



Millstone Borough

REGULAR MEETING MINUTES

August 16, 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 8.16.21
Time: Aug 16, 2021 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/82911345940?pwd=TzJ4Um52Q2dDMXJETG1HYTU1UEJqUT09>

Meeting ID: 829 1134 5940

Passcode: 759343

One tap mobile

+19292056099,,82911345940#,,,,*759343# US (New York)

+13017158592,,82911345940#,,,,*759343# US (Washington DC)

Dial by your location

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 829 1134 5940

Passcode: 759343

Find your local number: <https://us02web.zoom.us/j/82911345940?pwd=TzJ4Um52Q2dDMXJETG1HYTU1UEJqUT09>

TIME: 7:30 PM

CALL TO ORDER – OPENING STATEMENT: Mayor Heck opened the meeting 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.

ROLL CALL:

Councilman Vincent Biviano	Resigned – moved out of state as of 7/30/21
Councilman Robert Galli	Present
Councilwoman Karen Kidd	Present
Councilwoman Kristen Ross	Present
Councilman Jonathan Stashek	Present
Council President Alan Kidd	Present
Mayor Raymond Heck	Present



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MINUTES:

- July 19, 2021 regular meeting minutes

Council President Kidd offered a motion to approve the minutes. Seconded by Councilman Galli.

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

REPORTS:

- Assessor – no report
- Clerk – no report
- Emergency Management (OEM/State Police/Fire) – Mayor Heck reported on the barn fire in Hillsborough on the Van Cleef property. He stated there were no injuries or human or animal and that it was a mutual aid response as it was a tremendous fire with large amounts of fuel (hay).
- Finance/Tax Collection – no report
- Historic Commission – no report
- Recreation Commission – Mayor Heck reported that Spooky Movie night is again planned for October but may be adjusted if Covid cases worsen.

COUNCIL REPORTS:

- Buildings and Grounds – no report
- Planning Board – Councilman Galli reported that the Planning Board discussed the goat issue and are looking to the Borough Council for a solution. The Planning Board also discussed the financing of sewers. Councilwoman Ross asked about the progress in addressing the goat issue. Councilman Galli stated the question is the proper amount of farm animals to be allowed on residential land.
- Traffic and Roads – no report

Councilwoman Kidd left the meeting at this time

MAYOR'S REPORT:

Mayor Heck reported amount improvement to Beardslee Road including sidewalk and curbs and traffic calming devices. He stated there is a 5 year strategic plan in works. He also reported there was a recent water rescue to which he responses. It was a Borough resident who is safe. Mayor Heck commented that while Covid is surging there have been no new emergency orders from Governor.

Ms. Kathy Galli interjected a comment about how first responders to the recent water rescue did not know how to access river. Mayor Heck assured her the proper crews knew where to access river and those first responders were not trained in this type of rescue or how to access the river. The primary responders were mis-dispatched. The proper crews knew where to respond and access river.

MEETING OPEN TO THE PUBLIC:

- Motion to Open the Meeting to the Public

A motion to open the meeting public was offered by Council President Kidd. Seconded by Councilwoman Ross



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

Larry Hoeger, 239 Ann St, commented on the goats residing at 55 Amwell Road. Mr. Hoeger said his concern is well water. Where is the waste going? Concerned about his shallow well. Mayor Heck suggested we reach out to health officer to answer that questions. Councilwoman Ross asked that we have health officer visit the site. Mayor Heck stated he would reach out to the Health Officer.

Mayor Heck commented he would be willing to draft an ordinance regarding farm animals, but the Borough Council has to tell him what it would want in the ordinance.

Mr. Hoeger also commented about people cutting grass and blowing into the street. Mayor Heck stated there is not ordinance against that action but there is an ordinance that prevents people from clogging storm drains. Council President Kidd agreed.

Pete & Lori Sequeria, 28 Beardslee road asked about the status of trees on their road. Mayor Heck stated there are six trees slated to be removed in the Borough including the one on Beardslee.

