BOROUGH OF MILLSTONE
BOROUGH COUNCIL REGULAR MEETING MINUTES
June 15, 2009

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 in the flag salute.

ROLL CALL:	Councilman Ciurleo	present
	Councilwoman Carol Halm	present
	Councilman Robert McCarthy	absent
	Councilman William Poch	present
	Councilwoman Denene Smerdon	present
	Council President Scott Ross	present
	Mayor Raymond Heck	present

MINUTES:

- May 18, 2009 Regular Meeting Minutes

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

Roll Call: Ciurleo – abstain, Halm – yes, McCarthy – yes, Poch - abstain, Smerdon – yes, Ross – yes

REPORTS:

- Assessor – Clerk Gregory Bonin read report submitted by assessor.
- Clerk – Clerk Gregory Bonin reported the Embarq phone service has been cancelled.
- Emergency Management – Mayor Heck stated they are keeping an eye on possible flooding due to the rain. Also there were a number of events which involved the EOC.
- Finance – no report
- Historic Commission – no report.
- Millstone Valley Fire Department – no report.
- Recreation Commission –Wendy Heck stated the Borough wide yard sale was a success and also adult painting night was a success.
- State Police – no report.
- Tax Collection – Collector Griffiths provided the report.

Councilwoman Halm offered a motion to accept the reports. Seconded by Councilman Ciurleo

Roll Call: Ciurleo – yes, Halm – yes, Poch - yes, Smerdon – yes, Ross – yes

COUNCIL REPORTS:

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- Buildings and Grounds – Councilman Poch stated he will try to get another community service worker.
- Planning Board – Councilwoman Halm reviewed the items that occurred at the last planning board meeting.
- Traffic and Roads – Councilman Poch commented that some drains on Yorktown rd need repair. Engineer DeMuro stated he has applied for a grant to repair the road and do other repairs.

MAYOR'S REPORT

Mayor Heck commented that the Borough Engineer has applied for grants to create bike paths through the Borough. He also commented on the success of the recent festivals.

Mayor Heck stated there is a large amount of poison ivy growing in the borough. He will ask the County to intercede. He also stated there are abandoned two homes in the borough being overrun with poison ivy. Mayor Heck will contact the health department .

Mayor Heck stated that Ray McAdams has passed away. Mr. McAdams was a great volunteer for the community.

PRESENTATION OF BILLS FOR PAYMENT:

Council President Ross offered a motion to approve the claims for payment. Seconded by Councilwoman Smerdon..

Roll Call: Ciurleo – yes, Halm – yes, Poch - yes, Smerdon – yes, Ross – yes

MEETING OPEN TO THE PUBLIC:

- Motion to Open the Meeting to the Public

Councilman Poch offered a motion to open the meeting to the public. Seconded by Councilwoman Halm.

Roll Call: Ciurleo – yes, Halm – yes, Poch - yes, Smerdon – yes, Ross – yes

John Prudente, owner of Millstone River Creamery, asked that the Borough allow the empty lot to be used as a farmers market. Mayor Heck stated the Millstone Borough Council will be entertaining a resolution tonight to endorse such an action. He also stated the property is owned by the County so we will need their permission. Mayor Heck stated the borough supports this action so he will work with the County to make this happen as soon as possible.

A discussion ensued as to how the farmers market would operate and what has to be done to make this happen on a regular basis.

- Motion to Close the Meeting to the Public

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

Roll Call: Ciurleo – yes, Halm – yes, Poch - yes, Smerdon – yes, Ross – yes

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NEW BUSINESS:

- Resolution supporting a farmers market on County property in the Borough

Councilwoman Halm offered the following resolution. Seconded by Councilwoman Halm.

Roll Call: Ciurleo – yes, Halm – yes, Poch - yes, Smerdon – yes, Ross – yes

WHEREAS, the Borough of Millstone recognizes the need to support the community and its regional farming industry; and

WHEREAS, the Mayor and Borough Council acknowledges the "Jersey Fresh and Jersey Grown" programs created by the New Jersey Department of Agriculture.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Millstone, County of Somerset, State of New Jersey does hereby fully support the implementation of a farmer's market within the jurisdiction of the Borough.

- Resolution of the Borough of Millstone determining that a certain area within the Borough of Millstone is an area in need of rehabilitation, pursuant to N.J.S.A. 40A:12A-14

Councilwoman Halm offered the following resolution. Seconded by Council President Ross.

