

BOROUGH OF MILLSTONE
BOROUGH COUNCIL REGULAR MEETING MINUTES
May 19, 2008

TIME: 7:33 PM

CALL TO ORDER – OPENING STATEMENT: Mayor Heck called the meeting to order by reading 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 in the pledge to the flag.

ROLL CALL:

- Councilman Joe Dempster - present
- Councilwoman Carol Halm - present
- Councilman Robert McCarthy - present
- Councilman Scott Ross - absent
- Councilwoman Denene Smerdon - present
- Council President William Poch - present
- Mayor Raymond Heck - present

Mayor Heck changed the order of the meeting to accommodate guests before the Millstone Borough Council.

MEETING OPEN TO THE PUBLIC:

- Motion to Open the Meeting to the Public

Council President Poch offered a motion to open the meeting to the public at 7:38 pm. Seconded by Councilwoman Smerdon.

Roll Call: Dempster – yes, Halm – yes, McCarthy – yes, Smerdon – yes, Poch – yes.

- Discussion – Waste Water Management Plan

Carter Van Dyke and his associate, Lynn Reynolds, approached the Millstone Borough Council to speak about the Borough’s wastewater management plan which must be submitted to the county by the end of May 2008.

Lynn Reynolds provided an overview of the project and the Borough’s responsibilities including sanitary sewer service area maps, committee memberships and possible ordinances the Borough may need to adopt.

The Borough Council reviewed and commented upon the concerns of Carter Van Dyke and Lynn Reynolds

Mayor Heck asked if any other member of the public wished to make comment on any matter at this time.

There were none.

- Motion to Close the Meeting to the Public

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Councilwoman Halm offered a motion to close the public hearing at 8:15pm. Seconded by Councilwoman Smerdon.

Roll Call: Dempster – yes, Halm – yes, McCarthy – yes, Smerdon – yes, Poch – yes.

REPORTS:

- Assessor – the assessor submitted a written report for April 2008.
- Clerk – Clerk Bonin reminded those present of the Primary Election on June 2, 2008.
- Emergency Management – no report
- Finance – no report
- Historic Commission – no report
- Millstone Valley Fire Department – no report
- Recreation Commission – no report
- State Police – no report
- Tax Collection – no report

COUNCIL REPORTS:

- Buildings and Grounds – Mayor Heck reported on the County’s efforts to repair the culvert. Councilman Dempster reported that NJAW has run a water line to Borough Hall and we now need to find a vendor to connect the line to Borough Hall.
- Planning Board – Councilwoman Halm reported that the Planning Board approved two applications. She also reported on the activity of the zoning officer.
- Traffic and Roads – Council President Poch reported the Borough will entertain a resolution tonight regarding South River Street. Mayor Heck would like the County to consider repairing various potholes and road issues in the Borough.

Council President Poch discussed the issue if traffic diversion during the culvert construction and the possibility of having Franklin or Hillsborough Township provide police service. Mayor Heck stated he has had discussions with Franklin Township.

A discussion ensued regarding the use of police services from another town and how it might best be suited for the Borough.

The Millstone Borough Council instructed the Chief Finance Officer to amend the 2008 budget to include an appropriation of \$17,500 for the cost of traffic enforcement for the remainder of 2008.

Councilwoman Smerdon offered a motion to accept the reports. Seconded by Councilman Dempster.

Roll Call: Dempster – yes, Halm – yes, McCarthy – yes, Smerdon – yes, Poch – yes.

MAYOR’S REPORT

Mayor Heck reported on his conversation with the Health Officer regarding a dangerous home in the Borough.

A brief discussion ensued regarding the “Dickinson” home in town which is in extreme disrepair and unlivable.

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PRESENTATION OF BILLS FOR PAYMENT:

A motion to approve the bills for payment was offered by Council President Poch. Seconded by Councilwoman Halm.

Roll Call: Dempster – yes, Halm – yes, McCarthy – yes, Smerdon – yes, Poch – yes.

NEW BUSINESS:

- Introduction of Ordinance 2008-003: Ordinance to exceed the Municipal Budget Cost of Living Allowance and to establish a cap bank when the COLA is equal to or less than 2.5 percent

A motion to introduce Ordinance 2008-003 and set the public hearing for June 16, 2008 was offered by Council President Poch. Seconded by Councilman Dempster

Roll Call: Dempster – yes, Halm – yes, McCarthy – yes, Smerdon – yes, Poch – yes.

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq, provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% or the Cost of Living Adjustment (COLA), whichever is , over the previous year’s final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.14 provides that a municipality may, in any year in which the COLA is equal or less than 2.5% increase its final appropriations by a percentage greater than the COLA, but not to exceed the 3.5% rate as specified in the law, when authorized by ordinance; and

WHEREAS, the COLA for 2008 has been certified by the Director of the Division of Local Government Services in the Department of Community Affairs as 2.5%; and

WHEREAS, N.J.S.A. 40A4-45.15a provides that a municipality may, in any year in which the COLA is equal to or less than 2.5%, may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% 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 2008 budget by more than 2.5% 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 1.0% increase in the budget for said year, amounting to \$2,921.48 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 fully authorized membership of this governing body affirmatively concurring, that, in the 2008 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 increase by 3.5%, amounting to

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\$10,225.18, and that the 2008 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 the Director within 5 days after such adoption.

- Resolution authorizing the introduction of the 2008 Borough budget beyond the statutory introduction date

Council President Poch offered a resolution to authorize introduction of a resolution regarding the 2008 budget introduction date. Seconded by Councilman Dempster.

