



**Millstone Borough**  
**BOROUGH COUNCIL**  
**REGULAR MEETING MINUTES**  
**July 15, 2019**

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**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.

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

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

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**MINUTES:**

- April 15, 2019 regular meeting minutes

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

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

- April 15, 2019 executive meeting minutes

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

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

- May 20, 2019 regular meeting minutes

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

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

- May 20, 2019 executive meeting minutes

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

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



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- June 17, 2019 – no minutes as there was no quorum for the meeting.

**REPORTS:**

- Assessor: no report
- Board of Health: no report
- Borough Clerk: Clerk Bonin reported that the primary election was held without incident.
- Emergency Management/State Police/Millstone Valley Fire Department: Mayor Heck reported that OEM did a table top exercise for training. He encouraged Borough Council members to attend and enhance their training.
- Environmental Commission: no report
- Finance/Tax Collection: CFO Popick reported 95.30 tax collection rate
- Historic Commission: no report
- Recreation Commission: Mayor Heck reported the yard sale went well as did the trash pickup.

**COUNCIL REPORTS:**

- Buildings and Grounds: Mayor Heck stated that work will be conducted in the park to remove intrusive weeds and a sand pit will be installed for the children.
- Planning Board: no report.
- Traffic and Roads: Mayor Heck reported that NJDOT did approve the borough to pave South River street for the 3<sup>rd</sup> time in 10 years and this should be done early next year. He also filled a pothole on South River St. with 700 pounds of filler. He added that Van Doren Drive should be paved in mid-August.

**MAYOR'S REPORT:**

No report

**MEETING OPEN TO THE PUBLIC:**

- 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, Dandy – yes, Kidd – yes, Smerdon – yes

Mr. Don Sweeney asked about who he should speak with to get another garbage can. Mayor Heck said call Raritan Valley Disposal. Mr. Sweeney also asked that the police not park in his driveway during the evening hours as it blocks the driveway when they are busy. Mayor Heck stated he would relay that message to the Franklin police department.

- Motion to Close the Meeting to the Public

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

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

**APPROVAL OF CLAIMS FOR PAYMENT:**

Councilman Kidd offered a resolution to approve the claims for June and July. Seconded by Councilwoman Smerdon.



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Roll Call: Biviano – yes, Dandy – yes, Kidd – yes, Smerdon – 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>2019 CURRENT FUND</b>			
4458	R & L Data Centers	June 2019 Payroll Services; Inv 97465	\$147.00	9-026	9-20-100-20
4459	State of NJ-Labor & Workforce	Catastrophic Illness Fund Assessment	\$10.50	9-065	9-20-100-20
4461	NJ Div of Alcoholic Beverage	Maint/Preparation of 2019/20 Liquor License Renewal	\$3.00	9-064	9-20-120-20
4481	Municipal Clerk's Assoc of NJ	2019-20 Membership	\$100.00	9-070	9-20-120-20
4462	Suplee, Clooney & Company	2018 Audit	\$13,800.00	9-069	9-20-135-20
4463	MGL Print Solutions	Inv. 164481; Tax Bills	\$301.00	9-066	9-20-145-21
4464	Stephen M. Offen, Esq.	June Inv 10957154 - Non-litigation Services	\$300.00	9-010	9-20-155-20
4464	Stephen M. Offen, Esq.	June Inv. 10957156 - Selective Cas Insurance	\$100.00	9-010	9-20-155-20
4464	Stephen M. Offen, Esq.	June Inv. 10957153 - Affordable Housing	\$200.00	9-010	9-20-155-20
4465	Miller Porter & Muller	April Planning Board Services; Inv. 13422	\$184.50	9-037	9-21-180-20
4465	Miller Porter & Muller	June Planning Board Services; Inv. 13461	\$1,066.00	9-037	9-21-180-20
4466	Carter Van Dyke Associates	May 2019 Planning Services; Inv. 18201	\$1,072.50	9-056	9-21-180-20
4467	Middlesex Cty Mun Joint Insurance Fund	3rd and Final Installment of the 2019 Assessment	\$6,700.00	9-063	9-23-220-20
4468	NJ American Water	June 2019; Acct No 1018-210022797651-Fire Hydrant	\$1,066.72	9-020	9-25-265-20
4469	NJ American Water	June 2019; Acct No. 1018-210022093410; 1353 Main	\$25.30	9-021	9-26-300-20
4470	A.W. Contracting	May; Inv. 51438, 51443,51589,51755,51775, 51931, 51943	\$440.00	9-049	9-26-300-20
4470	A.W. Contracting	June; Inv. 52089,52094,52242,52245,52491	\$295.00	9-	9-26-300-20