Roll Call: Ciurleo – yes, Halm – yes, Poch - yes, Smerdon – yes, Ross – yes

Whereas, the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.) (hereafter the "LRHL") provides that a delineated area may be determined to be in need of rehabilitation if the governing body of the municipality determines by resolution that certain conditions exist within that area: and

Whereas, the LRHL provides further that, prior to making such a determination, the governing body shall submit it to the municipal planning board for its review; and

Whereas, the Borough Council of the Borough of Millstone previously directed the Planning Board to conduct a review of the area described in the attached Exhibit A and to report its findings and recommendations as to whether that area meets the statutory criteria; and

Whereas, the Planning Board considered the matter at its meeting held on May 26, 2009, at which time it considered all of the information presented to it regarding this matter; and

Whereas, based on that review the Planning Board has found that the area meets the required criteria and has recommended that the Borough Council determine that the area is an area in need of rehabilitation; and

Whereas, the LRHL also provides that no redevelopment project shall be undertaken or carried out except in accordance with a redevelopment plan adopted by ordinance of the municipal governing body, upon its finding that the specifically delineated project area is located in an area in need of redevelopment or in an area in need of rehabilitation; and

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Whereas, the LRHL also provides that the governing body of a municipality may direct the planning board to prepare a redevelopment plan or an amendment or revision to a redevelopment plan for a designated redevelopment area;

Now therefore, be it resolved by the Borough Council of the Borough of Millstone, New Jersey, that:

1. Based on the information provided from the Planning Board review of the area, the Borough Council finds that more than half of the housing stock in the delineated area is at least 50 years old; and

2. The Council also finds that a program of rehabilitation, as defined in section 3 of P.L.1992, c.79 (C.40A:12A-3), may be expected to prevent further deterioration and promote the overall development of the community; and

3. Such conditions are sufficient for the governing body to make a determination that the area described in the attached Exhibit A is an area in need of rehabilitation; and

4. The Borough Council hereby determines that the area described in the attached Exhibit A is an area in need of rehabilitation, as such term is defined in the LRHL.

5. The Planning Board is hereby authorized and directed to prepare a recommended redevelopment plan for the area that has been determined by this resolution to be an area in need of rehabilitation and to present such recommended redevelopment plan to the Borough Council for its consideration within 45 calendar days after the date of adoption of this resolution.

- Millstone Borough Governing Body Resolution Re-Petitioning with an Amended Housing Element and Fair Share Plan

Council President Ross offered the following resolution. Seconded by Councilman Ciurleo

Roll Call: Ciurleo – yes, Halm – yes, Poch - yes, Smerdon – yes, Ross – yes

WHEREAS, the Planning Board of Millstone Borough, Somerset County, State of New Jersey, adopted an amended Housing Element and Fair Share Plan on May 26, 2009; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the amended Housing Element and Fair Share Plan is attached pursuant to N.J.A.C. 5:96-2.2(a)2.

NOW THEREFORE BE IT RESOLVED that the Governing Body of Millstone Borough, Somerset County, State of New Jersey, hereby endorses the amended Housing Element and Fair Share Plan as adopted by the Millstone Borough Planning Board; and

BE IT FURTHER RESOLVED that the Governing Body of Millstone Borough, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:96-3.4, submits this re-petition for substantive certification of the amended Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification; and

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BE IT FURTHER RESOLVED that a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan, including the names and addresses of any objectors, has been included with the re-petition; and

BE IT FURTHER RESOLVED that notice of this re-petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:96-3.5 within seven days of issuance of the notification letter from the Executive Director of the Council on Affordable Housing indicating that the submission is complete and that a copy of this resolution, the adopted amended Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Millstone Borough municipal building located at 1353 Main Street, Millstone, NJ, during regular business hours (the first and third Tuesdays of each month, 3:00 p.m. to 4:30 p.m.) or by appointment with the Zoning Officer, Daniel Devoti, at 908-874-0896 for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:96-3.5.

- Resolution Authorizing the Cancellation of Tax Overpayments or Delinquent Amounts Less than $10.00

Councilman Ciurleo offered the following resolution. Seconded by Council President Ross.

