commented he will ask Portia Orton to send expert to review and decide.

- Motion to Close the Meeting to the Public

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

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

APPROVAL OF CLAIMS FOR PAYMENT:

A resolution to approve the claims for payment was offered by Councilman Biviano Seconded by Councilwoman Smerdon.

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

Roll Call: Biviano – 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.

CHECK	VENDOR	ACCOUNT	AMOUNT	PO NO.	ACCOUNT NO.
		2018 RESERVE CURRENT FUND			
4355	MSI Municipal Software	2019 Software Support - Tax System	\$2,964.00	9-028	8-20-110-20
4356	Somerset County Engineering	Engineering Services 10/1-12/31/18; Inv 320	\$1,030.00	8-018	8-20-165-20
		2019 CURRENT FUND			
4357	R & L Data Centers	Jan 2019 Payroll Services; Inv 96128	\$342.50	9-026	9-20-100-20
4358	Gannett NJ	Jan 2019 Ads; Inv. 0002226659	\$150.06	9-024	9-20-110-20
4359	Somerset County Clerk Assoc	2019 Membership Dues - Greg Bonin	\$40.00	9-027	9-20-120-20
4372	Municipal Clerk's Assoc of NJ	2019 Membership Dues - Greg Bonin	\$100.00	9-032	9-20-120-20
4360	Laura Popick	Reimbursement-Stamps, 1099 Forms, Ink	\$125.15	9-031	9-20-130-20
4361	Vital Communications	2019 Notice of Assessment Cards; Inv 73624	\$30.43	9-029	9-20-150-20
4373	Christopher Lauver	Reimbursement-Postage for Assessment Cards	\$63.00	9-	9-20-150-20



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4362	Stephen M. Offen, Esq.	Jan Inv. 10917660 - Afford Housing	\$325.00	9-010	9-20-155-20
4362	Stephen M. Offen, Esq.	Jan Inv. 10917662 - Elev & Relocation	\$50.00	9-010	9-20-155-20
4362	Stephen M. Offen, Esq.	Jan Inv. 10917661 - Non litigation Services	\$700.00	9-010	9-20-155-20
4363	NJ American Water	Jan 2019; Acct No 1018-210022797651-Fire Hydrant	\$1,066.72	9-020	9-25-265-20
4364	Somerset Cty Treasurer	Snow & Ice Salting, Jan 13, 2019; Inv 1202	\$389.11	9-022	9-26-290-20
4365	NJ American Water	Jan 2019; Acct No. 1018-210022093410; 1353 Main	\$5.43	9-021	9-26-300-20
4367	Republic Services	Jan 2019 Sanitation Services; Inv. 0865-001674716	\$2,615.08	9-025	9-26-305-20
4366	PSE&G	Feb 2019; Acct No. 66-363-804-03; Amwell Rd;	\$102.24	9-015	9-31-435-20
4368	PSE&G	Feb 2019; Acct No. 65-081-353-09; Amwell & Main	\$104.76	9-016	9-31-435-20
4369	PSE&G	Feb 2019; Acct 13-014-015-01; Master Acct	\$840.53	9-017	9-31-435-20
4370	CenturyLink	Feb 2019 comm services; Acct #309982488; 2/1-28	\$108.29	9-013	9-31-440-20
4371	Hillsborough Twp Bd of Education	Qtrly 2018/19 Public School District payment due 2/28/19	\$243,334.00	9-023	Fund Balance
		2019 CURRENT FUND - PREPAID			
4354	Verizon Wireless	Bill Date: 1/25/19; Inv 9822978949; 1/26-2/25	\$154.16	9-014	9-31-440-20
	Millstone Payroll Fund	February Payroll	\$1,500.00		
	Millstone Payroll Fund	February Payroll	\$1,650.00		
		TOTAL CURRENT FUND	\$257,790.46		
		PAYROLL FUND			
		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	
		TOTAL PAYROLL	\$3,539.18		
		CAPITAL ACCOUNT			
4374	CountrySide Landscaping	Inv 1958; cut & remove 12 trees Van Doren Dr.	\$13,200.00	9-034	8-44-911-2

NEW BUSINESS:

- **A RESOLUTION APPOINTING THE MUNICIPAL COURT JUDGE FOR A THREE YEAR TERM**



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A resolution to appoint the municipal court judge was offered by Councilman Biviano. Seconded by Councilwoman Smerdon.

