



Millstone Borough

REGULAR MEETING MINUTES

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=UEFCSiZLZlJtRldNNHdVYS9NMUlmZ09>

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

TIME: 7:35 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 on the flag salute.

<u>ROLL CALL:</u>	Councilman Vincent Biviano	Present
	Councilman Robert Galli	Present
	Councilwoman Karen Kidd	Present
	Councilwoman Kristen Ross	Present
	Councilman Jonathan Stashek	Absent
	Council President Alan Kidd	Present
	Mayor Raymond Heck	Present

Also Present: Attorney Stephen Offen and Borough Clerk Gregory Bonin



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MINUTES:

- June 21, 2021 regular meeting minutes (VB JS abstain)

Councilman Biviano offered a motion to approve the minutes. Seconded by Councilwoman Ross.

Roll Call: Biviano – abstain, Galli – yes, K. Kidd – yes, Ross – yes, A. Kidd – yes.

REPORTS:

- Assessor – no report
- Clerk – no report
- Emergency Management (OEM/State Police/Fire) – Mayor Heck commented there was little to report other than rainstorms and hurricanes. He stated the tree management program has helped reduce incidents in borough. The weir was removed in the river which increased gallons per minute flow of river and helped prevent flooding. Mayor Heck and Council President Kidd will work on cleaning catch basins. We will either call the County or do those ourselves.
- Finance/Tax Collection – no report.
- Historic Commission – no report
- Recreation Commission – no report

COUNCIL REPORTS:

- Buildings and Grounds – Mayor Heck reported he checks municipal building regularly to make sure all is ok with pipes, etc.
- Planning Board – Councilman Galli agreed that Planner Carter Van Dyke is leading us down a bad road. He stated the Planning Board wants the Borough Council to consider restrictions on farm animals in town such as ducks, goats, chickens, etc. Mayor Heck stated he will research and propose an ordinance.
- Traffic and Roads – Mayor Heck said he wants to plan for crack seal program in 2022.

MAYOR'S REPORT:

Mayor Heck commented that he and Councilman Galli attended the recent Planning Board meeting and entertained questions on our vision plan and the effect of the two county lots on the plan. Mayor Heck and Clerk Bonin had meeting with county today about the responsibility and liability of county lots if we move to transition to other lots. Mayor Heck explained his concern is liability and money. County said liability on their property is theirs also county could help provide bonding through larger county bond effort therefore saving the borough lots of money.

MEETING OPEN TO THE PUBLIC:

- Motion to Open the Meeting to the Public

Councilwoman Kidd offered a motion to open the meeting to the public. Seconded by Councilwoman Ross.

Roll Call: Biviano – yes, Galli – yes, K. Kidd – yes, Ross – yes, A. Kidd – yes.



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- Motion to Close the Meeting to the Public

Councilwoman Ross offered a motion to close the meeting to the public. Seconded by Councilwoman Kidd.

Roll Call: Biviano – yes, Galli – yes, K. Kidd – yes, Ross – yes, A. Kidd – yes.

CLAIMS FOR PAYMENT

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

Councilwoman Ross offered a resolution to approve the claims for payment. Seconded by Councilwoman Kidd.

Roll Call: Biviano – yes, Galli – yes, K. Kidd – yes, Ross – yes, A. Kidd – yes.

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:

Councilwoman Kidd proposed a policy to use the emergency phone service (RAVE) for emergency purposes only, not for general borough business. She suggested its use this past weekend to alert residents to flooding was entirely appropriate. This is how Hillsborough uses their system.

Mayor Heck commented on the use of RAVE alert system and opened it up for Borough Council comment. Councilman Galli stated he does not understand why not use the system to send notices about regular municipal operations and notices.

Councilwoman Ross stated the alert system is for emergencies not general information. Councilman Galli then said why not use email system, as he just wants to ensure people are aware of what's going on in town and given notice of important meetings.

Mayor Heck suggested that he gather emails from residents and use that system to notice residents rather than use the emergency RAVE text alerts system. He also reminded everyone we have the website and CH19 millstone tv as means to share information with the public.



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Councilwoman Kidd stated that Clerk Bonin in the past suggested a direct mailing to all residents with a white paper on the sewer program and notice of meetings. She believes this would be the most direct and easy way to communicate which would not be ignored or overburden the RAVE system.