Roll Call: Ciurleo – yes, Halm – yes, Poch - yes, Smerdon – yes, Ross – yes

WHEREAS, N.J.S.A. 40A:5-17 allows for the cancellation of property tax overpayments or delinquent amounts in the amounts of less than $10.00; and

WHEREAS, the governing body may authorize the Tax Collector to process, without further action on their part, any cancellation of property tax overpayments or delinquencies of less than $10.00;

NOW, THEREFORE BE IT RESOLVED, that the governing body of the Borough of Millstone, County of Somerset, State of New Jersey, hereby authorizes the Tax Collector to cancel said tax amounts as deemed necessary.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Tax Collector, Chief Financial Officer, and the Municipal Auditor.

- Resolution establishing the rate to be charged for non-payment of taxes and assessments

Councilwoman Halm offered the following resolution. Seconded by Councilman Ciurleo

Roll Call: Ciurleo – yes, Halm – yes, Poch - yes, Smerdon – yes, Ross – yes

WHEREAS, N.J.S.A. 54:4-67 permits the governing body of each municipality to fix the rate of interest to be charged for non-payment of taxes and assessments; and

WHEREAS, N.J.S.A. 54:4-67 has been amended to permit the fixing of said rate at 8% per annum on the first $1,500.00 of the delinquency and 18% per annum over $1,500.00, and allows an additional penalty of a flat 6% to be collected against a delinquency in excess of $10,000.00 on properties that fail to pay the delinquency prior to the end of the fiscal year; and

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WHEREAS, N.J.S.A. 40:5-19 allows a municipality the authority to impose a service charge to be added on an account where payment by check or other written instrument was returned for insufficient funds;

NOW, THEREFORE BE IT RESOLVED that the taxes shall be collected quarterly with due dates being February 1, May 1, August 1, and November 1, and that a 10 day grace period shall apply after which unpaid taxes will be charged interest from the due date;

BE IT FURTHER RESOLVED that interest at the rate of 8% per annum up to the first $1,500.00 of delinquency and at the rate of 18% per annum over $1,500.00 of delinquency will be collected after the 10 day grace period back to the original due date;

BE IT FURTHER RESOLVED that a 6% year end penalty will be charged on any delinquency in excess of $10,000.00 if not paid by the end of the fiscal year.

BE IT FURTHER RESOLVED that the governing body of the Borough of Millstone, County of Somerset, State of New Jersey, hereby authorizes the Tax Collector to charge a service charge fee of $20.00 per check or other written instrument for all checks returned for insufficient funds during the current fiscal year; and

BE IT FURTHER RESOLVED that the Tax Collector may require future payments to be tendered in certified check, cashier's check, or cash.

- Renew liquor license

Councilwoman Smerdon offered the following resolution. Seconded by Councilwoman Halm.

Roll Call: Ciurleo – yes, Halm – yes, Poch - yes, Smerdon – yes, Ross – yes

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, 2009

LICENSEE/ ADDRESS	**TYPE**	**LICENSE NO.**
Millstone Wine & Liquors Inc. 1377 Main Street Millstone, NJ 08844	Plenary Retail Consumption	1812-33-002-003

OLD BUSINESS:

- Budget - we have yet to hear back from the State on our budget. Tonight's business will be the public hearing

  - Motion to Open the Meeting to the Public for comments on the 2009 Borough budget

Councilman Ciurleo offered a motion to open the meeting to the public for comments on the 2009 budget. Seconded by Councilwoman Smerdon.

Roll Call: Ciurleo – yes, Halm – yes, Poch - yes, Smerdon – yes, Ross – yes

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There was no public wishing to be heard. Mayor Heck commented our tax rate is stable and the budget has been published on our website for over a month

- Motion to Close the Meeting to the Public for comments on the 2009 Borough Budget

Councilman Poch offered a motion to close the meeting to the public for comments on the 2009 budget. Seconded by Councilwoman Halm

Roll Call: Ciurleo – yes, Halm – yes, Poch - yes, Smerdon – yes, Ross – yes

Resolution approving municipal aid application for Yorktown Rd repairs.

Councilman Poch offered the following resolution. Seconded by Councilwoman Smerdon.