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				049	
4471	SDG Security	3rd Qtr Monitoring; Inv. 19103507	\$147.80	9-061	9-26-300-20
4472	Republic Services	June 2019 Sanitation Services; Inv. 0865-001728664	\$2,615.08	9-025	9-26-305-20
4474	Somerset Cty Treas (Recycling)	2nd Quarter 2019 Recycling	\$989.78	9-062	9-26-305-20
4475	PSE&G	July 2019; Acct No. 66-363-804-03; Amwell Rd	\$106.89	9-015	9-31-435-20
4476	PSE&G	July 2019; Acct No. 65-081-353-09; Amwell & Main	\$110.22	9-016	9-31-435-20
4477	PSE&G	July 2019; Acct 13-014-015-01; Master Acct	\$676.16	9-017	9-31-435-20
4478	CenturyLink	July 2019 comm services; Acct #309982488; 7/1-7/31	\$107.95	9-013	9-31-440-20
4479	Franklin Twp Police Dept	June 2019 Police Services; Inv. FTPD013951,2,3	\$2,660.00	9-035	9-42-240-20
4480	Franklin Township	Jan - June 2019 Court Services	\$6,741.50	9-067	9-43-490-20
4480	Franklin Township	2017 Court Services - Balance	\$6,500.42	9-067	Prior yrs bills
		<b>JULY 2019 PREPAID</b>			
4454	Verizon Wireless	Bill Date 5/25/19; ; Inv 9830879993; 4/26-5/25	\$154.13	9-014	9-31-440-20
4457	Verizon Wireless	Bill Date 6/25/19; ; Inv 9832853607; 5/26-6/25	\$142.05	9-014	9-31-440-20
4455	R & L Data Centers	May 2019 Payroll Services; Inv 97201	\$147.00	9-026	9-20-100-20
4456	Franklin Twp Police Dept	May 2019 Police Services; Inv. FTD013822,3,4; May	\$2,940.00	9-035	9-42-240-20
Wire	State of NJ-Div of Pensions & Benefits	2nd Quarter Pension/Life Insurance Payment	\$726.62	9-071	
		<b>JUNE 2019 PREPAID</b>			9-20-100-20
4436	Treasurer, State of NJ	2019 Stormwater Discharge Permit	\$500.00	9-057	9-20-110-20
4434	Gannett NJ	Ord Ads - 2019-2-Cap Ord, 2019-3 - Cap Imp Ord	\$102.68	9-024	9-20-110-20
4437	JP Monzo Municipal Consult	Analysis Hillsborough Bd of Ed Tax/Budget Allocation	\$2,500.00	9-047	9-20-145-20
4438	Vital Communications	Inv. 74201; MOD IV Tape	\$100.00	9-044	9-20-155-20
4445	Stephen M. Offen, Esq.	May Inv 10950600 - Non-litigation Services	\$400.00	9-010	9-20-155-20
4445	Stephen M. Offen, Esq.	May Inv. 10950602 - Selective Cas Insurance	\$108.00	9-010	9-20-155-20
4445	Stephen M. Offen, Esq.	May Inv. 10950599 - Affordable Housing	\$400.00	9-010	9-20-165-20
4439	Somerset Cty Engineering	March Inv 335, April Inv 343 - Engineering Services	\$183.69	9-030	9-20-165-20



