



Millstone Borough
BOROUGH COUNCIL
REGULAR MEETING MINUTES
March 18, 2019

TIME: 7:33 PM

CALL TO ORDER – OPENING STATEMENT: Mayor Heck opened the meeting 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	Present
	Councilman Alan Kidd	Absent
	Councilwoman Denene Smerdon	Present
	Councilman John Stashek	Present
	Council President Scott Ross	Present
	Mayor Raymond Heck	Present

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

MINUTES:

- No minutes were presented at this meeting

REPORTS:

- Assessor: no report
- Board of Health: no report
- Borough Clerk: Clerk Bonin reported the special Board of Education referendum election occurred without incident and the measure failed.
- Emergency Management/State Police/Millstone Valley Fire Department: Mayo Heck stated the borough is working on the FEMA elevation grant. A full scale practice exercise will be in July.
- Environmental Commission: no report
- Finance/Tax Collection: no report
- Historic Commission: Portia Orton reported on how the Historic Commission operates in terms of receiving and reviewing applications and setting agendas. She reported that the commission uses the state guidelines for their review of historic structures. She also stated the applicant can appeal decisions of the historic commission to the Mayor and Council should they wish. Ms. Orton commented that she is offering this information as a recent applicant before the board disagreed with the process of the historic commission and in particular the historic commission chair. She reviewed with those present the process and events at the last meeting of the historic commission. Portia Orton read from a prepared statement. The next meeting will be April 4th to continue the application review. She brought this up now so the borough council would be aware. Portia Orton stated that she also received a letter from the Miriam Nouri stating how she felt.
- Recreation Commission: Wendy Heck stated she has fliers for the Easter egg hunt and other recreation programs. She stated that earth day is the following week so she will be promoting that event also. June 1st and 2nd will be town wide yard sale. Councilwoman Smerdon commented that the borough wide clean-up will be soon after.



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COUNCIL REPORTS:

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

MAYOR'S REPORT:

Mayor Heck reported that the borough will be submitting two CDBG grants, paving of municipal lot across from gas station. He stated the lease from county makes it our responsibility to maintain. Mayor Heck stated he filled potholes but now the lot needs paving and he would like to use CDBG gran money for that purpose. The second application would be a portable generator for OEM to be able to long term sheltering at St Joe's church. The church does not now have generator. We have a small generator for borough hall but need a larger one for St. Joe's. A portable generator could be moved around and connected to shelter.

Mayor Heck stated he is working with PSE&G to do plantings under the power lines. He would like to mirror plantings programs done in the right-of-ways as is done in other communities and in the past in Millstone. He is working with DEP since they have jurisdiction on this to also ensure we have indigenous plants.

Mayor Heck stated he also is working with the NJSLOM legislature committee on laws that are favorable or not to the borough. One in particular is one that involves PSE&G and their need to replant in right-of-ways.

Regarding abandoned properties, Mayor Heck stated he is working on two in particular. He is working with the NJSLOM on strengthening laws for municipalities. We are also dealing with the federal and state liens on certain properties in town. He should have more information in the next month or so.

Mayor Heck stated from an emergency service perspective we have had more calls in town dealing with fentanyl and other drugs. The first aid squad does not carry Narcan. Mayor Heck stated he, as a police officer, does have Narcan and other lifesaving materials, and has responded. He will be working with the rescue squads to donate Narcan.

Attorney Offen stated that also in new business will be a discussion on the Comcast franchise renewal.

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 ross. Seconded by Councilwoman Smerdon.

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

Ms. Alice Dorschner asked if the fentanyl issue is relative to someone in the borough. Mayor Heck stated the need for this drug has occurred in Millstone in the past few months. Ms. Dorschner asked about the abandoned Blackshear house. Mayor Heck stated that the construction official has inspected and found the site sound. Mayor Heck sated that there are state programs that can help rehabilitate these homes and get them resold. Ms. Dorschner asked if we are looking to fix the house up. Mayor Heck stated the goal is to rehab the home and put it out for auction. We have spent funds on this house and liens on it to make it safe. Ms. Dorschner asked why we don't just tear it down. Mayor Heck stated it is not condemned and it is not our property to choose to demolish.



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Maryann Devoti stated it is a historical home. Mayor Heck stated that is correct and another reason why it is hard to tear down, as our primary goal now is to make it safe and secure.

Alice Dorschner asked about house at Amwell and West. Mayor Heck stated it is the Morgan house and the Marshall has fined the homeowner several times. Ms. Dorschner also asked about the bank. Mayor Heck stated that the bank is not abandoned. Van Cleef uses it for records storage.