Roll Call: Ciurleo – yes, Halm – yes, Poch - yes, Smerdon – yes, Ross – yes

WHEREAS, James V. DeMuro, PE, LS Borough Engineer has prepared, on behalf of the Borough of Millstone, the application for State Aid to municipalities under the New Jersey Transportation Trust Fund Authority Act for the following project;

2010 MA – Yorktown Rd.

WHEREAS, the submission of said application for funding must be authorized by the Governing Body of the Borough of Millstone.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Millstone, County of Somerset, State of New Jersey that they formally approve the grant application for the above stated project; and

BE IT FURTHER RESOLVED that James V. DeMuro, PE, LS, Borough Engineer is hereby authorized to submit an electronic grant application identified as 2010 MA – Yorktown Road Project to the New Jersey Department of Transportation on behalf of the Borough of Millstone; and

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 signature constitutes acceptance of the terms of the agreement and approves the executive of the grant agreement

- <u>Public hearing and second reading of Ordinance 2009-006</u>

An Ordinance Creating a Community Emergency Response Team(C.E.R.T) within the Borough of Millstone, County of Somerset, State of New Jersey

- Motion to Open the Meeting to the Public for comments on the ordinance.

Councilwoman Halm offered a motion to open the meeting to the public for comments on this ordinance. Seconded by Councilwoman Smerdon.

Roll Call: Ciurleo – yes, Halm – yes, Poch - yes, Smerdon – yes, Ross – yes

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There was no public wishing to be heard.

- Motion to Close the Meeting to the Public for comments on this ordinance

Councilwoman Halm offered a motion to close the meeting to the public. Seconded by Councilman Poch.

Roll Call: Ciurleo – yes, Halm – yes, Poch - yes, Smerdon – yes, Ross – yes

- Motion to adopt the ordinance on second reading.

Councilwoman Halm offered a motion to adopt the ordinance on second reading. Seconded by Council President Ross.

Roll Call: Ciurleo – yes, Halm – yes, Poch - yes, Smerdon – yes, Ross – yes

WHEREAS, the Nation, State, and County have been the recipient of disasters, both natural and man made, and

WHEREAS, the Borough of Millstone has itself been plagued with events that at time, require emergency response, and

WHEREAS, there is a need to train our citizens to react as a body in the initial stages of said events to preserve life, limb and property.

NOW, THEREFORE, BE IT ORDAINED that the Borough of Millstone, Somerset County, State of New Jersey that it creates the Millstone Borough Community Emergency Response Team,(C.E.R.T.) as follows:

Article 1: Purpose.

Creation of C.E.R.T is supported by both the State and County Office of Emergency Management. The purpose of the team is to train citizens of the community to respond in emergent situations where critical resources may not be readily available.

Article 2: Appointments/ Organizational Chart.

A- All appointments to C.E.R.T. shall be made by the Mayor with the consent of the Borough Council. The C.E.R.T. operational and supportive functions shall fall under the direction of the Office of Emergency Management.

B- Each member shall serve an indefinite term unless removed for cause.

C- Every member of the team shall serve on a voluntary basis and will receive no compensation.

D- The team shall have 2 categories of membership;

Operations unit- Members that will be field classified as responders. They will be tasked with the responsibility of assisting in areas such as;
Administering first aid.
Light fire suppression.

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Directing traffic.
Light search and rescue.
Other physical activity.
Support Unit- Members that will assist with
Expediting paperwork
Inventory control.
Resource management.
Answering phones and other communications.
Other logistical duties.
E- Each member shall be at least 18 years of age at the time of appointment.

Article 3: Training.
A- All training, certification and recertification shall be provided to each member at no cost.
B- All uniforms and personal protective equipment that is provided shall be at no cost to the member.
C- Every member shall complete the State recognized Basic C.E.R.T. course before being added to the active rolls of the unit.
D- Each member, when performing in their capacity, shall be covered under the Borough's general liability and workers compensation insurance plan as emergency management volunteers, to the extent permissible under New Jersey law, as same may be amended from time to time.

Article 4: Effectiveness.

This ordinance shall become effective upon passage and publication as required by law.

- Public hearing and second reading of Ordinance 2009-007:

AN ORDINANCE AMENDING ORDINANCE NUMBER 47-C "AN ORDINANCE TO REGULATE AND LICENSE PEDDLERS, HAWKERS, SOLICITORS, ITINERANT VENDORS AND CANVASSERS IN THE BOROUGH OF MILLSTONE, TO PROVIDE FEES TO COVER COSTS THEREOF, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS ORDINANCE"

- Motion to Open the Meeting to the Public for comments on the ordinance.

Council President Ross offered a motion to open the meeting to the public for comments on this ordinance. Seconded by Councilman Poch.

Roll Call: Ciurleo – yes, Halm – yes, Poch - yes, Smerdon – yes, Ross – yes

There was no public wishing to be heard.