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

Roll Call: Biviano – 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 Honorable Maureen Vella be appointed as Municipal Court Judge for the Borough of Millstone for a term beginning January 1, 2019 and ending on December 31, 2021.

• **A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR DEVELOPER’S ESCROW FUND REQUIRED BY NJS 40:55D-53.1**

A resolution requesting a dedication by rider was offered by Councilman Biviano. Seconded by Council President Ross.

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

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, NJS 40:55D-53.1 provides for receipt of Developer’s escrow funds by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Developer’s Escrow Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Millstone, County of Somerset, New Jersey as follows:

1. All Developer’s escrow fees received by the Borough of Millstone, County of Somerset, State of New Jersey, shall be placed in a specific trust fund and such trust fund shall be considered a “Dedication by Rider” to the budget of the local unit, pursuant to N.J.S. 40A:4-39, for the exclusive purpose of depositing and expending escrow funds.
2. The Governing Body does hereby request permission of the Director of Division of Local Government Services to pay expenditures of the Developer’s Escrow Fund as per NJS 40:55D-53.1 and pursuant to N.J.S.A. 40A:4-39.
3. The Municipal Clerk of the Borough of Millstone is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

• **RESOLUTION AUTHORIZING CANCELLATION OF THE BOROUGH OF MILLSTONE’S “PUBLIC ASSISTANCE” BANK ACCOUNT AT TD BANK AND AUTHORIZING ALL FUNDS TO BE DEPOSITED INTO THE “CURRENT ACCOUNT” AT TD BANK**

A resolution authorizing the cancellation of certain accounts was offered by Councilman Biviano. Seconded by Councilwoman Smerdon.

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



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CFO Popick explained these are accounts that have existed for years but are unused therefore should be cancelled.

WHEREAS, the Borough of Millstone has a bank account entitled “Public Assistance” from when the Borough administered public welfare funds; and

WHEREAS, the Borough has not used this account for several years as the County has taken over administration of welfare assistance; and

WHEREAS, with the concurrence of the NJ Department of Community Affairs, Div. of Local Government Services and the Township Auditor, the Borough of Millstone intends to close the bank account and move the funds to the Borough of Millstone’s “Current Account”.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Millstone, County of Somerset, New Jersey that the bank account entitled “Public Assistance” in the amount of \$2,404.28 shall be closed and all funds shall be deposited into the Borough of Millstone “Current Account”

- **RESOLUTION AUTHORIZING CANCELLATION OF THE BOROUGH OF MILLSTONE’S “RECREATION COMMISSION” BANK ACCOUNT AT TD BANK AND AUTHORIZING ALL FUNDS TO BE DEPOSITED INTO THE “CURRENT ACCOUNT” AT TD BANK**

A resolution authorizing the cancellation of certain accounts was offered by Councilman Biviano. Seconded by Councilwoman Smerdon.

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

WHEREAS, the Borough of Millstone has a bank account entitled “Recreation Commission”; and

WHEREAS, this account may have been intended as a trust account but is not used as such or authorized through NJDLGS; and

WHEREAS, with the concurrence of the NJ Department of Community Affairs, Div. of Local Government Services and the Township Auditor, the Borough of Millstone intends to close the bank account and move the funds to the Borough of Millstone’s “Current account”.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Millstone, County of Somerset, New Jersey that the bank account entitled “Recreation Commission” in the amount of \$4,456.05 shall be closed and all funds shall be deposited into the Borough of Millstone “Current Account”.

- **RESOLUTION TO ENTER INTO A SHARED SERVICE AGREEMENT FOR WITH THE COUNTY OF SOMERSET FOR ENGINEERING SERVICES**

A resolution entering into a shared services agreement was offered by Council President Ross. Seconded by Councilwoman Smerdon.

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

WHEREAS, the Millstone Borough is desirous of entering into a shared services agreements for engineering services; and



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WHEREAS, the Borough of Millstone has determined that it is in the best interests of the Borough to execute a shared services agreement with the County of Somerset for this service.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Millstone do hereby approve an agreement with the County of Somerset for engineering services.