Lawrence Tarantino asked if the usage of the bank has changed. Mayor Heck stated the use has not changed. It is within our zoning. Dan DeVoti stated the owner should come before the planning board for a non-retail use. Mr. Tarantino also commented about the continuing degrading of the community in terms of historic properties and commercial properties. He also stated trucks are speeding and making a lot of noise. Mr. Tarantino followed a truck and found that they are carrying materials and should be using Rt 206. Mr. Tarantino would like to know what rights the community has to resolve this matter. Mr. Tarantino would like to see the borough be more proactive on these and other matters.

Mayor Heck stated he can work with the state police to do a mobile commercial truck inspection. Mayor Heck commented that he has worked with the borough engineer, if a speed study is done the speed could in fact increase. Mayor Heck is working to have traffic calming devices installed that will tell drivers their speed. Attorney Offen commented that they county roads are governed by the county and they determine what the average speed is and set the speed at a certain level to make it safe. The freeholders have been fairly responsive to our requests. Mayor Heck stated that trucks look for the shortest route to make the most money. Roger Prince, Amwell Rd. stated he works in this field and there must be regular and extensive enforcement. Attorney Offen stated that the borough has a contract with Franklin for enforcement. Mayor Heck stated he will ask Franklin to enforce traffic at busy times of the day. Mr. Prince would like to know how much it will cost to resolve the issues and how much the borough makes on our investment. Mayor Heck stated he can get those figures but there will be new resources being used. Mr. Tarantino asked if we increased enforcement would we break even, CFO Popick stated we will never break even as it costs more to hire patrols then we get in revenue.

Zachary Huber stated he has seen police in town but at the wrong times. Mayor Heck asked Mr. Huber when should the police be present for enforcement. Mayor Heck stated the Franklin police has shown they are willing to work with the borough. Mr. Tarantino suggested borough residents go to freeholder meetings to get help. Mayor Heck suggested that the freeholders should come here.

Dan Devoti commented that the reformed church has portable generators for shelter use. Mayor Heck stated he is looking at portable generators on trailers.

Jennifer Kilkenny, 1389 Main St. agreed, traffic is constant on Main St. Mayor Heck stated that the borough his trying different tactics to resolve the issues.

Diane Shilke asked how much the CDBG grants would be. Mayor Heck stated he is seeking \$25,000.

Joan Shuttner, Maple Terrace asked if vacant houses have been registered. Mayor Heck yes and revenues collected. Ms. Shuttner asked if we regularly fine vacant homes. Mayor Heck stated we do and introduced new employee Ryan Hunt who will be working to investigate and issue violations. Mayor Heck stated Ryan, Dan and Gene Grimshow can issue violations

Kathy Poch asked who would residents notify. Mayor Heck stated resident can contact Ryan directly.

Christine Fung, asked what is Ryan's title. Mayor Heck stated he is code enforcement.



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Blair Deroner, 19 Maple Terrace, asked about and Mayor Heck discussed the energy production level of the proposed generators.

Alice Dorschner asked for Mr. Hunt's email contact information Mayor Heck state ryanhunt@millstoneboro.org.

Alice asked what is difference between Ryan and Dan Devoti. Mayor Heck stated he is responding to residents who wanted more enforcement in town by adding enforcement officials.

Chris Patrick, asked about paving Alley Way. Mayor Heck stated the borough will be working on getting that road paved. The parking lot discussed earlier will be a CDBG grant. Roads are done through a state grant with some borough funds. The paving of Alley Way is about three years away. Some of the problem is that part of Alley Way is on private property.

Mayor Heck current road plan is Van Doren, Colonial and then Alley Way.

Mr. Tarantino suggested we create Millstone River appreciation day. Mayor Heck suggested it be tied into earth day.

Mr. Patrick asked why we can't talk about the McAdam's house. Dan Devoti state the owner has been cited for an abandoned property. Mayor Heck stated that th septic is the main issue for that property.

Christine Fung stated that she is on the planning board and the owner of the McAdam's house has applied for a septic permit. The issue is there is not enough land behind the house to install a septic system with the approval of the neighboring owners to access the property. Dan devote stated that April 2nd is the next planning board meeting where much of this information is discussed.

Zachary Huber commented on the historic commission meeting activity. Mr. Huber stated that this is an emotional issue for his family and he was hoping for more professionalism. He stated that his family was betrayed by the seller not by members of the boards. Mr. Huber turned to those present and told them that he will answer any question about the issue as he knows there are rumors going around.

Maryann Devoti asked Mr. Huber to quickly update those present on the issues. Mr. Huber stated that when the house was lifted the work done was well below par. Mr. Huber stated there are structural issues that should not exist. Mr. Huber stated it is their plan to reopen this store and he would be willing to show anyone the issues.

Ms. Patricia Morris stated that she hopes the issues are resolved.

Kimber smith, 19 Beardslee Rd, stated to Mr. Huber she is glad to live in NJ as there are protections between buyers and sellers.

- Motion to Close the Meeting to the Public

A motion to close the meeting to the public was offered by Councilman President Ross Seconded by Councilwoman Smerdon.