- Motion to Close the Meeting to the Public for comments on this ordinance

Councilwoman Halm offered a motion to close the meeting to the public. Seconded by Councilman Poch.

Roll Call: Ciurleo – yes, Halm – yes, Poch - yes, Smerdon – yes, Ross – yes

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- Motion to adopt the ordinance on second reading.

Councilwoman Halm offered a motion to adopt the ordinance on second reading. Seconded by Council President Ross.

Roll Call: Ciurleo – yes, Halm – yes, Poch - yes, Smerdon – yes, Ross – yes

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. Section 8 of Article 2 of an "Ordinance to Regulate and License Peddlers, Hawkers, Solicitors, Itinerant Vendors and Canvassers in the Borough of Millstone, to Provide Fees to Cover Costs Thereof, and to Provide Penalties for Violations of This Ordinance" is amended to include the following:

(a) An application fee shall be $25.00 for the processing of each license application;

(b) The fee for an annual license shall be $125.00; and

(c) The fee shall be $45.00 per day for weekend license (Saturday or Sunday) and shall be $35.00 per day for week day license (Monday through Friday).

Section 2. Section 1 of Article 5 of an "Ordinance to Regulate and License Peddlers, Hawkers, Solicitors, Itinerant Vendors and Canvassers in the Borough of Millstone, to Provide Fees to Cover Costs Thereof, and to Provide Penalties for Violations of This Ordinance" is amended to delete the phrase "…not exceeding $250.00 for each violation" and to replace it with "…of $250.00 for each violation."

Section 3. All ordinances or parts of any ordinance which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 4. This ordinance shall take effect immediately upon final passage and publication in accordance with law.

- Public hearing and second reading of Ordinance 2009-008:

Calendar Year 2009 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 (NJSA 40A:4-45.14)

- Motion to Open the Meeting to the Public for comments on the ordinance.

Councilwoman Smerdon offered a motion to open the meeting to the public for comments on this ordinance. Seconded by Councilwoman Halm .

Roll Call: Ciurleo – yes, Halm – yes, Poch - yes, Smerdon – yes, Ross – yes

There was no public wishing to be heard.

- Motion to Close the Meeting to the Public for comments on this ordinance

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Councilwoman Halm offered a motion to close the meeting to the public. Seconded by Councilman Poch.

Roll Call: Ciurleo – yes, Halm – yes, Poch - yes, Smerdon – yes, Ross – yes

- Motion to adopt the ordinance on second reading.

Councilman Poch offered a motion to adopt the ordinance on second reading. Seconded by Council President Ross.

Roll Call: Ciurleo – yes, Halm – yes, Poch - yes, Smerdon – yes, Ross – 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 2009 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 2009 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 $3,137.73 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 2009 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 $10,225.18, and that the 2009 municipal budget for the Borough of Millstone be approved and adopted in accordance with this ordinance; and,

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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.

- Public hearing and adoption of Ordinance 2009-009

An Ordinance Providing for the Regulation of Unoccupied and Vacant Buildings within the Borough of Millstone, County of Somerset, State of New Jersey

- Motion to Open the Meeting to the Public for comments on the ordinance.

Councilman Ciurleo offered a motion to open the meeting to the public for comments on this ordinance. Seconded by Councilwoman Halm.

Roll Call: Ciurleo – yes, Halm – yes, Poch - yes, Smerdon – yes, Ross – yes

There was no public wishing to be heard.

- Motion to Close the Meeting to the Public for comments on this ordinance

Councilwoman Halm offered a motion to close the meeting to the public. Seconded by Councilman Poch.

Roll Call: Ciurleo – yes, Halm – yes, Poch - yes, Smerdon – yes, Ross – yes

- Motion to adopt the ordinance on second reading.

Councilwoman Halm offered a motion to adopt the ordinance on second reading. Seconded by Council President Ross.

Mayor Heck asked if the Borough Council would like to send out a notice of this ordinance to all residents. A discussion ensued as to how to enact the procedures of this ordinance. The Millstone Borough Council agreed that a notice should be sent to all residents.

Roll Call: Ciurleo – yes, Halm – yes, Poch - yes, Smerdon – yes, Ross – yes

WHEREAS, the Borough of Millstone has a need to promote a safe and healthy environment for its citizens; and

WHEREAS, the Borough of Millstone currently has an established ordinance relating to property maintenance in occupied structures and out buildings, but not unoccupied and vacant buildings.