Councilman Galli suggested the letter invite residents to sign up for email notifications.

After a brief discussion, the Borough Council agreed not to use RAVE for normal borough business notifications and a letter should go out asking residents to sign up for email notifications.

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**

- Motion to Open the Meeting to the Public

Councilwoman Kidd offered a motion to open the meeting to the public for this ordinance. Seconded by Councilwoman Ross.

Roll Call: Biviano – yes, Galli – yes, K. Kidd – yes, Ross – yes, , A. Kidd – yes.

- Motion to Close the Meeting to the Public

There being no public wishing to be heard, Councilman Biviano offered a motion to close the meeting to the public for this ordinance. Seconded by Councilwoman Kidd.

Roll Call: Biviano – yes, Galli – yes, K. Kidd – yes, Ross – yes, , A. Kidd – yes.

Councilman Biviano offered a motion to adopt the ordinance. Seconded by Councilwoman Kidd.

Roll Call: Biviano – yes, Galli – yes, K. Kidd – yes, Ross – yes, , A. Kidd – yes.

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;



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- 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;
- 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



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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 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 – Mayor Heck stated he was working on getting a refined estimate of just how much sewers would cost the borough and an individual household. He stated we need to gather as much info as possible to present to residents. Attorney Offen stated that the Van Cleef organization was supported to get us that information but we have not received anything yet.

ADJOURNMENT of Regular Meeting:

Councilman Biviano offered a motion to adjourn the meeting at 8:10 PM. Seconded by Councilwoman K. Kidd.



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Roll Call: Biviano – yes, Galli – yes, K. Kidd – yes, Ross – yes, A. Kidd – yes.

Attested to:

Gregory J. Bonin, Borough Clerk



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July 19, 2021 Claims list

July 16, 2021 09:38 AM				Millstone Borough Purchase Order Listing By P.O. Number			
P.O. Type: All				Open: N	Paid: Y	Void: N	
Range: First to Last				Rcvd: N	Held: N	Aprv: N	
Format: Detail without Line Item Notes				Bid: Y	State: Y	Other: Y	Exempt: Y
Include Non-Budgeted: Y				Paid Date Range: 06/22/21 to 07/19/21			
PO #	PO Date	Vendor	Amount	Charge Account	Contract Acct Type Description	PO Type	First Stat/Chk Enc Dat
21-00001	01/10/21	OASI OASI			B		
15		SOCIAL SECURITY PAYROLL-JULY	261.07	1-01-36-472-213	B SOCIAL SECURITY		P 116 01/10/2
21-00002	01/10/21	OFFENSTE STEPHEN OFFEN			B		
10		LEGAL SERVICES-JUNE	300.00	1-01-20-155-200	B LEGAL-OTHER EXPENSES		P 5080 01/10/2
11		LEGAL SERVICES-JUNE	475.00	1-01-20-155-200	B LEGAL-OTHER EXPENSES		P 5080 01/10/2
			775.00				
21-00003	01/10/21	VERIZONW VERIZON WIRELESS			B		
7		WIRELESS COMMUNICATION	220.76	1-01-31-440-210	B TELEPHONE		P 5036 05/31/2
21-00010	01/12/21	PSEG PSE&G			B		
8		ELEC;66 363 804 03; AMWELL	105.95	1-01-31-435-205	B STREET LIGHTING		P 5081 01/12/2
21-00011	01/12/21	PSEG PSE&G			B		
8		ELEC;65 081 353 09;AMWELL&MAIN	109.29	1-01-31-435-205	B STREET LIGHTING		P 5082 01/12/2
21-00012	01/12/21	PSEG PSE&G			B		
8		ELEC; 13-014-015-01; VARIOUS	706.10	1-01-31-435-205	B STREET LIGHTING		P 5090 05/31/2
21-00017	02/02/21	RLDATA R & L DATA CENTERS			B		
10		PAYROLL ACT 8R-8R - JUNE	156.00	1-01-20-100-200	B A&E-OTHER EXPENSES		P 5084 04/13/2
21-00019	02/02/21	NJAMWATE NJ AMERICAN WATER			B		
7		ACCT 210022797651;HYDRANTS	1,011.68	1-01-25-265-202	B FIRE HYDRANT SERVICE		P 5078 02/02/2



