BOROUGH OF MILLSTONE
BOROUGH COUNCIL REGULAR MEETING MINUTES
April 21, 2008

TIME: Mayor Heck called the meeting to order at 7:30 pm

CALL TO ORDER – OPENING STATEMENT: Mayor Heck read the following statement: The Regular meeting of the Borough Council, Borough of Millstone will please come to order. Adequate notice of this meeting has been noticed to the Hillsborough Beacon and Courier News. If any member of this body believes this meeting is being held in violation of the Open Public Meetings Act, please state your views at this time, stating the reason for which you feel the notice is improper. Hearing none, we proceed to the next item on the agenda.

PLEDGE TO THE FLAG: Mayor Heck led those present on the pledge of allegiance.

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

REPORTS:

- Assessor – no report
- Clerk – Clerk Bonin reported the BOE election went well, low on board workers for elections
- Emergency Management – no report
- Finance – no report
- Historic Commission – Portia Orton handed out an activity report to the Millstone Borough Council.
- Millstone Valley Fire Department – no report
- Recreation Commission – Mayor Heck reported that he was in the park this weekend doing brush removal. All equipment has been installed and a few minor issues need to be addressed including tree removal.
- State Police – no report
- Tax Collection – no report

- Resolution to authorize the Director of the W3R Celebration event to enter into contracts on behalf of the Borough.

Council President Poch offered a resolution to authorize Christine Fung to enter into contracts in regards to the W3R celebration in a total amount not to exceed $1,000.00. Seconded by Councilwoman Smerdon

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

WHEREAS, the Historic Commission of the Borough of Millstone has applied for and received a grant in the amount of $1,000 from the County of Somerset in regards to the Borough's W3R Celebration; and

WHEREAS, Christine Fung has been appointed W3R Project Director; and

WHEREAS, The Borough recognizes that contracts need to be executed for the W3R celebration.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Millstone that it hereby authorizes Christine fund to enter into contracts for a total amount not to enter $1,000.

COUNCIL REPORTS:

- Buildings and Grounds – Councilman Dempster commended Mayor Heck on the excellent work he has done with rehabilitating the Ann Street Park. Mayor Heck stated he spoke with NJ American Water who has now allowed the Borough out of the smart growth area and will connect the Borough Hall to NJAW water.
- Planning Board – Councilwoman Halm reported on the applications that are before the Planning Board.
- Traffic and Roads – Council President Poch stated that two weeks ago the County held a public meeting on the drainage and culvert work intended to be performed by the County this summer.

Engineer DeMuro addressed the coordination efforts of the Borough's work on South River Street with the County's plans to improve Amwell Road and the culvert work. He stated that the County is willing to work with the Borough to develop plans that will potentially save funds by gaining economies of scale. He also discussed possible methods to help alleviate deterioration of South River Road due to flooding and vehicle traffic. Engineer DeMuro stated that due to cost saving measures there may be enough funds from the State grant to mill and pave North River Street.

A discussion ensued as to various other road projects and the type of repairs necessary to Borough roads.

MAYOR'S REPORT

Mayor Heck reported on his activity at the NJ Mayors Conference and the creation of S.T.A.R., (Small Towns And Rural communities) a consortium representing small towns and their issues to which he is co-chairman.

Mayor Heck discussed the presence of the State Police in the Borough and the possible use of neighboring towns for local policing, especially traffic enforcement.

Mayor Heck stated the Borough Hall's lawn care provider has provided him a contract. Mayor Heck has expressed his concerns with the lawn care provider's performance.

PRESENTATION OF BILLS FOR PAYMENT:

Millstone Borough Council members asked questions on the bill list.

Councilman Dempster asked that the bill for Embarq be pulled from the bill list until the bill can be verified.

Council President Poch offered a motion to accept the bills for payment. Seconded by Councilman Ross.

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

MEETING OPEN TO THE PUBLIC:

- Motion to Open the Meeting to the Public

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

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

Wayne Smerdon provided an update on the Borough's website and the purchase of a borough computer.

- Motion to Close the Meeting to the Public

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

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

NEW BUSINESS:

- Resolution – Mandatory Source Separation and Recycling

Council President Poch offered a motion to accept the recycling resolution. Seconded by Councilman Ross.

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

WHEREAS the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for apply for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Borough of Millstone to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Millstone hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates William Poch to ensure that the application was properly filed in 2007; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant by deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling

- Resolution to Create the Plan Endorsement Citizens' Advisory Committee

Councilman Dempster offered a resolution to create the Plan Endorsement Citizens Advisory Committee. Seconded by Councilman Ross.

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

WHEREAS, the Mayor and Council of Millstone Borough desire to obtain Plan Endorsement from the State Planning Commission; and

WHEREAS, Plan Endorsement is a voluntary review process developed by the State Planning Commission to provide the technical assistance and coordination of the State for municipalities, counties, and regional agencies to meet the goals of the State Planning Act and State Development and Redevelopment Plan; and

WHEREAS, the State Planning Act recognizes that coordination of State action is necessary to help municipalities develop New Jersey's economy while protecting the natural, historic and recreational resources, providing adequate and diverse housing, and redeveloping our cities and older suburban areas;

WHEREAS, the purpose of the Plan Endorsement process is to increase the degree of consistency among municipal, county, regional and state agency plans with each other and with the State Plan and to facilitate the implementation of these plans with the primary focus on where and how development and redevelopment can be accommodated in accordance with the State Plan; and

