



Millstone Borough

REGULAR MEETING AGENDA

July 19, 2021

In Compliance with the recent NJ State Executive Orders, the Borough Council meeting will be held virtually. The meeting will be conducted via the Zoom Meeting program and all are invited to participate. Meeting details are as follows:

Topic: Millstone Borough Council meeting 7.19.21
Time: Jul 19, 2021 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/85614817821?pwd=UEFCSIZLZIJtRldNNHdVYS9NMUImdz09>

Meeting ID: 856 1481 7821

Passcode: 820001

One tap mobile

+13017158592,,85614817821#,,,,*820001# US (Washington DC)

+13126266799,,85614817821#,,,,*820001# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

Meeting ID: 856 1481 7821

Passcode: 820001

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TIME: 7:30 PM

CALL TO ORDER – OPENING 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:

ROLL CALL:

- Councilman Vincent Biviano
- Councilman Robert Galli
- Councilwoman Karen Kidd
- Councilwoman Kristen Ross
- Councilman Jonathan Stashek
- Council President Alan Kidd
- Mayor Raymond Heck

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MINUTES:



Millstone Borough

REGULAR MEETING AGENDA

July 19, 2021

-
- June 21, 2021 regular meeting minutes

REPORTS:

- Assessor –
- Clerk –
- Emergency Management (OEM/State Police/Fire) –
- Finance/Tax Collection –
- Historic Commission –
- Recreation Commission –

COUNCIL REPORTS:

- Buildings and Grounds -
- Planning Board –
- Traffic and Roads -

MAYOR'S REPORT:

MEETING OPEN TO THE PUBLIC:

- Motion to Open the Meeting to the Public
- Motion to Close the Meeting to the Public

CLAIMS FOR PAYMENT

- **RESOLUTION AUTHORIZING THE PAYMENT OF CLAIMS AGAINST THE BOROUGH OF MILLSTONE**

WHEREAS, request for payment has been made in connection with the attached claims against the Borough of Millstone as shown on the attached detail; and

WHEREAS, the Chief Financial Officer has certified the availability of funds to pay for the following claims; and

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.

NEW BUSINESS:

- **AUTHORIZING AN EXTENSION OF THE DUE DATE FOR THE THIRD QUARTER PROPERTY TAXES IF NECESSARY**

WHEREAS, third quarter tax bills must be mailed 25 days prior to the due date of 8/10/2021; and



Millstone Borough
REGULAR MEETING AGENDA
July 19, 2021

WHEREAS, due to the backlog at the State level certifying budgets, County tax Boards cannot certify rates at this time and the bills may be calculated and mailed later than the required date; and

WHEREAS, N.J.S.A. 54:4-66.3d states that: The third installment of current year taxes shall not be subject to interest until the later of August 1, the additional interest-free period authorized pursuant to R.S. 54:4-67, or the twenty-fifth calendar day after the date that the tax bill or estimated tax bill for the third installment was mailed or otherwise delivered. Any payment received after the later of August 1, the additional interest-free period authorized pursuant to R.S. 54:4-67, or the twenty-fifth calendar day after the date that the tax bill or estimated tax bill for the third installment was mailed or otherwise delivered may be charged interest back to August 1.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Millstone, County of Somerset, State of New Jersey, that Millstone Borough provides that no interest shall be charged if payment of any installment is made within the additional interest-free period authorized pursuant to R.S. 54:4-67, or the twenty-fifth calendar day after the date that the tax bill or estimated tax bill for the third installment was mailed or otherwise delivered. In the event the taxes are not paid within the additional interest free period or the 25th calendar day after mailing, interest will be charged back to 8/1/2021.

OLD BUSINESS:

- **PUBLIC HEARING/ADOPTION OF ORDINANCE NO. 2021-003: AN ORDINANCE BY BOROUGH OF MILLSTONE IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING AND/OR DELETING PRIOR ORDINANCES**

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;



Millstone Borough

REGULAR MEETING AGENDA

July 19, 2021

- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Borough Council of the Borough of Millstone has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on Borough of Millstone in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of Borough of Millstone’s residents and members of the public who visit, travel, or conduct business in Borough of Millstone, to amend Borough of Millstone’s zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of Borough of Millstone; and

WHEREAS, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be



Millstone Borough

REGULAR MEETING AGENDA

July 19, 2021

permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act's 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts;

NOW THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Millstone in the County of Somerset, State of New Jersey, as follows:

1. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in Borough of Millstone, except for the delivery of cannabis items and related supplies by a delivery service.

