



Millstone Borough
BOROUGH COUNCIL
REGULAR MEETING AGENDA
May 20, 2019

TIME: 7:30 PM

CALL TO ORDER – OPENING STATEMENT: Council President Ross 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: Council President Ross led those present on the flag salute.

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

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

MINUTES:

Clerk Bonin reported that the April minutes will be presented during the Borough Council's June meeting.

REPORTS:

- Assessor: no report
- Board of Health: no report
- Borough Clerk: Clerk Bonin reminded those present that the Primary Election is June 4th and polls are open from 6 AM to 8 PM.
- Emergency Management/State Police/Millstone Valley Fire Department: no report
- Environmental Commission: no report
- Finance/Tax Collection: CFO Popick reported that the 2nd quarter collection rate was 91.7 percent.
- Historic Commission: no report
- Recreation Commission: ds reported trash day is going to be the Monday not Tuesday as reported in the flier.

COUNCIL REPORTS:

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

MAYOR'S REPORT:

No report

MEETING OPEN TO THE PUBLIC:



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- Motion to Open the Meeting to the Public

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

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

- Motion to Close the Meeting to the Public

There being no public wishing to be heard, Councilman Kidd offered a motion to open the meeting to the public. Seconded by Councilwoman Smerdon.

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

APPROVAL OF CLAIMS FOR PAYMENT:

Councilman Kidd offered a resolution to approve the claims for payment. Seconded by Councilman Biviano.

Roll Call: Biviano – yes, Kidd – 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			
4432	Grainger	Shelves; Inv. 9144355048	\$1,228.85	8-091	8-20-110-20
4411	E Millstone First Aid Squad	2018 Contribution	\$1,800.00	9-046	8-25-260-20
4433	Garden State Hwy Products	Message Sign; Inv. #PSIN005622	\$5,310.91	8-089	8-26-290-20
		2019 CURRENT FUND			
4412	NJ Conference of Mayors	Spring Conf April 24-26 - Mayor Heck	\$420.00	9-043	9-20-101-20
4413	R & L Data Centers	April 2019 Payroll Services; Inv 96934	\$147.00	9-026	9-20-100-20
4414	Gannett NJ	Inv. 0002470813; Budget & Ord Ads	\$127.62	9-024	9-20-110-20
4415	Laura Vesce	Reimb - Stamps, Ink	\$99.47	9-052	9-20-130-20
4416	MGL Print Solutions	Inv. 162264; Tax Collector Stamp	\$58.00	9-	9-20-145-20



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				050	
4417	Stephen M. Offen, Esq.	April Inv 10946512 - Elevation & Relocation	\$100.00	9-010	9-20-155-20
4417	Stephen M. Offen, Esq.	April Inv 10946511 - Non-litigation Services	\$325.00	9-010	9-20-155-20
4417	Stephen M. Offen, Esq.	April Inv. 10946513 - Selective Cas Insurance	\$920.00	9-010	9-20-155-20
4417	Stephen M. Offen, Esq.	April Inv. 10946510 - Affordable Housing	\$75.00	9-010	9-20-155-20
4418	Miller Porter & Muller	March Planning Board Services; Inv. 13374	\$20.50	9-037	9-21-180-20
4419	NJ American Water	April 2019; Acct No 1018-210022797651-Fire Hydrant	\$1,066.72	9-020	9-25-265-20
4420	Somerset Cty Treasurer	Snow Plow/Salting; Mar 1,2,3,4; Inv. 1267	\$2,039.91	9-022	9-26-290-20
4421	NJ American Water	April 2019; Acct No. 1018-210022093410; 1353 Main	\$25.30	9-021	9-26-300-20
4422	A.W. Contracting	April 2019; Inv. 51116, 51133, 51164	\$136.00	9-049	9-26-300-20
4423	Republic Services	April 2019 Sanitation Services; Inv. 0865-001705697	\$2,615.08	9-025	9-26-305-20
4424	Somerset Cty Treasurer	1st Quarter 2019 Recycling	\$989.78	9-048	9-26-305-20
4425	Wendy Heck	Reimbursement - Easter Egg Hunt, Earth Day	\$178.24	9-051	9-28-370-20
4426	PSE&G	May 2019; Acct No. 66-363-804-03; Amwell Rd	\$110.11	9-015	9-31-435-20
4427	PSE&G	May 2019; Acct No. 65-081-353-09; Amwell & Main	\$112.80	9-016	9-31-435-20
4428	PSE&G	May 2019; Acct 13-014-015-01; Master Acct	\$816.35	9-017	9-31-435-20
4429	CenturyLink	May 2019 comm services; Acct #309982488; 5/1-5/31	\$107.95	9-013	9-31-440-20
4431	Franklin Twp Police Dept	April 2019 Police Services; Inv. FTD013694,95, 96	\$2,940.00	9-035	9-42-240-20
4430	Hillsborough Twp Bd of Ed	Quarterly Payment for 2018/19 School year due 5/31	\$243,334.00	9-053	Fund Balance
		2019 CURRENT FUND - PREPAID			
4409	Middlesex Cty Joint Ins Fund	2nd Installment 2019 Assessment	\$3,350.00	9-045	9-23-220-20
4410	Verizon Wireless	Bill Date: 4/25/19; Inv 9826924421; 3/26-4/25	\$154.13	9-014	9-31-440-20
	Millstone Payroll Fund	May Payroll	\$2,552.04		
		TOTAL CURRENT FUND	\$271,160.76		
		PAYROLL FUND			
		Mun. Clerk, S&W	\$1,111.50		
		Tax Collection, S&W	\$953.67		