- Motion to Close the Meeting to the Public

A motion to close the meeting public was offered by Councilwoman Ross. Seconded by Council President Kidd.

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

CLAIMS FOR PAYMENT

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

A resolution to authorizing the claims for payment was offered by Councilwoman Ross. Seconded by Council President Kidd

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

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:



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- Appointment of Lori Sequeria to the Somerset County Cultural and Heritage Commission to fill the unexpired term of Patricia Morris.

Ms. Sequeria spoke that she has been participating in the Millstone Historic District Committee and spoke to Patricia Morris who stated the Borough Council may also want to appoint her to the Somerset County Cultural and Heritage Commission.

Councilman Galli offered a motion to make the appointment. Seconded by Councilwoman Ross.

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

Attorney Offen reported that Councilman Biviano has moved out of town and therefore there is a vacancy on the Borough Council. The political party has 15 days to submit names, and the Borough Council then has 30 days to act to appoint someone. Mayor Heck asked that we hold a special meeting on August 30th to make this appointment. The Borough Council agreed.

OLD BUSINESS:

Councilwoman Kidd returned to the meeting at this time.

- **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

A motion to open the meeting public was offered by Councilwoman Ross. Seconded by Councilman Stashek.

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

No public

- Motion to Close the Meeting to the Public

There being no public wishing to be heard, a motion to close the meeting public was offered by Councilwoman Ross. Seconded by Councilman Stashek.

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

- Motion to Adopt Ordinance 2021-003

A motion to adopt the ordinance was offered by Councilman Galli. Seconded by Councilwoman Ross.

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



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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;
- 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



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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 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



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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 – Attorney Offen reported that Deborah Rzemieniewski called him about a call she received from a “Bob Huff” from Hillsborough – representing Millstone. The Borough Council discussed this and concluded there is no such person in Millstone or representing Millstone. He also stated the borough received a report from Richard Reading on behalf of the Van Cleef development. This is something the Borough council may wish to discuss in executive session. The Borough agreed to discuss this tonight in executive session.
- Comcast Franchise Renewal– Attorney Offen reminded the Borough Council that Comcast filed motion and paid fee in May. He stated the Borough is supposed to have public hearing on the matter withing 90 days of the filing. He as spoke with the Comcast Attorney who has agreed to an extension. Attorney Offen suggest the Borough Council hold a public hearing on this matter during their meeting on October 18, 2021.

A motion to schedule the Comcast franchise renewal public hearing for October 18, 2021 was offered by Councilwoman Kidd. Seconded by Councilman Galli.

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

EXECUTIVE SESSION (if necessary):

A motion to enter exec at 8:40 PM was offered by Councilwoman Ross. Seconded by Councilman Galli.

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

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
Contract Negotiations

TIME WHEN AND THE CIRCUMSTANCES
UNDER WHICH THE SUBJECT MATTER
CAN BE DISCLOSED
When the matter is concluded.



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ADJOURNMENT of Regular Meeting:

A motion to adjourn the regular meeting at 9:21 PM was offered by Councilwoman Kidd. Seconded by Councilwoman Ross

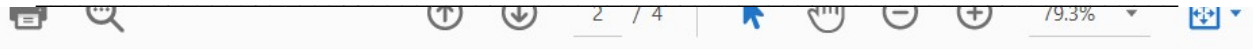
Roll Call: Galli – yes, K. Kidd – yes, K. Ross – yes, Stashek – yes, A. Kidd

Attested to:

Gregory J. Bonin, Borough Clerk



Millstone Borough REGULAR MEETING MINUTES August 16, 2021



August 11, 2021
06:35 PM

Millstone Borough
Purchase Order Listing By P.O. Number

PO #	PO Date	Vendor	Amount	Charge Account	Contract Acct Type	PO Type Description	First Stat/Chk	Enc	Dat
21-00030	02/21/21	SOMERROA SOMERSET COUNTY TREASURER				B			
16	SNOW SALTING 2/10/21-2/11/21		735.87	1-01-26-291-200		B SNOW REMOVAL-OTHER EXPENSES	P	5113	02/21/2
17	SNOW PLOWING 2/10/21-2/11/21		164.92	1-01-26-291-200		B SNOW REMOVAL-OTHER EXPENSES	P	5113	02/21/2
			900.79						
21-00033	03/04/21	CARTERVA CARTER VAN DYKE ASSOCIATES				B			
8	PLANNING SERVICES-MAY		476.00	1-01-21-180-200		B PLANNING BD-OTHER EXPENSES	P	5098	06/01/2
9	PLANNING SERVICES-JUNE		459.00	1-01-21-180-200		B PLANNING BD-OTHER EXPENSES	P	5098	06/01/2
10	PLANNING SERVICES-JUNE		561.00	1-01-21-180-200		B PLANNING BD-OTHER EXPENSES	P	5098	06/01/2
			1,496.00						
21-00034	03/04/21	FRANKPOL FRANKLIN TOWNSHIP POLICE DEPT				B			
10	POLICE SERVICES-JULY		2,940.00	1-01-42-390-212		B INTERLOCAL POLICE SERVICE	P	5101	05/01/2
21-00045	04/05/21	COMPASSM COMPASSMSP				B			
9	MICROSOFT EMAIL PLAN-AUGUST		100.00	1-01-20-140-200		B INFORMATION TECHNOLOGY - OTHER EXPENSES	P	5100	05/12/2
21-00051	04/29/21	SOMERENG SOMERSET COUNTY ENGINEERING				B			
4	ENGINEERING SERVICES JUNE		1,348.42	1-01-20-165-200		B ENGINEERING-OTHER EXPENSES	P	5112	04/29/2
21-00061	04/01/21	AWCONTRA A.W. CONTRACTING				B			
8	MULCH ANN STREET PARK		2,185.00	1-01-26-300-200		B BUILDINGS&GROUNDS-OTHER EXPENSES	P	5097	05/29/2
9	WEED, WEED CONTROL AND CLEAN		557.50	1-01-26-300-200		B BUILDINGS&GROUNDS-OTHER EXPENSES	P	5097	07/01/2
10	PLAYGROUND WORK AT ANNE STREET		2,523.00	1-01-26-300-200		B BUILDINGS&GROUNDS-OTHER EXPENSES	P	5097	07/01/2
11	LANDSCAPE SERVICES-JULY		308.50	1-01-26-300-200		B BUILDINGS&GROUNDS-OTHER EXPENSES	P	5097	07/01/2
			5,574.00						
21-00085	07/28/21	RAVEWIRE RAVE WIRELESS				B			
1	ALERT FOR PUBLIC SAFETY		3,000.00	1-01-20-110-200		B MAYOR & COUNCIL-OTHER EXPENSES	P	5109	07/28/2



August 11, 2021
06:35 PM

Millstone Borough
Purchase Order Listing By P.O. Number

PO #	PO Date	Vendor	Amount	Charge Account	Contract Acct Type	PO Type Description	First Stat/Chk	Enc	Dat
21-00088	08/01/21	MILLPAYR MILLSTONE BORO PAYROLL							
5	FINANCE S/W - AUGUST		138.75	1-01-20-130-100		B FINANCE-SALARY & WAGES	P	119	08/01/21
			3,287.67						
21-00090	08/11/21	HILLSBOR HILLSBOROUGH BD OF EDUCATION				B			
1	2021-2022 SCHOOL YR -		181,718.25	1-01-55-906-001		B LOCAL SCHOOL TAXES PAYABLE	P	5102	08/11/21



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Millstone Borough Purchase Order Listing By P.O. Number					
Totals by Year-Fund Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
	1-01	213,671.75	0.00	0.00	213,671.75
		213,671.75	0.00	0.00	213,671.75