



**Millstone Borough**  
**BOROUGH COUNCIL**  
**REGULAR MEETING MINUTES**  
**August 19, 2019**

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**TIME:** 7:30 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.

**ROLL CALL:**

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

Also Present:

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**MINUTES:**

- July 15, 2019 regular meeting minutes
- July 15, 2019 executive meeting minutes

These minutes were tabled to the September meeting of the borough council.

**REPORTS:**

- Assessor: no report
- Board of Health: no report
- Borough Clerk: no report
- Emergency Management/State Police/Millstone Valley Fire Department: Mayor Heck reported that the summer has been quiet and all is well. He stated there is continuing CERT training including first aid and CPR in October.
- Environmental Commission: no report
- Finance/Tax Collection: CFO Popick reported that 2<sup>nd</sup> quarter tax collection is are 97%
- Historic Commission: no report
- Recreation Commission: no report

**COUNCIL REPORTS:**

- Buildings and Grounds: no report
- Planning Board: no report
- Traffic and Roads: Mayor Heck stated that our road repaving schedule is almost ready. Waiting on contractor top respond.



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**MAYOR'S REPORT:**

**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 Councilwoman Smerdon. Seconded by Councilman Kidd.

Roll Call: Kidd – yes, Smerdon – yes, Stashek – yes, Ross – yes.

Lawrence Tarantino, asked about the parking lot at the intersection. He thought it would be good to use that parking lot for revenue. He was thinking we can install charging stations or use of an electronic sign that we can charge people to advertise upon. Also something that can identify that you are in Millstone borough. Many towns have such a sign.

Attorney Offen pointed out that we would have to ensure we can do this within the lease we have with the county. Mayor Heck stated he has worked on something similar in the past but signs now are more fashionable. He also stated the parking lot has to remain the same footprint as it is now per the agreement.

Mayo Heck explained how he is working with PSEG and sustainable new jersey to add extra lighting and to enhance the walking trail with the lights. Also he discussed his concept for paving the lot.

Mr. Tarantino asked again about installing a charging station that we could charge. Mayor Heck stated the first thing we have to ask is to see if the lease will allow and then consider if there is a demand for such a station.

Mr. Tarantino asked if we have a welcome packet for new homeowners. Mayor Heck said up to 5 years ago did but not now. The volunteers who did it retired. But we now have our cable TV station and the website to share information. Mayor Heck stated he and his wife also walk the town and make it a point to go greet new residents.

- Motion to Close the Meeting to the Public

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

Roll Call: Kidd – yes, Smerdon – yes, Stashek – yes, Ross – yes.

**APPROVAL OF CLAIMS FOR PAYMENT:**

Mayor Heck discussed withholding the Board of Education funds based upon resolving the current issue.

Attorney Offen stated the Borough Council should pay the bill as there is no statutory provision to withhold funds. The Borough Council agreed and will consider holding if not resolved in a reasonable timeframe.

A motion approve the claims for payment was offered by Councilwoman Smerdon. Seconded by Councilman Kidd.

Roll Call: Kidd – 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



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**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>			
4486	R & L Data Centers	July 2019 Payroll Services; Inv 97732	\$147.00	9-026	9-20-100-20
4488	Gannett NJ	Ord Publications 2019-003, 004; Inv 2659688	\$100.96	9-024	9-20-110-20
4501	Somerset Cty Assessor Assoc.	2019 Membership Dues; SCAA & AMANJ	\$120.00	9-073	9-20-150-20
4489	Stephen M. Offen, Esq.	July Inv 10963786 - Non-litigation Services	\$525.00	9-010	9-20-155-20
4489	Stephen M. Offen, Esq.	July Inv. 10963788 - Selective Cas Insurance	\$50.00	9-010	9-20-155-20
4490	Somerset County Engineering	May 2019; Inv 350; Eng Services	\$67.15	9-030	9-20-165-20
4491	Carter Van Dyke Associates	June/July 2019 Planning Services; Inv. 18249	\$3,002.00	9-056	9-21-180-20
4492	NJ American Water	July 2019; Acct No 1018-210022797651-Fire Hydrant	\$1,066.72	9-020	9-25-265-20
4493	NJ American Water	July 2019; Acct No. 1018-210022093410; 1353 Main	\$27.46	9-021	9-26-300-20
4494	A.W. Contracting	July; Inv. 52791, 52797, 52862, 53007	\$414.00	9-049	9-26-300-20
4500	Republic Services	July 2019 Sanitation Services; Inv. 0865-001749458	\$2,615.08	9-025	9-26-305-20
4495	PSE&G	Aug 2019; Acct No. 66-363-804-03; Amwell Rd	\$106.42	9-015	9-31-435-20
4496	PSE&G	Aug 2019; Acct No. 65-081-353-09; Amwell & Main	\$109.73	9-016	9-31-435-20
4497	PSE&G	Aug 2019; Acct 13-014-015-01; Master Acct	\$674.16	9-017	9-31-435-20
4498	CenturyLink	Aug 2019 comm services; Acct #309982488; 8/1-8/31	\$110.09	9-013	9-31-440-20
4499	Franklin Twp Police Dept	July 2019 Police Services; Inv. FTPD014093,4,5	\$2,660.00	9-035	9-42-240-20
		<b>AUGUST 2019 PREPAID</b>			
4485	Verizon Wireless	Bill Date 7/25/19; ; Inv 9834837347; 6/26-7/25	\$136.34	9-014	9-31-440-20
4482	County of Somerset	2019 3rd Quarter Taxes - County	\$46,560.61	9-072	Fund Balance
4483	County of Somerset	2019 3rd Quarter Taxes - Library	\$6,737.71	9-072	Fund Balance



