



Millstone Borough
BOROUGH COUNCIL
REGULAR MEETING MINUTES
April 15, 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 | Present |
| | Councilman Alan Kidd | Absent |
| | Councilwoman Denene Smerdon | Present |
| | Councilman John Stashek | Absent |
| | Council President Scott Ross | Present |
| | Mayor Raymond Heck | Present |

Also Present: CFO Popick, Attorney Offen and Clerk Bonin

MINUTES:

- February 18, 2019 regular meeting minutes

Council President Ross offered a motion to approve the minutes. Seconded by Councilwoman Smerdon.

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

- February 18, 2019 executive meeting minutes

Council President Ross offered a motion to approve the minutes. Seconded by Councilwoman Smerdon.

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

- March 18, 2019 regular meeting minutes

Council President Ross offered a motion to approve the minutes. Seconded by Councilwoman Smerdon.

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

- March 18, 2019 executive meeting minutes

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

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



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REPORTS:

- Assessor: no report
- Board of Health: Clerk Bonin reported that Mr. Belnay has retired And Shiobhan Spano has been named Health Officer for Hillsborough township.
- Borough Clerk: no report
- Emergency Management/State Police/Millstone Valley Fire Department: May Heck reported that we scored high on the recent emergency management report. Hope to continue the FEMA home elevation grant for next year.
- Environmental Commission: no report
- Finance/Tax Collection: CFO Popick reported that first quarter tax rate is 95.77%
- Historic Commission: no report.
- Recreation Commission: Ms. Wendy Heck reported that 7 volunteers helped stuff eggs for the Easter egg hunt. Earth day/week events are underway and the Millstone Workshop is giving out saplings to those who help clean up the borough. RH stated that he will sign vouchers for those children volunteers who help clean the borough and need service credit.

COUNCIL REPORTS:

- Buildings and Grounds: Councilman Dandy asked we should fix the shed roof. Mayor Heck stated he would make the repairs.
- Planning Board: Councilman Biviano asked that the borough address the speed limits on roads in town. Mayor Heck stated that a study must be done and it is critical that the test be conducted in the appropriate location so we don't end up increasing the speed in town. Mayor Heck stated the radar speed signs are also installed and all evidence say they work to slow traffic.

Councilman Biviano also stated the Planning Board discussed the concept of naming the bank owned by the Van Cleef organization as a blighted location. Attorney Offen stated this matter is on for tonight's meeting.

Councilman Biviano also brought up an issue of a neighbor next to the Millstone Workshop who is self-installing curb. Mayor Heck suggested Councilman Biviano contact the zoning officer. Attorney Offen added that since it is a county road the county engineer should investigate.

Councilman Biviano also commented on the county walk, hike and ride meeting and plan. He stated the Planning Board is concerned the borough is not getting enough from the county. Mayor Heck stated he has the plan and almost 2 years ago the borough submitted the plan to the county. Our desires are shown on the current county plan.

Attorney Offen asked Councilman Biviano if the septic management plan came up during Planning Board meeting. Councilman Biviano said it did not. Attorney Offen stated Carter Van Dyke called him and this will be discussed under the sewer discussion

- Traffic and Roads:

Mayor Heck reported that we submitted a grant application to NJDOT for repaving of South River and Colonial Roads. We were granted an award of \$147,000 by State. Part of work on South River will be to do additional drainage improvements on South River Street.

MAYOR'S REPORT:



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Mayor Heck reported on the abandoned inventory in town and going over the applications. Currently the borough has an ordinance and asked Attorney Offen to look at ordinance to see if it needs improvement to be consistent with state rehabilitation statute. Attorney Offen will review.

Mayor Heck stated he is aware of all abandoned property and status of each. We will prepare to pass the appropriate ordinance and then look to force rehabilitation through various means.

Mayor Heck reported on various methods to forcing rehabilitation of these properties.

Mayor Heck reported there are two new CERT volunteers in the community, we now have 6 CERT members.

Last item Mayor Heck wished to discuss, was Jared Patrick, former Mayor Mary PATricks' grandsons. Mayor Heck commended Mr. Patrick on this tremendous accomplishment and asked that residents of the borough recognize this accomplishment.

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, Dandy – yes, Smerdon – yes, Ross - yes

Lawrence Tarantino, commented on the discussion about the unauthorized curb, he stated that area needs a sidewalk. He also stated the curb installer is installing plants so it pushes people out to the street to get to the Millstone Workshop, Lawrence suggested a comprehensive plan how people get from parking lot to stores.

