

BOROUGH OF MILLSTONE
BOROUGH COUNCIL REGULAR MEETING MINUTES
February 19, 2007

TIME: Mayor Heck called the meeting to order at 6:30 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: Council President Poch led those present on the pledge of allegiance.

ROLL CALL:

- Councilman Joe Dempster - present
- Councilwoman Carol Halm - present
- Councilman Norman Hewitt - present
- Councilwoman Donna Lucash - present
- Councilman Robert McCarthy - absent
- Councilman William Poch - present
- Mayor Raymond Heck - present

BUDGET WORK SESSION:

A motion to open the budget work session was offered by Council President Poch. Seconded by Councilwoman Lucash.

Roll Call: Dempster – yes, Halm – yes, Hewitt – yes, Lucash – yes, Poch – yes.

CFO Della Pia handed out a budget worksheet and summarized the proposed 2007 Millstone Budget.

Council President Poch raised the issue of the need to restore and renovate the interior of borough hall. Mayor Heck suggested a sub-committee be established to plan the renovations and establish a budget for the project.

Mayor Heck suggested that the Borough needs a Marshall who can enforce borough ordinances and issues summonses for violations. He suggested that Zoning Officer Dan Devoti would be natural fit for this position as it would seem to be an extension of his zoning duties.

Attorney Offen explained that the Borough could have a Marshall to direct traffic, issues summonses and enforce all Borough ordinances.

Mayor Heck stated he has approached Franklin Township about sharing their grant administrator. He stated a report will be forthcoming after he has discussed this further with Franklin Township.

CFO Della Pia reviewed the budget worksheet with the Millstone Borough Council. The Millstone Borough Council agreed with the draft budget and requested it be prepared for introduction.

A motion to close the budget work session was offered by Council President Poch. Seconded by Councilwoman Lucash.

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Roll Call: Dempster – yes, Halm – yes, Hewitt – yes, Lucash – yes, Poch – yes.

MINUTES:

- February 20, 2006 Regular meeting

A motion to approve these minutes was offered by Council President Poch. Seconded by Councilwoman Halm.

Roll Call: Dempster – yes, Halm – yes, Hewitt – yes, Lucash – yes, Poch – yes.

- February 20, 2006 Executive meeting

A motion to approve these minutes was offered by Council President Poch. Seconded by Councilman Hewitt.

Roll Call: Dempster – yes, Halm – yes, Hewitt – yes, Lucash – yes, Poch – yes.

- March 20, 2006 Regular

A motion to approve these minutes was offered by Council President Poch. Seconded by Councilwoman Halm.

Roll Call: Dempster – yes, Halm – yes, Hewitt – abstain, Lucash – yes, Poch – yes.

- March 20, 2006 Executive

A motion to approve these minutes was offered by Council President Poch. Seconded by Councilwoman Halm.

Roll Call: Dempster – yes, Halm – yes, Hewitt – abstain, Lucash – yes, Poch – yes.

- April 17, 2006 Regular meeting

A motion to approve these minutes was offered by Council President Poch. Seconded by Councilwoman Halm.

Roll Call: Dempster – yes, Halm – yes, Hewitt – yes, Lucash – yes, Poch – yes.

- April 17, 2006 Executive meeting

A motion to approve these minutes was offered by Council President Poch. Seconded by Councilwoman Halm.

Roll Call: Dempster – yes, Halm – yes, Hewitt – yes, Lucash – yes, Poch – yes.

- June 1, 2006 Regular meeting

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A motion to approve these minutes was offered by Councilman Hewitt. Seconded by Councilwoman Halm.

Roll Call: Dempster – yes, Halm – yes, Hewitt – yes, Lucash – yes, Poch – abstain.

- June 1, 2006 Executive meeting

A motion to approve these minutes was offered by Councilman Hewitt. Seconded by Councilwoman Halm.

Roll Call: Dempster – yes, Halm – yes, Hewitt – yes, Lucash – yes, Poch – abstain.

- June 19, 2006 Regular meeting

A motion to approve these minutes was offered by Councilman Hewitt. Seconded by Councilman Dempster.

Roll Call: Dempster – yes, Halm – yes, Hewitt – yes, Lucash – abstain, Poch – abstain.

- July 17, 2006 Regular meeting

A motion to approve these minutes was offered by Councilman Dempster. Seconded by Councilwoman Halm.

Roll Call: Dempster – yes, Halm – yes, Hewitt – abstain, Lucash – yes, Poch – abstain.