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4446	Tetra Tech	3/1-4/26/19; Inv 51451978; Elevation Project	\$2,074.74	9-059	9-21-180-20
4440	Carter Van Dyke Associates	April 2019 Planning Services; Inv. 18175	\$610.50	1-Sep	9-25-255-20
4441	Commissioners of Fire Dist 1	2nd Qtr 2019 Service	\$9,418.66	9-055	9-25-265-20
4442	NJ American Water	May 2019; Acct No 1018-210022797651-Fire Hydrant	\$1,066.72	9-020	9-26-300-20
4443	NJ American Water	May 2019; Acct No. 1018-210022093410; 1353 Main	\$25.30	9-021	9-26-305-20
4449	Republic Services	May 2019 Sanitation Services; Inv. 0865-001716925	\$2,615.08	9-025	9-26-305-20
4444	Mailbox Business Center	166 Postcards Mailed "Heavy Trash Pick Up"	\$124.10	9-058	9-31-435-20
4450	PSE&G	June 2019; Acct No. 66-363-804-03; Amwell Rd	\$112.95	9-015	9-31-435-20
4451	PSE&G	June 2019; Acct No. 65-081-353-09; Amwell & Main	\$115.72	9-016	9-31-435-20
4452	PSE&G	June 2019; Acct 13-014-015-01; Master Acct	\$692.02	9-017	9-31-440-20
4453	CenturyLink	June 2019 comm services; Acct #309982488; 6/1-6/30	\$107.95	9-013	
4447	Treasurer, State of NJ	Marriage License Report period ending 9/30/17	\$25.00	9-060	
4448	Treasurer, State of NJ	Marriage License Report period ending 9/30/16	\$50.00	9-060	
	Millstone Payroll Fund	June Payroll	\$2,000.00		
	Millstone Payroll Fund	June Payroll	\$6,000.22		
	Millstone Payroll Fund	July Payroll	\$1,000.00		
	Millstone Payroll Fund	July Payroll	\$2,803.55		
		<b>TOTAL CURRENT FUND</b>	<b>\$83,714.00</b>		
		<b>ANIMAL TRUST FUND</b>			Animal Trust
1021	Franklin Township	January - June 2019 Animal Control	\$1,020.00	9-068	
		<b>JUNE PREPAID 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	\$2,999.75		
		Construction/Zoning	\$1,040.50		
		O..A.S.I.	\$549.97	9-008	
		<b>JULY PAYROLL FUND</b>			
		Mun. Clerk, S&W	\$1,111.50		
		Tax Collection, S&W	\$953.67		
		Tax Assessment, S&W	\$606.92		



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		Planning Board, S&W	\$476.83		
		Finance, S & W	\$138.75		
		O.A.S.I.	\$251.51	9-008	
			\$3,539.18		
		<b>TOTAL PAYROLL FUND</b>	<b>\$14,817.50</b>		

**NEW BUSINESS:**

- **RESOLUTION REQUESTING APPROVAL OF INSERTION OF ITEMS OF REVENUE AND APPROPRIATION INTO 2019 BUDGET AS PER N.J.S.A. 40A:4-87**

Councilman Kidd offered a resolution to insert an item of revenue into the 2019 budget. Seconded by Councilwoman Smerdon.

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

**WHEREAS**, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for an equal amount, and

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Millstone in the County of Somerset, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$147,000.00, which is now available as revenue from:

Miscellaneous Revenues – Section F  
 Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations:

NJDOT 2019 Millstone Borough Roads for Resurfacing .....\$147,000.00

**BE IT FURTHER RESOLVED**, that the like sum of \$147,000.00 is hereby appropriated under the caption:

General Appropriations:  
 (A) Operations Excluded from Caps  
 Public and Private Programs Offset by Revenues

NJDOT 2019 Millstone Borough Roads for Resurfacing ..... \$147,000.00

**BE IT FURTHER RESOLVED** that the Municipal Clerk of the Borough of Millstone in the County of Somerset, State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Borough of Millstone in the County of Somerset, State of New Jersey and shall forward one certified copy of this resolution to the Director of Local Government Services.



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- **RESOLUTION TO RENEW THE LIQUOR LICENSE FOR MILLSTONE WINE AND LIQUORS FOR LICENSE YEAR 2019/2020.**

Councilman Kidd offered a resolution to renew the liquor license. Seconded by Councilwoman Smerdon.

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

**WHEREAS**, Millstone Wine and Liquors has satisfied its requirements for renewal approval from the State of NJ and Borough of Millstone;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Millstone, that it hereby authorizes the renewal of the following liquor license effective July 1, 2019

<u>LICENSEE/ADDRESS</u>	<u>TYPE</u>	<u>LICENSE NO.</u>
Millstone Wine & Liquors Inc. 1377 Main Street Millstone, NJ 08844	Plenary Retail Consumption	1812-33-002-006

- **RESOLUTION ACKNOWLEDGING AUTOMATIC RENEWAL OF 2008-2010 COOPERATION AGREEMENTS REGARDING COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP PROGRAM ACTIVITIES**

Councilman Kidd offered a resolution to renew participation in this grant process. Seconded by Councilwoman Smerdon.