Mr. Tarantino also commented on the fire at the Notre Dame Cathedral fire which made him consider that the reformed church is a center of town and years ago he suggested the church get better fire protection. Mayor Heck stated the borough does not have right to force but it certainly must confirm to DCA standards for the use. The borough discussed the allure of this building to the borough

Mr. Tarantino asked why the bike path is not accessible to the Planning Board. Mayor Heck stated the Planning Board created it years ago. Mr. Tarantino would like to see the Planning Board get more involved in planning and not just wait for applications to come in. He suggested a committee be established to consider the boroughs quality of life issues and plan for improvements. Mayor Heck stated the Planning Board has the authority to create such an ad hoc committee and Mayor Heck would only ask that he know in advance of the costs of such studies. Mayor Heck stated that Mr. tarantino and Zak Huber can do this. Attorney Offen stated that the statue gives the Planning Board master plan review. Also the Borough Council can refer things to the Planning Board. The Planning Board can do anything that falls within the master plan review and budget constraints.

Mr. Tarantino also commented on the speeding on Main Street. He thinks it would be good to have police there also. Mayor Heck stated police are often present and were there tonight before tonight's meeting. Mayor Heck worked with Franklin police over the last two weeks for a campaign in the borough.

Mr. Tarantino ask if we have a community service worker active now. Mayor Heck said we do not but could ask the county jail if we have a purpose. Mr. Tarantino suggested cleaning on sides of county roads. Discussion about the danger of cleaning on side of county roads and how best to get the cleaning done. Mayor Heck will call the Sherrif to get cleaning crew.



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Mr. Tarantino stated we used to have two flags: county and state. He commented we now have two American flags but could we get county and state flags. Mayor Heck stated he will order the flags.

Mr. Tarantino stated he would like to redo some pictures in borough hall and stated some were moved. Wendy Heck commented that pictures were moved on Spooky Movie night because they had to use the wall as a screen and it was too difficult to put the pictures back in place.

- Motion to Close the Meeting to the Public

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

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

APPROVAL OF CLAIMS FOR PAYMENT:

Councilman Biviano offered a motion to approve the claims for payment. Seconded by Councilwoman Smerdon.

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. |
|-------|--------------------------|--|------------|--------|-------------|
| | | 2018 RESERVE CURRENT ACCOUNT | | | |
| 4388 | Treasurer, State of NJ | 4th Qtr 2018 Marriage/Civil Union License Report | \$50.00 | 9-041 | 8-20-110-20 |
| | Tetra Tech | Inv. 51346414; August 2018 | \$552.00 | 8-052 | 8-20-165-20 |
| | | 2019 CURRENT FUND | | | |
| 4389 | R & L Data Centers | March 2019 Payroll Services; Inv 96668 | \$147.00 | 9-026 | 9-20-100-20 |
| 4390 | Stephen M. Offen, Esq. | March Inv. 10933817 - Afford Housing | \$75.00 | 9-010 | 9-20-155-20 |
| 4390 | Stephen M. Offen, Esq. | March Inv. 10933819 - Elev & Relocation | \$100.00 | 9-010 | 9-20-155-20 |
| 4390 | Stephen M. Offen, Esq. | March Inv. 10933818 - Non litigation Services | \$475.00 | 9-010 | 9-20-155-20 |
| 4391 | Somerset Cty Engineering | Jan 1 - Feb 28 Engineering Services; Inv 329 | \$5,243.39 | 9-030 | 9-20-165-20 |
| 4392 | Miller Porter & Muller | Feb Planning Board Services; Inv. 13265 | \$143.50 | 9-037 | 9-21-180-20 |