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		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			
4435	Countyside Landscaping	Inv. 1990, Cut & Remove Pine Tree - River Rd	\$2,700.00	9-054	8-44-911-20

NEW BUSINESS:

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

~~Councilwoman Smerdon offered a resolution to approve temporary emergency appropriations. Seconded by Councilman Biviano.~~

~~Roll Call: Biviano – yes, Dandy – yes, Kidd – 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 Appropriations 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>
9-26-305-20	\$500.00
9-20-120-10	\$500.00
9-20-145-10	\$500.00
9-20-150-10	\$500.00
9-21-180-10	\$500.00

- **INTRODUCTION OF ORDINANCE 2019-003; AN ORDINANCE AUTHORIZING FUNDING FROM THE CAPITAL IMPROVEMENT FUND FOR STORM INLET REPLACEMENT ON COLONIAL DRIVE IN MILLSTONE BOROUGH and set the public hearing date for June 17, 2019**

Councilman Kidd offered a motion to introduce the ordinance and set the public hearing for June 17, 2019. Seconded by Councilman Biviano.

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



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BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Millstone, County of Somerset, State of New Jersey as follows:

1. A need exists for a capital improvement of storm inlet replacements on Colonial Drive.
 2. The improvement described in Section 1 above is hereby authorized to be made in the sum of \$26,799.87.
 3. This improvement is not a current expense, it is a capital improvement within the Borough of Millstone, County of Somerset, State of New Jersey.
 4. This Capital Improvement Ordinance is established to fund said improvement from the Capital Improvement Fund.
 5. Effective Date: This Ordinance shall take effect upon final passage and publication as required by law.
- **PUBLIC HEARING/ADOPTION 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)**
 - Motion to open the meeting to the public

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

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

- Motion to close the meeting to the public

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

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

- Motion to adopt ordinance 2019-002 on second reading

Councilman Kidd offered a motion to adopt the ordinance. Seconded by Councilwoman Smerdon.

Roll Call: Biviano – yes, Kidd – 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,



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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 OF GOVERNING BODY CERTIFYING COMPLIANCE WITH U.S. EEO HIRING PRACTICES PER P.L. 2017, C.183**

Councilman Kidd offered a resolution certifying compliance with US EEO hiring practices. Seconded by Councilman Biviano.

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

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," as amended, 42 U.S.C. § 2000e et seq., (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Millstone, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.



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GOVERNING BODY CERTIFICATION PURSUANT TO P.L. 2017, C.183 OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S

“Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964”

GROUP AFFIDAVIT FORM FOR MUNICIPALITIES AND COUNTIES
NO PHOTO COPIES OF SIGNATURES

STATE OF NEW JERSEY
COUNTY OF SOMERSET

We, members of the governing body of the Borough of Millstone being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Borough Council of the Borough of Millstone in the county of Somerset;
2. Pursuant to P.L. 2017, c.183, we have familiarized ourselves with the contents of the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” as amended, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012);
3. We are familiar with the local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history;
4. We certify that the local unit’s hiring practices comply with the above-referenced enforcement guidance.

(L.S.)	(L.S.)
_____	_____
(L.S.)	(L.S.)
_____	_____
(L.S.)	(L.S.)
_____	_____
(L.S.)	(L.S.)
_____	_____

Sworn to and subscribed before me this _____ day of _____
Notary Public of New Jersey

Gregory J. Bonin
Borough Clerk

The Municipal Clerk (or Clerk of the Board of Chosen Freeholders as the case may be) shall set forth the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be executed before a municipality or county can submit its approved budget to the Division of Local Government Services. The executed certificate and the adopted resolution must be kept on file and available for inspection.



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EXECUTIVE SESSION:

Attorney Offen stated there is one item to discuss in executive session.

Councilman Kidd offered a resolution to enter into executive session at 7:45 PM. Seconded by Councilman Biviano.

Roll Call: Biviano – yes, Kidd – 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>
Selective Insurance Litigation	When the matter is resolved

ADJOURNMENT:

Councilwoman Smerdon offered a motion to adjourn the regular meeting at 7:48 PM. Seconded by Councilman Biviano.

Roll Call: Biviano – yes, Kidd – yes, Smerdon – yes, Ross – yes

Attested to:

Gregory J. Bonin