2. The Development Ordinance of the Borough of Millstone is hereby amended by adding a list of prohibited use with the following: "All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service."

3. Any article, section, paragraph, subsection, clause, or other provision of the Borough of Millstone Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

4. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

5. This ordinance shall take effect upon its passage and publication and filing with the Somerset County Planning Board, and as otherwise provided for by law.

- Sewers

EXECUTIVE SESSION (if necessary):

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 the balance of this meeting shall be closed to the public; and

BE IT FURTHER RESOLVED, that the meeting shall be adjourned at the end of the closed session; and



Millstone Borough
REGULAR MEETING AGENDA
July 19, 2021

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:

SUBJECT MATTER

TIME WHEN AND THE CIRCUMSTANCES
UNDER WHICH THE SUBJECT MATTER
CAN BE DISCLOSED

ADJOURNMENT of Regular Meeting:



Millstone Borough

REGULAR MEETING AGENDA

July 19, 2021

July 19, 2021 Claims list

July 16, 2021
09:38 AM

Millstone Borough
Purchase Order Listing By P.O. Number

Page No: 1

P.O. Type: All
 Range: First to Last
 Format: Detail without Line Item Notes
 Include Non-Budgeted: Y

Open: N Paid: Y Void: N
 Rcvd: N Held: N Aprv: N
 Bid: Y State: Y Other: Y Exempt: Y

Paid Date Range: 06/22/21 to 07/19/21

PO #	PO Date	Vendor	Amount	Charge Account	Contract Acct Type Description	PO Type	Stat/chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice
21-00001	01/10/21	OASI OASI	261.07	1-01-36-472-213	B SOCIAL SECURITY	B	P	116 01/10/21	07/11/21	07/19/21	JULY
21-00002	01/10/21	OFFENSTE STEPHEN OFFEN	300.00	1-01-20-159-200	B LEGAL-OTHER EXPENSES	B	P	5080 01/10/21	07/10/21	07/19/21	11131988
		10 LEGAL SERVICES-JUNE	475.00	1-01-20-155-200	B LEGAL-OTHER EXPENSES	B	P	5080 01/10/21	07/10/21	07/19/21	11131989
		11 LEGAL SERVICES-JUNE	775.00								
21-00003	01/10/21	VERIZONW VERIZON WIRELESS	220.76	1-01-31-440-210	B TELEPHONE	B	P	5036 05/31/21	07/06/21	07/06/21	9882731902
		7 WIRELESS COMMUNICATION									
21-00010	01/12/21	PSEG PSE&G	105.95	1-01-31-435-205	B STREET LIGHTING	B	P	5081 01/12/21	07/06/21	07/19/21	BD:7/6/21
		8 ELEC;66 363 804 03; AMWELL									
21-00011	01/12/21	PSEG PSE&G	109.29	1-01-31-435-205	B STREET LIGHTING	B	P	5082 01/12/21	07/06/21	07/19/21	BD: 7/6/21
		8 ELEC;65 081 353 09;AMWELL&MAIN									
21-00012	01/12/21	PSEG PSE&G	706.10	1-01-31-435-205	B STREET LIGHTING	B	P	5090 05/31/21	07/13/21	07/19/21	BD:JULY 12,2021
		8 ELEC; 13-014-015-01; VARIOUS									
21-00017	02/02/21	RLDATA R & L DATA CENTERS	156.00	1-01-20-100-200	B A&E-OTHER EXPENSES	B	P	5084 04/13/21	07/06/21	07/19/21	103788
		10 PAYROLL ACT 8R-8R - JUNE									
21-00019	02/02/21	NJAMMATE NJ AMERICAN WATER	1,011.68	1-01-25-265-202	B FIRE HYDRANT SERVICE	B	P	5078 02/02/21	06/29/21	07/19/21	BD:JUNE 17,2021
		7 ACCT 210022797651;HYDRANTS									
21-00020	02/02/21	NJAMMATE NJ AMERICAN WATER	23.28	1-01-26-300-200	B BUILDINGS&GROUNDS-OTHER EXPENSES	B	P	5079 02/02/21	06/29/21	07/19/21	BD:JUNE 18,2021
		7 ACCT 210022093410; MAIN ST									
21-00021	02/02/21	COMCAST COMCAST	168.38	1-01-31-440-210	B TELEPHONE	B	P	5035 05/29/21	06/28/21	06/28/21	BD: 5/11/21
		6 INTERNET/VOICE SERVICE	178.38	1-01-31-440-210	B TELEPHONE	B	P	5035 05/29/21	06/28/21	06/28/21	BD: 6/11/21
		7 INTERNET/VOICE SERVICE	346.76								