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

**WHEREAS**, Title I of the Housing and Community Development Act of 1974 provides for substantial federal funds being made available to certain urban counties for use therein; and

**WHEREAS**, the Community Development Block Grant Program and the HOME Investment Partnership Programs have benefited the County as a whole and has provided a unique opportunity for inter-municipal cooperation and

**WHEREAS**, the program has provides substantial benefits to persons of low and moderate income including the elderly and disabled, and that these benefits would be lost without a renewal of the County cooperation agreement; and

**WHEREAS**, the Borough of Millstone, Somerset County desires to preserve benefits of the Community Development Block Grant Program and the HOME Investment Partnership Programs for the County by renewing its participation in the Somerset County Community Development Consortium; and

**WHEREAS**, the Shared Services and Consolidation Act (NJSA 40A:65-1) provides a mechanism through which counties and municipalities may enter into agreements for the provision of joint services; and

**WHEREAS**, (NJSA 40A:65-1) provides that authorization for participation in such a cooperative program must be by resolution:

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough of Millstone, County of Somerset, New Jersey, that:

1. It does hereby authorize continued participation in the Somerset County Community Development Consortium or Urban County.



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2. It does hereby authorize, ratify and confirm a certain agreement (hereinafter referred to as "Contract") between the Borough of Millstone and Somerset County entitled "Agreement Between the County of Somerset and Certain Municipalities Located Therein For the Establishment of Cooperative Means of Conducting Certain Community Development Activities" and is further authorized to amend language that is contained in the existing agreement to comply with new requirements from the Department of Housing and Urban Development. This agreement shall automatically renew in every successive qualification period unless notice that it wishes to withdraw is provided to HUD and Somerset County.
3. It hereby authorizes full participation by the Borough of Millstone in all aspects of the activities provided for within said Contract pursuant to the terms and conditions as more fully set forth in said Contract.
4. It hereby incorporates said Agreement into this Resolution by reference, as if fully set forth herein.
5. The Mayor and Municipal Clerk are hereby authorized to execute the Contract with the County and Copy of said Contract will remain filed in the Office of the Municipal Clerk for public inspection.

• **RESOLUTION ACCEPTING AND ACKNOWLEDGING THE 2018 MILLSTONE BOROUGH AUDIT.**

Councilman Kidd offered a resolution to accept the 2018 audit. Seconded by Councilman Biviano.

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

**WHEREAS**, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS**, the Annual Report of Audit for the year 2018 has been filed by a Registered Municipal Accountant with the Borough Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52-27BB-34; and

**WHEREAS**, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments  
Recommendations

; and

**WHEREAS**, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments  
Recommendations

as evidenced by the group affidavit form of the governing body; and



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**WHEREAS**, such resolution of certification shall be adopted by the governing body no later than forty five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Boards of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office”.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Millstone, hereby states that it has complied with the promulgations of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

- **PUBLIC HEARING/ADOPTION OF ORDINANCE 2019-003; AN ORDINANCE AUTHORIZING FUNDING FROM THE CAPITAL IMPROVEMENT FUND FOR STORM INLET REPLACEMENT ON COLONIAL DRIVE IN MILLSTONE BOROUGH**

**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.
  - o Motion to open the meeting to the public

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

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

- o Motion to close the meeting to the public

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

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

- o Motion to adopt ordinance 2019-003 on second reading



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Councilman Biviano offered a motion to adopt ordinance 2019-003. Seconded by Councilwoman Smerdon.

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

- **INTRODUCTION OF ORDINANCE 2019-004: AN ORDINANCE TO AMEND ORDINANCE 2009-009, VACANT BUILDINGS and set the public hearing for August 19, 2019**

Councilman Kidd offered a motion to introduce Ordinance 2019-004 and set the public hearing for August 19, 2019.

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

**ORDINANCE 2019-004: AN ORDINANCE AMENDING MILLSTONE BOROUGH ORDINANCE 2009-009 ENTITLED “AN ORDINANCE PROVIDING FOR THE REGULATION OF UNOCCUPIED AND VACANT BUILDINGS WITHIN THE BOROUGH OF MILLSTONE, COUNTY OF SOMERSET, STATE OF NEW JERSEY”**

BE IT ORDAINED BY THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MILLSTONE, COUNTY OF SOMERSET, STATE OF NEW JERSEY, as follows:

Section 1. Sections E and F of Article 1 of an “Ordinance Providing for the Regulation of Unoccupied and Vacant Buildings Within the Borough of Millstone, County of Somerset, State of New Jersey” (the “Ordinance”) is amended to provide that the term “unsafe” shall have the meaning provided buildings having the conditions described in N.J.S.A. 40:48-2.3.