Roll Call: Dempster – yes, Halm – yes, McCarthy – yes, Smerdon – yes, Poch – yes.

BE IT RESOLVED, that due to the economic uncertainties of the day, the time for accumulation and preparing the necessary information for the 2008 Budget exceeded the time fixed by statute;

BE IT FURTHER RESOLVED, that the Borough Clerk is authorized and directed to forward two (2) certified copies of this resolution to the Office of the Director of Local Government Services and furnish said Director with any further information required to act upon this matter.

- Motion to introduce the 2008 Millstone Borough Budget and set the public hearing for June 16, 2008.

Council President Poch offered a resolution, found on page three of the budget document, to introduce the 2008 Millstone budget and set the public hearing for June 16, 2008. Seconded by Councilwoman Smerdon.

Roll Call: Dempster – yes, Halm – yes, McCarthy – yes, Smerdon – yes, Poch – yes.

- Motion to set budget public hearing

Councilwoman Smerdon offered motion to set June 16 as the public hearing for the budget.

Roll Call: Dempster – yes, Halm – yes, McCarthy – yes, Ross – yes, Smerdon – yes, Poch – yes.

- Resolution to approve a place to place transfer of liquor license 1812-33-002-003 (Millstone Wine and Liquors).

Councilwoman Smerdon offered a resolution to approve a place to place transfer of the liquor license. Seconded by Councilman Dempster.

Roll Call: Dempster – yes, Halm – yes, McCarthy – yes, Smerdon – yes, Poch – yes.

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WHEREAS, an application has been filed for a place-to-place transfer (Expansion of Premises) of Plenary Retail Consumption License 1812-33-002-0038, Millstone Wine & Liquors Inc., for purposes of expanding the premises under license wherein the sale, service and storage of alcoholic beverages are authorized; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

NOW, THEREFORE BE IT RESOLVED that the Borough Council of the Borough of Millstone does hereby approve, effective May 20, 2008, the expansion of the aforesaid Plenary Retail Consumption licensed premises located at 1377 Main Street, Millstone, NJ 08844 to place under license the area delineated on the application form.

- Resolution requesting improvements to South River Street to be included in the Somerset County construction contract.

Council President Poch offered a resolution regarding improvements to South River Street. Seconded by Councilman Dempster.

Roll Call: Dempster – yes, Halm – yes, McCarthy – yes, Smerdon – yes, Poch – yes.

WHEREAS, there is a need to make improvements to South River Street; and

WHEREAS, sufficient funding exists to construct said improvements; and

WHEREAS, the Borough of Millstone is desirous to have said improvements constructed under a Somerset County contract that generally provides for the milling and resurfacing of various roads under the jurisdiction of Somerset County; and

WHEREAS, the Borough of Millstone has previously executed the Commodity Resale Agreement with the County of Somerset to provide for such services.

NOW, THEREFORE BE IT RESOLVED that the Borough of Millstone requests that the improvements to South River Street be included in an upcoming Somerset County construction contract.

- Resolution to approve a contract with Hillsborough Township to provide Health Services.

Councilwoman Halm offered a resolution to approve a contract with Hillsborough Township. Seconded by Councilman Dempster.

Roll Call: Dempster – yes, Halm – yes, McCarthy – yes, Smerdon – yes, Poch – yes.

WHEREAS, the Borough of Millstone is desirous of entering into an Interlocal agreement with Hillsborough Township for the purpose of health services; and

WHEREAS, such Interlocal services are authorized under the statutes of the State of New Jersey; and

WHEREAS, the contract will be for a two year term of January 1, 2008 through December 31, 2009 in accordance with the attached contract.

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NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Millstone that the Mayor and Clerk are hereby authorized to sign the agreement with Hillsborough Township.

- Discussion – Mendel Property – County Open Space consideration

Council President Poch reported that the County is interested in purchasing the property as open space. A meeting will be organized by the County in the near future to review the matter.

OLD BUSINESS:

- Second reading – Ordinance 2008-001: AN ORDINANCE ESTABLISHING A PROGRAM FOR COLLECTION AND DISPOSAL OF YARD WASTE AND TO CONTROL LITTER WITHIN THE BOROUGH OF MILLSTONE, COUNTY OF SOMERSET, STATE OF NEW JERSEY

Council President Poch offered a motion to open the public hearing on ordinance 2008-001. Seconded by Councilwoman Smerdon.

Roll Call: Dempster – yes, Halm – yes, McCarthy – yes, Smerdon – yes, Poch – yes.

There was no public wishing to be heard.

Council President Poch offered a motion to close the public hearing on the ordinance. Seconded by Councilwoman Halm.

Roll Call: Dempster – yes, Halm – yes, McCarthy – yes, Smerdon – yes, Poch – yes.

Councilwoman Halm offered a motion to adopt ordinance 2008-001. Seconded by Councilman Dempster.

Roll Call: Dempster – yes, Halm – yes, McCarthy – yes, Smerdon – yes, Poch – yes.

Attorney Offen announced that he, Council President Poch and the Mayor will be meeting with the Rzem family on Thursday with their new attorney.

ADJOURNMENT:

A motion to adjourn the meeting at 9:22 PM was offered by Councilman Dempster. Seconded by Councilwoman Smerdon.

Roll Call: Dempster – yes, Halm – yes, McCarthy – yes, Smerdon – yes, Poch – yes.

Attested to:

Gregory J. Bonin, Borough Clerk