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|------|--------------------------------|---|--------------------|-------|--------------|
| 4393 | NJ Planning Officials | Mandatory Training Courses, 3/29, 4/27, Huber, Tarantino, Biviano | \$528.00 | 9-007 | 9-21-280-20 |
| 4407 | Commissioners of Fire District | 1st Qtr 2019 Fire Services | \$9,418.66 | 9-042 | 9-25-255-20 |
| 4394 | NJ American Water | March 2019; Acct No 1018-210022797651-Fire Hydrant | \$1,066.72 | 9-020 | 9-25-265-20 |
| 4395 | Somerset Cty Treasurer | Snow Plow/Salting; Feb 11 & 12; Inv. 1232 | \$1,681.56 | 9-022 | 9-26-290-20 |
| 4396 | NJ American Water | Mar 2019; Acct No. 1018-210022093410; 1353 Main | \$25.30 | 9-021 | 9-26-300-20 |
| 4397 | SDG Security | 2nd Qtr Monitoring; Inv. 19101591 | \$147.80 | 9-038 | 9-26-300-20 |
| 4398 | Republic Services | Mar 2019 Sanitation Services; Inv. 0865-001694748 | \$2,615.08 | 9-025 | 9-26-305-20 |
| 4399 | PSE&G | April 2019; Acct No. 66-363-804-03; Amwell Rd | \$104.93 | 9-015 | 9-31-435-20 |
| 4400 | PSE&G | April 2019; Acct No. 65-081-353-09; Amwell & Main | \$107.51 | 9-016 | 9-31-435-20 |
| 4401 | PSE&G | April 2019; Acct 13-014-015-01; Master Acct | \$920.55 | 9-017 | 9-31-435-20 |
| 4402 | CenturyLink | April 2019 comm services; Acct #309982488; 4/1-4/30 | \$107.95 | 9-013 | 9-31-440-20 |
| 4403 | Franklin Township Police Dept | Feb 2019 Police Services; Inv. FTPD013431-3 | \$2,380.00 | 9-035 | 9-42-240-20 |
| 4403 | Franklin Township Police Dept | March 2019 Police Services; Inv. FTPD013533-5 | \$2,520.00 | 9-035 | 9-42-240-20 |
| 4404 | County of Somerset | 2019 2nd Quarter Taxes - County | \$43,297.72 | 9-040 | Fund Balance |
| 4405 | County of Somerset | 2019 2nd Quarter Taxes - Library | \$6,420.26 | 9-040 | Fund Balance |
| 4406 | County of Somerset | 2020 2nd Quarter Taxes - Open Space | \$4,094.95 | 9-040 | Fund Balance |
| | | 2019 CURRENT FUND - PREPAID | | | |
| 4387 | Verizon Wireless | Bill Date: 3/25/19; Inv 9826924421; 3/26-4/25 | \$154.16 | 9-014 | 9-31-440-20 |
| | Millstone Payroll Fund | April Payroll | \$2,552.04 | | |
| | Millstone Payroll Fund | April Payroll | \$1,500.00 | | |
| | | TOTAL CURRENT FUND | \$86,429.08 | | |
| | | 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 | | |



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NEW BUSINESS:

- **RESOLUTION APPROVING TEMPORARY EMERGENCY APPROPRIATIONS PURSUANT TO N.J.S.A. 40A:4-20**

Council President Ross offered a resolution for temporary appropriations. Seconded by Councilman Dandy.

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

WHEREAS, the Local Budget Law, specifically N.J.S.A. 40A:4-20, requires that the governing body of a municipality shall by Resolution make emergency temporary appropriations for any purposes for which appropriations may lawfully be made for the period between the beginning of the Calendar year and the adoption of budget; and

WHEREAS, the date of this Resolution is prior to the adoption of the 2019 Calendar Year Budget; and

NOW, THEREFORE, IT IS RESOLVED, by the Mayor and Borough Council of the Borough of Millstone, County of Somerset, New Jersey that the following Temporary Emergency Appropriation be made and that a certified copy of this Resolution be transmitted to the Chief Financial Officer for her record.

| <u>CURRENT FUND</u> | <u>AMOUNT</u> |
|------------------------|---------------|
| 9-23-220-20, INSURANCE | \$1,700.00 |

- **RESOLUTION AUTHORIZING MILLSTONE BOROUGH PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION FOR DETERMINATION OF REDEVELOPMENT AREA**

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

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

WHEREAS, Van Cleef Family Limited Partnership and Riverside LLC are the owners of Lots 1, 2, 3A and 8 in Block 8 of the Borough of Millstone (“Van Cleef Property”); and

WHEREAS, the Van Cleef Property is unimproved vacant land and has remained so for a period of 10 years prior to the adoption of this Resolution; and

WHEREAS, by reason of its location, remoteness and lack of means of access to developed sections of the Borough of Millstone, it is unlikely that the Van Cleef Property will be developed through the instrumentality of private capital; and

WHEREAS, the Planning Board of the Borough of Millstone should undertake a preliminary investigation to determine whether the Van Cleef Property is a redevelopment area according to the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, any determination by the Planning Board shall be made after public notice and public hearing as provided under N.J.S.A. 40A:12A-6(b).