- October 16, 2006 Regular meeting

A motion to approve these minutes was offered by Council President Poch. Seconded by Councilwoman Halm.

Roll Call: Dempster – yes, Halm – yes, Hewitt – abstain, Lucash – yes, Poch – yes.

- October 16, 2006 Executive meeting

A motion to approve these minutes was offered by Council President Poch. Seconded by Councilwoman Halm.

Roll Call: Dempster – yes, Halm – yes, Hewitt – abstain, Lucash – yes, Poch – yes.

- January 3, 2007 Reorganization/Regular Meeting

A motion to approve these minutes was offered by Council President Poch. Seconded by Councilwoman Halm.

Roll Call: Dempster – yes, Halm – yes, Hewitt – yes, Lucash – yes, Poch – yes.

- January 3, 2007 Executive Meeting

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A motion to approve these minutes was offered by Council President Poch. Seconded by Councilwoman Halm.

Roll Call: Dempster – yes, Halm – yes, Hewitt – yes, Lucash – yes, Poch – yes.

REPORTS:

- Assessor
- Clerk
- Emergency Management – Mayor Heck reported that the Borough needs to adopt a NIMS ordinance to ensure proper training of officials. This will be placed on an upcoming agenda.
- Finance
- Historic Commission – Portia Orton reported that the W2R committee met on February 10th. She also reported that the ordinance allowing for alternates to the historic commission is void and needs to be re-adopted.
- Millstone Valley Fire Department
- Recreation Commission
- State Police – Mayor Heck stated he has spoken to the State Police and requested regular operating reports.
- Tax Collection

COUNCIL REPORTS:

- Buildings and Grounds – Portia Orton reported that repairs to the Borough Hall roof is under way and gutters will be done and snow shields installed over the ramp.
- Planning Board – Councilwoman Halm reported that St. Joseph's church wishes to build a new rectory and will bring their application before the Planning Board. She also reported that Keith Dorschner is the new Chairman of the Planning Board. Finally, she reported that the ARC of Somerset County is looking to construct a group home in the Borough.

After a brief discussion on the subject the Millstone Borough Council asked that Attorney Offen prepare an open space ordinance for introduction.

Councilwoman Halm reported that the Gardener to Gardener facility has been leased to new tenants who are working with the Borough to resolve issues that would prevent them from opening this spring.

The Millstone Borough Council briefly discussed the outstanding legal issues with the Gardener to Gardener original proprietors.

The Millstone Borough Council stated that until all issues have been resolved with this facility it should not be able to re-open.

- Traffic and Roads – Council President Poch stated that the Reformed Church would like to establish a handicapped zone on Old Amwell Road. He reported he will talk to the County and then the Millstone Borough Council can consider an ordinance.

Council President Poch also reported on the excessive speeds on Rt 533. A brief discussion ensued as to possible solutions to this problem.

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MAYOR'S REPORT

Mayor Heck handed out his report. He stated that he attended the Mayor's Legislation Day at the Statehouse in Trenton.

MEETING OPEN TO THE PUBLIC:

- Motion to Open the Meeting to the Public

Councilwoman Halm offered a motion to open the meeting to the public at 8:25 PM. Seconded by Councilwoman Lucash.

Roll Call: Dempster – yes, Halm – yes, Hewitt – yes, Lucash – yes, Poch – yes.

Patricia Morris urged the Millstone Borough Council to maintain the ambiance of River Road and that any discussion about the Gardener to Gardener site must consider that it is located in a flood zone.

Patricia Morris questioned if she was appointed to the Cross Acceptance Committee. Mayor Heck confirmed her appointment to the County committee.

- Motion to Close the Meeting to the Public

Councilwoman Lucash offered a motion to close the meeting to the public at 8:45 PM. Seconded by Councilwoman Halm.

Roll Call: Dempster – yes, Halm – yes, Hewitt – yes, Lucash – yes, Poch – yes.

NEW BUSINESS:

- Resolution to Approve budget Transfers

Council President Poch offered a motion to approve the budget transfer resolution. Seconded by Councilwoman Lucash.

Roll Call: Dempster – yes, Halm – yes, Hewitt – yes, Lucash – yes, Poch – yes.