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

APPROVAL OF CLAIMS FOR PAYMENT:

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



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Roll Call: Biviano – yes, Dandy – 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.
		2019 CURRENT FUND			
4376	R & L Data Centers	Feb 2019 Payroll Services; Inv 96399	\$147.00	9-026	9-20-100-20
4377	Stephen M. Offen, Esq.	Feb Inv. 10926478 - Afford Housing	\$400.00	9-010	9-20-155-20
4377	Stephen M. Offen, Esq.	Feb Inv. 10926480 - Elev & Relocation	\$50.00	9-010	9-20-155-20
4377	Stephen M. Offen, Esq.	Feb Inv. 10926479 - Non litigation Services	\$300.00	9-010	9-20-155-20
4378	NJ American Water	Feb 2019; Acct No 1018-210022797651-Fire Hydrant	\$1,066.72	9-020	9-25-265-20
4379	Somerset Cty Treasurer	Snow/Ice Salting, Jan 31 Inv 1213; Feb 27 Inv. 1240	\$1,230.54	9-022	9-26-290-20
4380	NJ American Water	Feb 2019; Acct No. 1018-210022093410; 1353 Main	\$25.30	9-021	9-26-300-20
4381	Republic Services	Feb 2019 Sanitation Services; Inv. 0865-001684732	\$2,615.08	9-025	9-26-305-20
4382	PSE&G	March 2019; Acct No. 66-363-804-03; Amwell Rd;	\$112.90	9-015	9-31-435-20
4383	PSE&G	March 2019; Acct No. 65-081-353-09; Amwell & Main	\$115.66	9-016	9-31-435-20
4384	PSE&G	March 2019; Acct 13-014-015-01; Master Acct	\$1,100.16	9-017	9-31-435-20
4385	CenturyLink	March 2019 comm services; Acct #309982488; 3/1-31	\$108.29	9-013	9-31-440-20
WIRE	Treasurer, State of New Jersey	2019 Annual Pension Appropriation	\$5,340.00	9-036	9-36-471-20
4386	Franklin Township Police Dept	Jan 2019 Police Services; Inv. FTPD013322-24	\$2,800.00	9-035	9-42-240-20
		2019 CURRENT FUND - PREPAID			
4375	Verizon Wireless	Bill Date: 2/25/19; Inv 9824929535; 2/26-3/25	\$154.16	9-014	9-31-440-20
	Millstone Payroll Fund	March Payroll	\$5,809.12		
	Millstone Payroll Fund	March Payroll	\$1,500.00		
	Millstone Payroll Fund	March Payroll	\$500.00		



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		TOTAL CURRENT FUND	\$23,374.93		
		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	\$2,999.75		
		Construction/Zoning	\$1,040.50		
		O.A.S.I.	\$549.97	9-008	
		TOTAL PAYROLL	\$7,739.14		

NEW BUSINESS:

- Comcast Franchise Renewal

Attorney Offen stated Comcast has filed notice of the start of the renewal process. The dates seem off, but be that as it may, the borough needs to start the ascertainment process, could be a public meeting, provide to Comcast any comments on Comcast deficiency. Attorney Offen handed out 2006 Comcast ordinance for the borough council to review. Attorney Offen reviewed some of the conditions in the last agreement the borough council could consider for the next agreement. Attorney Offen stated normally the borough would have two years, given the dates and late notice we may only have six months.

- Community Development Block Grant (CDBG) submission

Mayor Heck reviewed with the Borough Council and those present the scope of the project he would like to submit for CDBG funding.

- Generators for OEM – not too exceed \$30,000
- Paving municipal parking lot – Mayor Heck explained, bc approved submitting sr dd.

Council President Ross offered a motion to approve submitting the two CDBG grant applications. Seconded by Councilman Dandy.

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

- Kestner FEMA relocation project update

Attorney Offen stated that the borough’s consultant for this matter, Paul Miller, has suggested that we should pull plug. He reported that Mr. Kestner’s attorney has stated they are working with mortgage company in an attempt to secure the necessary funding.

Mayor Heck stated he asked Mr. Miller to contact FEMA and request for a short extension.

Mayor Heck stated that according to FEMA guidelines all work in this current project round, of which the Kestner relocation is the only outstanding project, must be completed by June 1st of this year or the funding will not be provided. The Borough has been working with Mr. Kestner and we are very concerned he will not complete his project in time to qualify for funding from FEMA. We are waiting to hear from Mr. Kestner to see if we must cancel this project.



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Mayor Heck stated we need a definitive date from Mr. Kestner and his attorney to get this done.