WHEREAS, the State Planning Rules and Plan Endorsement Guidelines establish a comprehensive and coordinated planning process in order for a municipality to consider, and update as necessary, master plans, functional plans, development regulations and capital plans to be consistent with the State Plan and achieve plan endorsement; and

WHEREAS, through plan endorsement, master plans, functional plans, development regulations and capital plans should be coordinated and supportive of each other; and

WHEREAS, the State Planning Rules and Plan Endorsement Guidelines incorporate, and expand upon, the principles of the Municipal Land Use Law in order to help towns plan for a sustainable future; and

WHEREAS, pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-27, the Mayor may appoint one or more persons as a citizens' advisory committee to assist or collaborate with the planning board in its duties, including adoption of, and amendment to, the master plan to guide the use of lands

within the municipality in a manner which protects the public health and safety and promotes the general welfare of the community; and

WHEREAS, the Plan Endorsement Guidelines and State Planning Rules require the appointment of a Plan Endorsement Advisory Committee to guide the municipality through the Plan Endorsement process; and

WHEREAS, the Plan Endorsement Advisory Committee shall consist of between 5 and 10 members, including one representative of the governing body, a Class IV member of the planning board; one representative of a local board, commission or committee who is not a member of the planning board; and two representatives of the public that do not hold a position, employment or office with the municipality.

NOW THEREFORE BE IT RESOLVED that the Mayor of Millstone Borough hereby approves and adopts the following:

Millstone Borough establishes a Plan Endorsement Citizens' Advisory Committee consisting of between 5 and 10 members as follows:

1. Carol Halm, Member of the Governing Body
2. Richard McDermott, Class IV Member of the Planning Board
3. Jessica Piat, Representative of local board, commission or committee
4. Patricia Morris, Member of the Public
5. Carol Vizzini, Member of the Public
6. Name (Optional Member)
7. Name (Optional Member)
8. Name (Optional Member)
9. Name (Optional Member)
10. Name (Optional Member)

The members of the Citizens' Advisory Committee shall serve at the pleasure of the Mayor; and

- The Citizens' Advisory Committee shall annually report findings and conclusions of its actions performed pursuant to the State Planning Rules and Plan Endorsement Guidelines, and make recommendations to the Planning Board on next steps, but shall have no power to vote or take other action required of the Planning Board; and

- The Citizens' Advisory Committee shall also report to the Governing Body at least annully on the status of plan endorsement; and

- The Citizen Advisory Committee shall be entitled to call to its assistance any personnel of any municipal department or consultant thereto as it may require in order to perform its duties; and

- The Citizens' Advisory Committee is established for the purpose of:

  - Guiding the plan endorsement process for the municipality;

  - Increasing public awareness of, and participation in, the plan endorsement process for the community;

- Serving as the liaison with the state, county, regional agencies and local officials throughout the plan endorsement process;

- Assisting the municipality in meeting the deadlines of plan endorsement;

- Take the lead on completing the municipal self-assessment and submitting the required planning documents to the Office of Smart Growth;

- Helping to facilitate community visioning as described in the Plan Endorsement Guidelines and community visioning standards;

- Reporting the findings and conclusions of the self-assessment and community visioning to the local planning board for its review; and

- Negotiating a draft Action Plan with the Office of Smart Growth, in collaboration with the planning board and governing body, to consist of actions that should be taken to adopt and/or update plans, ordinances and regulations in order to meet the plan endorsement requirements;

- Facilitating completion of the Action Plan items in order to achieve endorsement by the State Planning Commission and enjoy the benefits available to the municipality as a result of the endorsed plan.

THEREFORE BE IT FURTHER RESOLVED that the Clerk of Name Municipality shall transmit a copy of this resolution and the notice as required in the State Planning Rules to the State Planning Commission.

- Discussion – Attorney Offen reported that the Engineer has submitted the appropriate documents to the State Green Acres for the Borough's application.

- Discussion – Vicious Dog Ordinance (see Hillsborough sample attached)

Mayor Heck stated the Borough has a vicious dog ordinance on file but would like to look to refine and update our ordinance.

- Discussion – Public Peace and Good Order ordinance (see Hillsborough sample attached)

Mayor Heck stated he has had reports of two dogs in town with excessive barking and chasing residents. Our current ordinance needs to be updated.

- A motion to introduce Ordinance 2008-002 and set the public hearing for May 19, 2008: vicious dog ordinance was offered by Councilman Ross. Seconded by Councilman Dempster.

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

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

Due to publication issues, this ordinance should be tabled and carried to the May 19, 2008 meeting for public hearing and adoption.

Council President Poch offered a motion the table the ordinance and schedule a public hearing for May 19, 2008 during the regular Borough Council Meeting of that evening. Seconded by Councilwoman Smerdon.

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

EXECUTIVE SESSION (if necessary):

A motion to adjourn to executive session at 8:59 pm was offered by Councilman Dempster. Seconded by Councilwoman Smerdon.

Roll Call: Dempster – yes, Halm – yes, Ross – yes, Smerdon – 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:

SUBJECT MATTER	TIME WHEN AND THE CIRCUMSTANCES UNDER WHICH THE SUBJECT MATTER CAN BE DISCLOSED
COAH Litigation	When matter is no longer subject to Executive privilege.

ADJOURNMENT:

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

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

Attested to:

Gregory J. Bonin, Borough Clerk