Millstone Borough

REGULAR MEETING AGENDA

July 19, 2021

July 16, 2021
09:38 AM

Millstone Borough
Purchase Order Listing By P.O. Number

Page No: 2

PO #	PO Date	Vendor	Amount	Charge Account	Contract Acct Type	PO Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice
21-00024	02/08/21	REPUBLIC PUBLIC SERVICES				B					
		7 SANITATION SERVICES; JUNE	2,774.42	1-01-26-305-200		B SANITATION-OTHER EXPENSE	P	5083 05/31/21	07/10/21	07/19/21	0865-002080553
21-00033	03/04/21	CARTERVA CARTER VAN DYKE ASSOCIATES				B					
		5 PLANNING SERVICES-APRIL	85.00	1-01-21-180-200		B PLANNING BD-OTHER EXPENSES	P	5072 03/04/21	07/10/21	07/19/21	18761
		6 PLANNING SERVICES-APRIL	510.00	1-01-21-180-200		B PLANNING BD-OTHER EXPENSES	P	5072 03/04/21	07/10/21	07/19/21	18762
		7 PLANNING SERVICES-MAY	<u>918.00</u>	1-01-21-180-200		B PLANNING BD-OTHER EXPENSES	P	5072 03/04/21	07/10/21	07/19/21	18792
			1,513.00								
21-00034	03/04/21	FRANKPOL FRANKLIN TOWNSHIP POLICE DEPT				B					
		8 POLICE SERVICES-MAY	2,240.00	1-01-42-390-212		B INTERLOCAL POLICE SERVICE	P	5075 03/04/21	06/29/21	07/19/21	2038
		9 POLICE SERVICES-JUNE	<u>2,660.00</u>	1-01-42-390-212		B INTERLOCAL POLICE SERVICE	P	5094 03/04/21	07/16/21	07/19/21	2040
			4,900.00								
21-00035	03/04/21	GANNETTJ GANNETT NJ NEWSPAPERS				B					
		5 LEGAL ADS-5/3/21-ORD 2021-002	51.34	1-01-20-110-200		B MAYOR & COUNCIL-OTHER EXPENSES	P	5076 03/04/21	07/04/21	07/19/21	0003922793
		6 LEGAL ADS-5/3/21-BUDGET	100.79	1-01-20-110-200		B MAYOR & COUNCIL-OTHER EXPENSES	P	5076 03/04/21	07/04/21	07/19/21	0003922793
		7 LEGAL ADS-6/12/21 ORD 2021-002	<u>46.18</u>	1-01-20-110-200		B MAYOR & COUNCIL-OTHER EXPENSES	P	5089 05/01/21	07/13/21	07/19/21	0003973558
			198.31								
21-00045	04/05/21	COMPASS COMPASSMSP				B					
		8 MICROSOFT EMAIL PLAN-JULY	100.00	1-01-20-140-200		B INFORMATION TECHNOLOGY - OTHER EXPENSES	P	5074 05/12/21	07/04/21	07/19/21	148942
21-00051	04/29/21	SOMERENG SOMERSET COUNTY ENGINEERING				B					
		3 ENGINEERING SERVICES APRIL-MAY	1,378.14	1-01-20-165-200		B ENGINEERING-OTHER EXPENSES	P	5086 04/29/21	06/29/21	07/19/21	482
21-00061	04/01/21	AWCONTRA A.W. CONTRACTING				B					
		3 LANDSCAPE SERVICES-MAY	459.50	1-01-26-300-200		B BUILDINGS&GROUNDS-OTHER EXPENSES	P	5071 05/29/21	07/06/21	07/19/21	MAY SERVICES
		6 LANDSCAPE SERVICES-JUNE	<u>459.50</u>	1-01-26-300-200		B BUILDINGS&GROUNDS-OTHER EXPENSES	P	5071 05/29/21	07/06/21	07/19/21	JUNE SERVICES
			919.00								
21-00073	06/01/21	COMMFIRE COMMISSIONERS OF FIRE DIST 1				B					
		2 2021 FIRE DISTRICT CONTRACT	9,915.15	1-01-25-255-203		B FIRE DISTRICT CONTRACT	P	5073 06/01/21	06/29/21	07/19/21	1ST QTR
		3 2021 FIRE DISTRICT CONTRACT	<u>9,915.15</u>	1-01-25-255-203		B FIRE DISTRICT CONTRACT	P	5073 06/01/21	06/29/21	07/19/21	2ND QTR
			19,830.30								
21-00074	06/01/21	SDGSECUR SDG SECURITY				B					
		2 3rd Qtr Monitoring 2021	147.80	1-01-26-300-200		B BUILDINGS&GROUNDS-OTHER EXPENSES	P	5085 06/01/21	06/29/21	07/19/21	21103078