- Personnel Discussion – Rebecca Newman, Tax Collector & Registrar (at the request of the employee, this matter is being discussed in a public forum)

Mayor Heck commented that at the start of his term he wishes to conduct assessment reviews. He stated that three people are noticed for tonight. Mayor Heck commented to Ms. Newman that she is good at getting back to him and to clients. Mayor Heck stated that Ms. Newman needs to improve on completing the annual Financial Disclosure Statements and small issues regarding the registrar position but those issues go back a few years. He stated that Ms. Newman should try and improve on making 48 hour for deposits and there have been some complaints on responding to emails. Mayor Heck stated these issues may be due to working several jobs. He asked that Ms. Newman please try to let residents know when you will get back to them. Mayor Heck stated that the Registrar annual reports have been and are an issue in that the State has been looking for state reports since 2015. Mayor Heck asked Ms. Newman to get reports done and update to state.

Roger prince, asked what led public to be called to this meeting. Mayor Heck stated he is unaware why residents were called to the meeting

Mr. Joseph Tauriello introduced himself as legal counsel for Ms. Newman and stated that the borough is conducting a performance appraisal in a public meeting and that it is unprecedented in his opinion.

Mayor Heck commented that the tax collector has hours and asked Ms. Newman to be sure she has regular posted hours where residents can come find her and pay taxes. Mayor Heck stated this is not just an assessment but there is also some corrective action should be taken.

Mr. Tauriello asked that all emails and text messages be preserved in regards to this notice as a prelude to litigation.

Dan Devoti stated that he is also noticed for tonight and expects a review with the borough council. He did not choose a public session.

OLD BUSINESS:

- Sewers – Attorney Offen stated there is a potential issue regarding a possibility of a PILOT program for the Van Cleef program. This would have to be referred to the planning board for an investigation for an area in need of redevelopment.

The question Attorney Offen asked is; Does the Van Cleef property qualify as a blighted area? This is something for the planning board to review and decide upon. This came up because Van Cleef suggested it as a way for the borough to pay for the sewers. PILOT would give more tax revenue to the borough.

The Borough Council suggested the planning board review the redevelopment possibility.

Dan Devoti asked which property could be considered as blighted. Council President Ross responded where they want to build the development.

Because residents were interested in asking questions on this topic the Borough Council re-opened the meeting to the public on a motion by Council President Ross. Seconded by Councilman Dandy.

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



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Christine Fung asked how the PILOT would work. Attorney Offen explained that the borough is working with Van Cleef for sewers and also with the DEP, HTMUA and SRVSA. The issues for the borough would be how we pay to provide sewers to the borough. Van Cleef has suggested a PILOT and has done this in another town. Attorney Offen explained PILOT program. A discussion on what constitutes a blighted property. Attorney Offen stated NJ rules govern.

Attorney Offen stated the borough council must decide if they want to send this matter to the planning board for investigation. The Borough Council stated they would.

Joan Shuttner asked what would the borough received in exchange for a PILOT. Attorney Offen stated there is a history that goes back years wherein Van Ccleef sued the borough and a mediation agreement was made. As part of the agreement Van Cleef would satisfy borough affordable housing and the in return Van Cleef would be permitted to build in a certain property in the borough. The agreement also stated the borough had to work with Van Cleef to assist him in obtaining sewer access. The Borough has been working with Van Cleef through various agencies to get the necessary approvals. Attorney Offen reviewed the entire process with those present.

Mayor Heck sated that as we get closer the borough will hold meetings with residents to go over all the issues and costs. He stated he would personally speak to each resident if needed to make sure everyone understands the issues.

Mr. Chris Patrick asked if there were grants available for this project. Mayor Heck stated it may be possible but not likely, to get CDBG grants. But the most the borough will get is \$100k. Mayor Heck stated is will be looking at other grants but nothing would pay for the entire borough.

Robert Shuttner, asked what the quarterly cost might be for sewers. Attorney Offen stated we cannot be sure but HTMUA charges \$105 per quarter. Attorney Offen stated there are other charges that would also need to be discussed.

Mayor Heck stated the borough council is taking this serious and when the time is right, soon, the borough will hold a meeting and survey to get residents thoughts and desires.

Council President Ross offered a motion to close the public portion of the meeting. Seconded by Councilman Biviano

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

EXECUTIVE SESSION:

A resolution to enter into executive session at 9:29 PM was offered by Councilman Kidd. Seconded by Councilwoman Smerdon.

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

TIME WHEN AND THE CIRCUMSTANCES



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**UNDER WHICH THE SUBJECT MATTER
CAN BE DISCLOSED**

SUBJECT MATTER

Litigation – Selective Insurance
Personnel – Gregory Bonin, Borough Clerk
Personnel – Dan DeVoti, Zoning Officer

When the matters are resolved.

ADJOURNMENT:

Upon returning from executive session, a motion to adjourn the regular meeting at 9:58 PM was offered by Councilman Kidd. Seconded by Councilwoman Smerdon.

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

Attested to:

Gregory J. Bonin, Borough Clerk