Section 2. Article 4 of the Ordinance is supplemented to add the following: In addition to the foregoing penalties and actions, the Borough of Millstone shall have the right, in its sole discretion, to seek implementation of the remedies provided in the Abandoned Properties Rehabilitation Act (P.L. 2003, c. 210) N.J.S.A. 55:19-78, et seq. and the Multi-Family Housing Preservation and Receivership Act (P.L. 2003, c. 295) N.J.S.A. 2A:42-114, et seq., in the event of 3 or more violations with respect to the same building, structure or property.

Section 3. A new Article 5 is added to the Ordinance as follows:

**Article 5. Maintaining Vacant Properties in Foreclosure.**

- A. The creditor filing the summons and complaint in an action to foreclose shall be responsible for the care, maintenance, security, and upkeep of the exterior of the vacant and abandoned residential property, and if located out-of-State, shall be responsible for appointing an in-State representative or agent to act for the foreclosing creditor.
- B. A public officer, appointed pursuant to P.L.1942, c.112 (C.40:48-2.3 et seq.), or any other local official responsible for administration of any property maintenance or public nuisance code is authorized to issue a notice to the creditor filing the summons and complaint in an action to foreclose, if the public officer or other authorized municipal official determines that the creditor has violated the ordinance by failing to provide for the care, maintenance, security, and upkeep of the exterior of the property. Such notice shall require the person or entity to correct the violation within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety. The issuance of a notice pursuant to this paragraph shall constitute proof that a property is "vacant and abandoned" for the purposes of P.L.2012, c.70 (C.2A:50-73).



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- C. An out-of-State creditor shall include the full name and contact information of the in-State representative or agent in the notice required to be provided pursuant to paragraph (1) of subsection a. of section 17 of P.L.2008, c.127 (C.46:10B-51).
- D. An out-of-State creditor subject to this Article found by the municipal court for the Borough of Millstone or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent pursuant to this Article shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed on a creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period set forth in paragraph (1) of subsection a. of section 17 of P.L.2008, c.127 (C.46:10B-51) for providing notice to the municipal clerk that a summons and complaint in an action to foreclose on a mortgage has been served.
- E. A creditor subject to this Article found by the municipal court for the Borough of Millstone or by any other court of competent jurisdiction, to be in violation of the requirement to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to this Article shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this paragraph shall commence 31 days following receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice.
- F. No less than 20 percent of any money collected pursuant to this Article shall be utilized by the Borough of Millstone for municipal code enforcement purposes.

Section 4. Articles 5 and 6 of the Ordinance are renumbered as Articles 6 and 7 respectively.

Section 5. All ordinances or parts of an ordinance which are inconsistent with any provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 6. This ordinance shall take effect immediately after final passage and publication in accordance with law.

### **DISCUSSION**

- Countywide Septic Management Plan: Attorney Offen referred to a memo from the county planning board looking for an update on how the borough is doing with the installation of sewers. They recognize the need for HTMUA and SRVSA approval but want us to work with residents to give information on septic closures. Mayor Heck stated this would be done through our health department at the appropriate time and in accordance with NJDEP regulations.

### **OLD BUSINESS:**

- Cable TV Station: Mayor Heck stated our local cable TV station is online but we need to figure out how to move just Millstone resident off the Hillsborough channel to our own. Millstone residents will still get the Hillsborough BOE channel.
- Borough security cameras: The Mayor stated we finally got approval this past week to install security cameras in the borough. This project will start this summer.



**Millstone Borough**  
**BOROUGH COUNCIL**  
**REGULAR MEETING MINUTES**  
**July 15, 2019**

- Sewers: Attorney Offen commented that he, Mayor Heck and Planning Board Chairman Zak Huber met with Vn Cleff and the HTMUA to review a redline of the agreement. We are waiting for HTMUA to respond.
- FEMA Flood Mitigation Project: Mayor Heck stated this project is all but over and asked that all possible reimbursements be submitted immediately and submitted to our consultant. This item will be removed from future agendas until such time as the project begins again.

**EXECUTIVE SESSION:**

Councilman Biviano offered a resolution to enter into executive session at 8:02 PM. Seconded by Councilwoman Smerdon.

Roll Call: Biviano – yes, Dandy – yes, Kidd – yes, Smerdon – 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 matter is concluded
Attorney Client - Affordable Housing	When the matter is concluded
Potential litigation	When the matter is concluded

**ADJOURNMENT:**

Councilman Kidd offered a motion to adjourn the regular meeting at 8:21 PM. Seconded by Councilwoman Smerdon.

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

Attested to:

Gregory J. Bonin, Borough Clerk