WHEREAS, under the provisions of the Local Budget Law, certain transfers are allowable in the 2006 Budget Appropriation Reserves, it it shall become necessary to expend an amount in excess of the respective sums appropriated therefore and there shall be an excess in one or more appropriation reserves; and

WHEREAS, certain charges to be incurred or salaries and wages that must be paid as designated by the credits herein shown an affected in the appropriation reflected are to be paid after the end of the 2006 budget year.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Millstone that the Chief Financial Officer be authorized to make the following transfers so that the mentioned bills and salaries my be paid in the 2006 budget year;

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Account	From	To
Administrative & Executive OE		25.00
Mayor & Council OE	867.96	
Legal Services OE		17.50
Engineering OE	662.00	
Planning Board SW	500.00	
Planning Board OE		7404.58
Municipal Prosecutor OE	400.00	
Road OE	1500.00	
Snow Removal	1840.18	
Building & Grounds OE	922.12	
Street Lighting		217.86
Municipal Court OE	972.68	
TOTAL	7664.94	7664.94

- Resolution to appoint a Registrar of Vital Statistics and Deputy Registrar

Council President Poch offered a motion to appoint the Registrar of Vital Statistics. Seconded by Councilwoman Lucash.

Roll Call: Dempster – yes, Halm – yes, Hewitt – yes, Lucash – yes, Poch – yes.

WHEREAS, it is a requirement of the State of New Jersey that the Borough of Millstone appoint a Registrar of Vital Statistics; and

WHEREAS, the Registrar is required to have an official certification from the State of New Jersey; and

WHEREAS, Michele Hovan is a certified Registrar of Vital statistics and has been acting as Deputy Registrar of Vital Statistics for the Borough of Millstone.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Millstone Borough Council of the Borough of Millstone that Michele Hovan be and hereby is appointed Registrar of Vital Statistics for the Borough of Millstone.

BE IT FURTHER RESOLVED that Gregory Bonin be appointed as Deputy Registrar of Vital Statistics.

- Resolution authorizing retroactive pay increase for Zoning Officer Dan Devoti.

Council President Poch offered a resolution to increase the salary of Dan DeVoti and provide retroactive pay. Seconded by Councilwoman Halm.

Roll Call: Dempster – yes, Halm – yes, Hewitt – yes, Lucash – yes, Poch – yes.

WHEREAS, Dan DeVoti has been appointed Millstone Borough Zoning Officer; and

WHEREAS, since his appointment Mr. DeVoti has served the Borough in a manner of the highest integrity and professionalism.

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NOW, THEREFORE, BE IT RESOLVED, by the Millstone Borough Council that the salary of Zoning Officer Dan DeVoti be increased to \$4,000 annually retroactive to January 1, 2006

- Resolution to appoint alternate prosecutor Hector Rodriguez.

Council President Poch offered a motion to appoint Hector Rodriguez as the Alternate Prosecutor. Seconded by Councilwoman Lucash.

Roll Call: Dempster – yes, Halm – yes, Hewitt – yes, Lucash – yes, Poch – yes.

WHEREAS, it is necessary for the Borough of Millstone to appoint an alternate prosecutor for municipal court matters; and

WHEREAS, Millstone Borough has a shared municipal court with Franklin Township; and

WHEREAS, Franklin Township has named Hector Rodriguez as their alternate prosecutor.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Millstone Borough Council that Hector Rodriguez be and hereby is appointed alternate prosecutor for a one year term beginning on January 1, 2007 and ending on December 31, 2007.

- 2007 Contract for Health Services with Hillsborough Township

Councilman Hewitt offered a motion to approve the contract with Hillsborough. Seconded by Councilwoman Lucash.

Roll Call: Dempster – yes, Halm – yes, Hewitt – yes, Lucash – yes, Poch – yes.

WHEREAS, it is necessary for the Borough of Millstone to provide Health Services to the community; and

WHEREAS, the Borough of Millstone and Township of Hillsborough have a long history of shared services of this nature; and

WHEREAS, the Borough of Millstone and Hillsborough Township have agreed to enter into an Interlocal agreement for Health Services

WHEREAS, the Chief Financial Officer has certified that such funds are available for this contract.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Millstone that it hereby approves an Interlocal services agreement with Hillsborough Township for Health Services pursuant to the Interlocal Services Act for a one year contract beginning on January 1, 2007.

- Introduction of Ordinance 2007-001:

Councilman Dempster offered a motion to introduce Ordinance 2007-001 and set the public hearing for March 19, 2007. Seconded by Councilman Hewitt.

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Roll Call: Dempster – yes, Halm – yes, Hewitt – yes, Lucash – yes, Poch – yes.