Millstone Borough

REGULAR MEETING AGENDA

July 19, 2021

July 16, 2021
09:38 AM

Millstone Borough
Purchase Order Listing By P.O. Number

Page No: 3

PO #	PO Date	Vendor	Amount	Charge Account	Contract Acct	PO Type Description	Stat/Chk	First Enc	Rcvd Date	Chk/Void Date	Invoice
21-00075	04/01/21	MAILBOX BUSINESS CENTER									
1		DOG/CAT RENEWAL MAILING	168.95	1-01-27-340-206	B	DOG REGULATION	P	5077 04/01/21	07/11/21	07/19/21	
21-00077	06/08/21	VESCELAU LAURA VESCE				B					
6		REIMBURSEMENT POSTAGE 7/6/21	55.00	1-01-20-130-200	B	FINANCE-OTHER EXPENSES	P	5087 06/08/21	07/06/21	07/19/21	
7		REIMBURSEMENT INK 2/23/21	42.53	1-01-20-130-200	B	FINANCE-OTHER EXPENSES	P	5087 06/08/21	07/06/21	07/19/21	
8		REIMBURSEMENT INK 6/16/21	43.71	1-01-20-130-200	B	FINANCE-OTHER EXPENSES	P	5087 06/09/21	07/06/21	07/19/21	
			141.24								
21-00078	07/01/21	MILLPAYR MILLSTONE BORO PAYROLL									
1		CLERK S/W - JULY	1,111.50	1-01-20-121-100	B	MUN CLERK-SALARY & WAGES	P	117 07/01/21	07/11/21	07/19/21	
2		TAX ASSESSOR S/W - JULY	606.92	1-01-20-150-100	B	TAX ASSESSOR-SALARY & WAGES	P	117 07/01/21	07/11/21	07/19/21	
3		TAX COLLECTOR S/W - JULY	953.67	1-01-20-145-100	B	TAX COLLECTOR-SALARY & WAGES	P	117 07/01/21	07/11/21	07/19/21	
4		PLANNING BD S/W - JULY	476.83	1-01-21-180-100	B	PLANNING BD-SALARY & WAGES	P	117 07/01/21	07/11/21	07/19/21	
5		FINANCE S/W - JULY	138.75	1-01-20-130-100	B	FINANCE-SALARY & WAGES	P	117 07/01/21	07/11/21	07/19/21	
6		CONSTRUCTION/INSP S/W - JULY	125.00	1-01-22-195-100	B	INSP OF BLDG-SALARY & WAGES	P	117 07/01/21	07/11/21	07/19/21	
			3,412.67								
21-00080	07/13/21	SOMERCY SOMERSET COUNTY									
1		3RD QTR TAXES 2021 - COUNTY	43,937.05	1-01-55-907-001	B	COUNTY TAXES PAYABLE	P	5091 07/13/21	07/13/21	07/19/21	
21-00081	07/13/21	SOMERCY SOMERSET COUNTY									
1		3RD QTR TAXES 2021 - LIBRARY	6,417.22	1-01-55-907-001	B	COUNTY TAXES PAYABLE	P	5092 07/13/21	07/13/21	07/19/21	
21-00082	07/13/21	SOMERCY SOMERSET COUNTY									
1		3RD QTR TAXES 2021-OPEN SPACE	4,156.27	1-01-55-907-001	B	COUNTY TAXES PAYABLE	P	5093 07/13/21	07/13/21	07/19/21	
21-00084	07/13/21	DENISEPI DENISE PISZKOWSKI									
1		REIMBURSEMENT FOR OUT OF	498.91	1-01-31-440-210	B	TELEPHONE	P	5088 07/13/21	07/13/21	07/19/21	
Total Purchase Orders: 26			Total P.O. Line Items: 42	Total List Amount: 94,209.17	Total Void Amount: 0.00						

July 16, 2021
09:38 AM

Millstone Borough
Purchase Order Listing By P.O. Number

Page No: 4

Totals by Year-Fund	Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
		1-01	94,209.17	0.00	0.00	94,209.17
Total of All Funds:			94,209.17	0.00	0.00	94,209.17