- **RESOLUTION TO ENTER INTO A SHARED SERVICE AGREEMENT FOR THE RESURFACING OF VAN DOREN DRIVE WITH THE COUNTY OF SOMERSET**

A resolution entering into a shared services agreement was offered by Council President Ross. Seconded by Councilwoman Smerdon.

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

WHEREAS, the Borough of Millstone and County of Somerset are desirous of entering into a shared services agreement for the resurfacing of Van Doren Drive; and

WHEREAS, the Borough of Millstone has determined that it is in the best interests of the Borough to execute a shared services agreement with the County of Somerset for this services.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Millstone do hereby approve an agreement with the County of Somerset for the purposes of resurfacing Van Doren Drive.

- **RESOLUTION TO ENTER INTO A SHARED SERVICE AGREEMENT FOR RECYCLING SERVICES WITH THE COUNTY OF SOMERSET**

A resolution entering into a shared services agreement was offered by Councilman Biviano. Seconded by Councilwoman Smerdon.

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

WHEREAS, the County of Somerset entered into a negotiations regarding an agreement between the County of Somerset and each of the nineteen municipalities located within Somerset County; and

WHEREAS, the County of Somerset has agreed that the County fee shall be based upon the number of households within the municipality as determined by the County Planning Board at a rate of \$23.85 per household per year; and

WHEREAS, the County of Somerset has determined that it is in the best interests of the County to execute an agreement with each of the nineteen municipalities formulated as a result of negotiations.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Millstone do hereby approve an agreement with the County of Somerset for the purposes of providing recycling pick up in accordance with the attached agreement for the period of January 1, 2019 to December 31, 2019.

- **BUDGET DISCUSSION**

CFO Popick stated that she anticipates a level budget and asked the Borough Council if they wish to add any items to the budget. Mayor Heck suggested to Mr. Huber, who is planning board chair, that they discuss the Planning Board budget. Mayor Heck asked that the planning board let the borough council know if there is a need for more money in their budget,



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Mayor Heck stated that with the Hillsborough school vote, he is wary about the borough increasing our taxes with that looming.

OLD BUSINESS:

- Sewers – Mayor Heck stated he, Council President Ross and Attorney Offen met with Van Cleef to review benchmarks and possible funding sources. Attorney Offen stated that the met last Friday. Mayor Heck added that he and Attorney Offen also met with Engineer Matt Loper earlier in the week as there were a few internal issues to work out. Van Cleef Engineering is going to do some initial sewer concept planning work for us. The Borough is also looking for possible grants and we may wish also consider a PILOT to help fund projects. Van Cleef is doing a PILOT in Frenchtown which may lay the groundwork for doing one in Millstone.
- FEMA Flood Mitigation Project – Attorney Offen stated that the borough has done everything we need to do it is totally up to Mr. Kestner. Mayor Heck stated he has spoken to Mr. Kestner about a possible contingency plan if this does not happen. Mr. Kestner is working new financing. Attorney Offen stated there is nothing more the borough as to do to.
- Attorney Offen stated we have been sued by Selective Insurance. We have requested information for years and received none. It is for workers compensation services for which there is no information provided by Selective.
- Attorney Offen also commented that we have been appealing tax assessments with Verizon and there is a recent court case ruled against Verizon. We may be getting money eventually. We have appealed in the past so the borough is protected.
- Attorney Offen suggested the Borough Council adjourn into executive session for litigation and contract negotiations.

EXECUTIVE SESSION:

A resolution to enter into executive session at 8:30 PM was offered by Councilman Biviano. Seconded by Councilwoman Smerdon.

Roll Call: Biviano – 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

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>
Litigation and Contract negotiations	When the matters are resolved.

Upon return from executive session Vincent Biviano recalled an incident at a neighbor’s house wherein he received a letter from another neighbor about water draining to the street and freezing. Councilman Biviano commented to neighbor that water should be routed through back yard.

Mayor Heck stated he looked into this and water should not be routed to the street to flood and freeze.



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ADJOURNMENT:

A motion to adjourn the regular meeting at 8:42 was offered by Councilman Biviano. Seconded by Councilwoman Smerdon.

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

Attested to:

Gregory J. Bonin, Borough Clerk