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Millstone, County of Somerset, State of New Jersey that the Planning Board of the Borough of Millstone is hereby authorized and directed to undertake a preliminary investigation to determine whether the Van Cleef Property is a redevelopment area in accordance with the criteria set forth in N.J.S.A 40A:12A-5; and



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FURTHER RESOLVED that such determination by the Millstone Borough Planning Board shall be made after public notice and public hearing as provided in N.J.S.A. 40A:12A-6; and

FURTHER RESOLVED that the redevelopment area determination shall authorize the Borough of Millstone to use all of those powers provided by the Legislature for use in the redevelopment area, other than the use of eminent domain.

- **INTRODUCTION OF ORDINANCE 2019-002: CALENDAR YEAR 2019 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 20, 2019**

Councilman Dandy offered a motion to close the meeting to the public. Seconded by Council President Ross.

Roll Call: Biviano – yes, Dandy – yes, Smerdon – 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 2019 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 \$14,545.27 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 \$14,545.27, and that the CY 2019 municipal budget for the Borough of Millstone be approved and adopted in accordance with this ordinance; and,

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 TO INTRODUCE THE 2019 BOROUGH BUDGET AND SET THE PUBLIC HEARING FOR MAY 20, 2019.**



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Council President Ross offered a motion to close the meeting to the public. Seconded by Councilman Dandy.

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

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for year 2019.

BE IT FURTHER RESOLVED that Budget be published in the Courier News in the issue of April 22, 2019.

The Governing Body of the Borough of Millstone does hereby approve the following as the Budget for the year 2019.

Notice is hereby given that the Budget and Tax Resolution was approved by the Borough Council of the Borough of Millstone, County of Somerset, on April 15, 2019; and

A Hearing on the Budget and Tax Resolution will be held at Municipal Building on May 20, 2019 at 7:30 PM at which time and place objections to said Budget and Tax Resolution for the year 2019 may be presented by taxpayers or other interested persons.

- Discussion – Comcast Franchise Renewal

Attorney Offen explained that Comcast has sent us a commencement renewal process letter. Renewal is every 15 years, ending in 2021. Attorney Offen asked the Borough Council if they would like to do an ascertainment, a survey borough for issues, Attorney Offen stated we have time to do this if Borough Council wants or we can start informal conversation with Comcast or wait until they apply for renewal. Mayor Heck suggested an information discussion as a start. Mayor Heck stated the infrastructure has not been updated for storm proofing, new technologies, etc.

Mayor Heck suggested that he and Council President Ross start an informal discussion with Comcast. The Borough Council and Attorney Offen agreed.

OLD BUSINESS:

- Sewers – Attorney Offen reported that just an hour before the meeting, Scott van Cleef emailed Attorney Offen and Mayor Heck and asked that the Borough and Van Cleef meet again with the HTMUA. Attorney Offen and Mayor Heck will follow up with Van Cleef.

Attorney Offen stated that Carter Van Dyke has had informal discussions with Van Cleef engineering who would be willing to prepare a preliminary sewer plan for the borough. Attorney Offen asked if the Borough Council would like to follow up with Carter Van Dyke and Van Cleef. The Borough Council stated they approve.

Attorney Offen further stated that Carter Van Dyke has been getting notices from the state advising that they have been looking for update septic management plan. Carter Van Dyke has been holding off due to possible sewerage of the borough. The Borough Council asked that Carter Van Dyke provide estimate for creating the plan.

- FEMA Flood Mitigation Project – Attorney Offen reported that the at the Borough Council’s direction he gave property owners a deadline to get submit bills for reimbursement. Property owner did and has until tomorrow to submit all. Attorney Offen stated the total reimbursement was about \$25,000.

EXECUTIVE SESSION:



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Council President Ross offered a motion to enter executive session at 8:40 PM. Seconded by Councilwoman Smerdon.

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

| <u>SUBJECT MATTER</u> | <u>TIME WHEN AND THE CIRCUMSTANCES UNDER WHICH THE SUBJECT MATTER CAN BE DISCLOSED</u> |
|----------------------------------|--|
| Litigation – Selective Insurance | When the matters are resolved. |

ADJOURNMENT:

A motion to adjourn the regular meeting was offered by Councilman Biviano at 8:53 PM. Seconded by Councilwoman Smerdon.

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

Attested to:

Gregory J. Bonin, Borough Clerk