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

Article 1: Purpose and Definitions.
This ordinance is to provide for the compliance in maintenance and repair of buildings and structures within the jurisdiction of the Borough of Millstone that are considered under the ordinance as abandoned or vacant.

A. Building/Structure.
A building or structure is any framed, by wood, brick or other means, unit for purpose of human habitation or storage of material.

B. Enforcement Authority.
The administrative and enforcement authority for this ordinance shall be the construction code official, zoning officer, borough marshal or other official designated by the Mayor.

C. Public Authority.
For purposes of this subsection, any municipal official, both elected and appointed, whose roles and responsibilities, either directly or indirectly, relate to fire, security, building regulations, public health or public nuisance.

D. Unoccupied or Vacant Building/Structure.

An unoccupied or vacant t building shall mean any structure intended for residential or commercial use which is not currently occupied or in use. For the purpose of the enforcement of this article, a presumption shall exist that a structure which is not occupied or in use for six consecutive months shall be deemed abandoned.

E. Unsafe Unit.
An unsafe unit shall be defined as a structure that is found to be dangerous to life, health, property or safety of the public. A unit is considered unsafe if it is damaged, decayed, dilapidated or structurally unsound.

F. Unsafe Property.
A property is defined under this subsection as land that is established with a block and lot within the jurisdiction of the Borough. The property is considered unsafe if it has debris that is a danger to human or wildlife, plant life or that is considered a public health issue such as holes, divots or terrain that is dangerous to walk on.

Article 2: Permit/Fee Schedule .

If a building is to be vacated for more than 180 consecutive days, an application for a vacated building is to be completed by the owner or user of the building prior to the vacation of the building. The fee for the application shall be $50.00. The initial term for the application shall not exceed 90 days in duration. A renewal application shall be furnished no later than midnight of the 90th day. Renewal fee shall be in the amount of $25.00. An inspection of the structure shall be completed by the Enforcement Authority prior to acceptance of the application to insure compliance with the standards set forth in this Ordinance.

Article 3: Standards

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A. Any unoccupied or vacant building must comply with the following minimum standards of basic equipment and facilities:

(1) Plumbing. All plumbing fixtures shall be properly installed and be in sound condition and good repair.

(2) Electricity. Every existing outlet and fixture shall be properly connected. Wiring and service lines shall be maintained in good and safe working condition.

(3) Heating plant. The heating plant shall be maintained in a safe condition.

(4) Cooking equipment. All cooking equipment shall be maintained in a safe condition.

B. Safety from Fire. All owners or operators of or vacant buildings shall comply with the provisions of the Borough Fire Prevention Codes and the following additional standards for safety from fire:

(1) No unoccupied or vacant building shall contain any space utilized for the storage of flammable liquids.

(2) No room within any vacant or unoccupied building shall be used for storage of junk, rubbish or wastes, furniture or building materials not intended to be used in the existing building.

(3) The early detection and containment of fire being a valid municipal concern, the boarding up of doors or windows shall not be permitted except with the permission of the Enforcement Authority in emergency situations. When doors and windows are boarded up, they shall be covered with no less than one-half inch exterior plywood or equivalent which shall be the same color as the building exterior. In no case shall boarding up of buildings and windows be permitted in excess of 60 days without authorization from the Mayor and Borough Council.

C. Safe and Sanitary Maintenance. All unoccupied or vacant buildings shall comply with the following minimum standards for safety and sanitary maintenance.

(1) Every foundation, exterior wall or exterior roof shall be weather-tight, water-tight and rodent-proof and shall be kept in sound condition and good repair and shall be safe to use and capable of supporting a load which normal use may cause to be placed thereon.

(2) Every floor, interior wall and ceiling shall be substantially rodent-proof, shall be kept in sound condition and good repair, and shall be safe to use and capable of supporting a load which normal use may cause to be placed thereon.

(3) Every window, exterior door and basement or cellar door and hatchway shall be weather-tight, water-tight and rodent-proof and locked and shall be kept in sound working condition and good repair.

(4) Every inside and outside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting a load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair.

(5) Every yard shall be properly graded so as to prevent the accumulation of stagnant water.

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(6) There shall be a control method of disposing of water from roofs by use of gutters and downspouts which shall be installed and maintained in sound condition, free of leaks and obstructions.