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July 16, 2021 09:38 AM		Millstone Borough Purchase Order Listing By P.O. Number					
PO #	PO Date	Vendor	Amount	Charge Account	Contract Acct Type Description	PO Type	First Stat/Chk Enc Da
21-00024	02/08/21	REPUBLIC REPUBLIC SERVICES			B		
7		SANITATION SERVICES; JUNE	2,774.42	1-01-26-305-200	B SANITATION-OTHER EXPENSE		P 5083 05/31/
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/
6		PLANNING SERVICES-APRIL	510.00	1-01-21-180-200	B PLANNING BD-OTHER EXPENSES		P 5072 03/04/
7		PLANNING SERVICES-MAY	918.00	1-01-21-180-200	B PLANNING BD-OTHER EXPENSES		P 5072 03/04/
			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/
9		POLICE SERVICES-JUNE	2,660.00	1-01-42-390-212	B INTERLOCAL POLICE SERVICE		P 5094 03/04/
			4,900.00				
21-00035	03/04/21	GANNETNJ 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/
6		LEGAL ADS-5/3/21-BUDGET	100.79	1-01-20-110-200	B MAYOR & COUNCIL-OTHER EXPENSES		P 5076 03/04/
7		LEGAL ADS-6/12/21 ORD 2021-002	46.18	1-01-20-110-200	B MAYOR & COUNCIL-OTHER EXPENSES		P 5089 05/01/
			198.31				
21-00045	04/05/21	COMPASSM COMPASSMSP			B		
8		MICROSOFT EMAIL PLAN-JULY	100.00	1-01-20-140-200	B INFORMATION TECHNOLOGY - OTHER EXPENSES		P 5074 05/12/
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/
21-00061	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/
6		LANDSCAPE SERVICES-JUNE	459.50	1-01-26-300-200	B BUILDINGS&GROUNDS-OTHER EXPENSES		P 5071 05/29/
			919.00				



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Millstone Borough
Purchase Order Listing By P.O. Number

PO #	PO Date	Vendor	Amount	Charge Account	Contract Acct Type Description	PO Type	First Stat/Chk Enc D
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
21-00077	06/08/21	VESCELAU LAURA VESCE					
6		REIMBURSEMENT POSTAGE 7/6/21	55.00	1-01-20-130-200	B FINANCE-OTHER EXPENSES		P 5087 06/08
7		REIMBURSEMENT INK 2/23/21	42.53	1-01-20-130-200	B FINANCE-OTHER EXPENSES		P 5087 06/08
8		REIMBURSEMENT INK 6/16/21	43.71	1-01-20-130-200	B FINANCE-OTHER EXPENSES		P 5087 06/09
			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
2		TAX ASSESSOR S/W - JULY	606.92	1-01-20-150-100	B TAX ASSESSOR-SALARY & WAGES		P 117 07/01
3		TAX COLLECTOR S/W - JULY	953.67	1-01-20-145-100	B TAX COLLECTOR-SALARY & WAGES		P 117 07/01
4		PLANNING BD S/W - JULY	476.83	1-01-21-180-100	B PLANNING BD-SALARY & WAGES		P 117 07/01
5		FINANCE S/W - JULY	138.75	1-01-20-130-100	B FINANCE-SALARY & WAGES		P 117 07/01
6		CONSTRUCTION/INSP S/W - JULY	125.00	1-01-22-195-100	B INSP OF BLDG-SALARY & WAGES		P 117 07/01
			3,412.67				
21-00080	07/13/21	SOMERCTY SOMERSET COUNTY					
1		3RD QTR TAXES 2021 - COUNTY	43,937.05	1-01-55-907-001	B COUNTY TAXES PAYABLE		P 5091 07/13
21-00081	07/13/21	SOMERCTY SOMERSET COUNTY					
1		3RD QTR TAXES 2021 - LIBRARY	6,417.22	1-01-55-907-001	B COUNTY TAXES PAYABLE		P 5092 07/13
21-00082	07/13/21	SOMERCTY 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
21-00084	07/13/21	DENISEPI DENISE PISZKOWSKI					
1		REIMBURSEMENT FOR OUT OF	498.91	1-01-31-440-210	B TELEPHONE		P 5088 07/13

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Millstone Borough
Purchase Order Listing By P.O. Number

Totals by Year-Fund	Fund	Budget Total	Revenue Total	G/L Total	Total
Fund Description					
	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