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4484	County of Somerset	2020 3rd Quarter Taxes - Open Space	\$4,291.73	9-072	Fund Balance
	Millstone Payroll Fund	August Payroll	\$2,552.04		
		<b>TOTAL CURRENT FUND</b>	<b>\$72,074.20</b>		
		<b>AUGUST 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	\$138.75		
		O.A.S.I.	\$251.51	9-008	
			\$3,539.18		
		<b>TOTAL PAYROLL FUND</b>	<b>\$7,078.36</b>		

**NEW BUSINESS:**

- **RESOLUTION FOR APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE SOUTH RIVER ROAD AND ALLEY WAY ROAD RESURFACING PROJECT.**

A resolution to authorize the grant submission was offered by Councilwoman Smerdon. Seconded by Councilman Kidd.

Roll Call: Kidd – yes, Smerdon – yes, Stashek – yes, Ross – yes.

**NOW THEREFORE BE IT RESOLVED** that the Borough Council of the Borough of Millstone formally approves the grant application for the stated project.

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk are hereby authorized to submit an electronic grant application identified as MA-2020-2020 MILLSTONE BOROUGH ROADS FOR RES-00614 to the New Jersey Department of Transportation on behalf of the Borough of Millstone.

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Millstone and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement

- **RESOLUTION RECEIVING AND APPROVING THE CORRECTIVE ACTION PLAN FOR THE AUDIT OF THE BOROUGH OF MILLSTONE IN THE COUNTY OF SOMERSET, NEW JERSEY FOR THE CALENDAR BASED FISCAL YEAR ENDING ON DECEMBER 31, 2018.**

A resolution approving the corrective action plan was offered by Councilwoman Smerdon. Seconded by Councilman Kidd.

Roll Call: Kidd – yes, Smerdon – yes, Stashek – yes, Ross – yes.

**WHEREAS**, New Jersey Local Governmental units are required to be audited and to formulate a Corrective Action Plan in response to the annual audit within sixty (60) days of the receipt of the audit by the Municipal Governing Body; and



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**WHEREAS**, the Mayor and Council of the Borough of Millstone in the County of Somerset, New Jersey received the report of Audit for the fiscal year ended December 31, 2018; and

**WHEREAS**, the Mayor and Council of the Borough of Millstone has received and considered the Corrective Action Plan for the 2018 audit; and

**NOW, THEREFORE, IT IS RESOLVED** by the Council of the Borough of Millstone in the County of Somerset, New Jersey that it has received and approved of the Corrective Action Plan for the report of Audit for the fiscal year ending on December 31, 2018.

**OLD BUSINESS:**

• **PUBLIC HEARING/ADOPTION OF ORDINANCE 2019-004: AN ORDINANCE TO AMEND ORDINANCE 2009-009, VACANT BUILDINGS**

- Motion to open the meeting to the public

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

Roll Call: Kidd – yes, Smerdon – yes, Stashek – yes, Ross – yes.

- Motion to close the meeting to the public

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

Roll Call: Kidd – yes, Smerdon – yes, Stashek – yes, Ross – yes.

- Motion to adopt ordinance 2019-004 on second reading

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

Roll Call: Kidd – yes, Smerdon – yes, Stashek – yes, Ross – 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 NJS 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



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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).
- 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**

- Sewers: Attorney Offen reported that the HTMUA still has not responded to our draft agreement.



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- Medical Cannabis Inquiry: Attorney Offen stated he received request thru the webpage asking what borough has done on a position to cannabis. The Borough Council informed Mr. Offen he should respond stating we have not taken any action.

**EXECUTIVE SESSION:**

**ADJOURNMENT:**

A motion to adjourn the meeting at 8:05 PM was offered by Councilwoman Smerdon. Seconded by Councilman Kidd.

Roll Call: Kidd – yes, Smerdon – yes, Stashek – yes, Ross – yes.

Attested to:

Gregory J. Bonin, Borough Clerk