(7) Every dwelling, cellar, basement and crawlspace shall be maintained reasonably free from dampness.

(8) The exterior of every structure or accessory structure shall be maintained free of broken windows, loose shingles, crumbling stone or brick or excess peeling paint.

(9) The exterior of the premises and the condition of accessory structures shall be maintained so that the appearance of the premises and all buildings thereof shall reflect the level of maintenance in keeping with the standards of the neighborhood in such that the appearance of the premises and structure shall not constitute a blighting factor for adjoining property owners leading to the progressive deterioration and downgrading of the neighborhood with the accompanying diminution of property values.

(10) Any yard are (front, side and rear) shall be cleared and maintained free of trash, solid debris or other materials that cause litter to accumulate to unhealthy and blighting proportions.

(11) Grass, weeds and vegetation shall not be permitted to grow or remain on the side, front or rear yards of any unoccupied or vacant building to exceed a height of 10 inches. Any edible vegetation for useful or ornamental purpose shall not be governed by this provision.

(12) Unoccupied or vacant buildings shall not be utilized for storage of any materials, whether solid or liquid, including the yard portion of that building.

(13) When a vacant building is found to be infested with rats, termites, roaches or any other insects or vermin, the owner or operator shall undertake and excavate means of extermination of such nuisance.

(14) All doors and/or lids on appliances, furniture utilized for storage or on heating furnaces shall be locked in order to deny entry to any individuals where the potential for physical harm or death may result should said door close to prevent the individual's escape.

D. The standards and requirements of this section shall apply as long as any building remains vacant or unoccupied. Upon occupancy, the other appropriate municipal ordinances shall apply.

Article 4: Violation/Penalties/Jurisdiction/Reparis:

If any section of this ordinance is violated, the owner of said property shall be subject to penalties as hereafter set forth. The penalty for violating this ordinance is a fine of not less than $500.00 for the first offense. Subsequent fines shall be increased by $100.00 US Dollars with a not to exceed $2,000.000 per offense. Each day that the property is in violation is a new offense. For the first violation of this ordinance with respect to any building/structure, a property owner shall be given 30 days notice to rectify the violation prior to issuance of any summons. Summons with respect to violations of this ordinance shall be heard in the court with competent jurisdiction. If any fines are not paid within 30 days of adjudication of the violation, a lien may be placed on the property by the Borough of Millstone. In addition, if repairs are needed on an emergent basis which in the Enforcement Authority's view are necessary to prevent an unsafe unit or unsafe property, the Borough of Millstone shall have the right to make the necessary repairs, directly or through a third party, and the owner of such unsafe unit or unsafe property shall be responsible and reimburse the Borough of Millstone for all costs to make necessary repairs. A lien shall be placed on the property to recover any and all costs associated with the repairs.

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Article 5: Prior Ordinances.
All ordinances or parts of any ordinance which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Article 6: Effectiveness.
This ordinance shall take effect immediately upon final passage and publication in accordance with law.

- Public Hearing and Second reading of Ordinance 2009-002 (Tabled from May 18, 2009)

AN ORDINANCE AMENDING THE DEVELOPMENT ORDINANCE OF THE BOROUGH OF MILLSTONE, SOMERSET COUNTY, NJ BY ADDING TRADITIONAL NEIGHBORHOOD DEVELOPMENT

Attorney Offen recommended the ordinance be tabled.

Councilman Poch offered a motion to table this ordinance until the next meeting. Seconded by Councilwoman Smerdon.

Roll Call: Ciurleo – yes, Halm – yes, Poch - yes, Smerdon – yes, Ross – yes

EXECUTIVE SESSION (if necessary):

A motion to enter into executive session at 8:45 PM was offered by Councilman Poch. Seconded by Councilwoman Smerdon.

Roll Call: Ciurleo – yes, Halm – yes, Poch - yes, Smerdon – yes, Ross – 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:

SUBJECT MATTER	TIME WHEN AND THE CIRCUMSTANCES UNDER WHICH THE SUBJECT MATTER CAN BE DISCLOSED
Pending Litigation	When the matter has been concluded.

ADJOURNMENT:

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A motion to adjourn the meeting at 9:08 was offered by Councilman Poch. Seconded by Councilwoman Smerdon.

Roll Call: Ciurleo – yes, Halm – yes, Poch - yes, Smerdon – yes, Ross – yes

Attested To:

Gregory J. Bonin, Borough Clerk

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