**AN ORDINANCE GRANDFATHERING UNDERSIZED LOTS AND AMENDING THE
DEVELOPMENT ORDINANCE OF THE BOROUGH OF MILLSTONE, SOMERSET
COUNTY, NEW JERSEY**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Millstone, Somerset County:

1. Section D-106 of the Development Ordinance of the Borough of Millstone, General Provisions, is amended by changing the title of subsection J from “Nonconforming Uses and Structures” to “Nonconforming Uses, Structures and Lots” and adding a NEW subsection J(10) as follows:

(10) Exceptions to Minimum Lot Size

- (a) Any lot of contiguous lots in common ownership existing at the effective date of adoption or amending of this chapter whose area or dimensions met the requirements of the district in which the lot was located prior to adoption of this chapter or amendment and which do not meet such requirements of this chapter may have a building permit issued for a use permitted for that zoning district provided that all other applicable standards are met.
2. This Ordinance shall take effect upon its filing with the Somerset County Planning Board and its passage and publication, as provided for by law.

- Discussion - Water connection to Borough Hall

Mayor Heck reported that he is working with the New Jersey American Water company to have ‘city’ water brought to the borough hall and to close the well.

- Discussion - Historic Commission appointments

Attorney Offen stated that what Portia Orton referenced earlier in the meeting was a development ordinance that must have the approval of the Planning Board. Councilwoman Halm stated she will raise this issue at the next Planning Board meeting. Attorney Offen stated he will contact the Planning Board attorney.

- Stormwater Regulations

In light of our recent mis-steps regarding complying with the stormwater regulations, Councilman Dempster suggested we obtain an agreement with Hillsborough for the annual stormwater educational mailing.

A discussion ensued on how best to achieve compliance and it was decided that the Borough can send a mailing out this year and seek solutions for future years.

OLD BUSINESS:

- Open Borough Appointments

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- Board of Health (2)
 - Mayor Heck appointed Gene Grimshaw to the Board of Health
 - Recreation Commission (2)
 - Mayor Heck appointed Wendy Heck and Joy Champ to the Recreation Committee
 - Somerset County Community Development Committee (1)
 - No appointment made
 - Somerset County Solid Waste Committee (1)
 - No appointment made
- Appointment of COAH Municipal Housing Liaison

Attorney Offen reported that COAH requires each town to appoint a Housing Administrator and an employee Housing Liaison. He stated that COAH is requiring the Borough to do so by the end of the month.

After a brief discussion Council President Poch offered a resolution to appoint a Housing Liaison (employee). Seconded by Councilwoman Lucash.

Roll Call: Dempster – yes, Halm – yes, Hewitt – yes, Lucash – yes, Poch – yes.

WHEREAS, the Borough of Millstone is required to appoint an employee as their Affordable Housing Liaison; and

WHEREAS, it is the desire of the Borough of Millstone to comply with the rules and regulations of the Council on Affordable Housing.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Millstone that Borough Clerk Gregory J. Bonin is hereby appoint COAH Housing Liaison for the Borough of Millstone.

- Appointment of COAH Housing Administrator

Attorney Offen stated that the Borough must also appoint a COAH Housing Administrator. This would be the person/organization that would manage our affordable housing units.

After a brief discussion it was decided to pursue an agreement with Branchburg Township for these services.

Councilwoman Halm offered a resolution authorizing such an agreement. Seconded by Council President Poch.

Roll Call: Dempster – yes, Halm – yes, Hewitt – yes, Lucash – yes, Poch – yes.

WHEREAS, the Borough of Millstone is required to appoint a COAH Housing Administrator; and

WHEREAS, it is the desire of the Borough of Millstone to comply with the rules and regulations of the Council on Affordable Housing.

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Millstone that it authorizes an agreement to be negotiated with the Township of Branchburg for COAH Housing Administrator services.

PRESENTATION OF BILLS FOR PAYMENT:

A motion to approve the vouchers was offered by Council President Poch. Seconded by Councilman Hewitt.

Roll Call: Dempster – yes, Halm – yes, Hewitt – yes, Lucash – yes, Poch – yes.

EXECUTIVE SESSION (if necessary):

A motion to enter executive session at 9:18 PM for litigation was offered by Council President Poch. Seconded by Councilman Dempster.

Roll Call: Dempster – yes, Halm – yes, Hewitt – yes, Lucash – yes, Poch – 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 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

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	When matter is resolved.

ADJOURNMENT:

A motion to adjourn the regular meeting at 9:48 PM was offered by Council President Poch. Seconded by Councilman Dempster.

Roll Call: Dempster – yes, Halm – yes, Hewitt – yes, Lucash – yes, Poch – yes.