

REGULAR MEETING

DATE: April 1, 2024

CALL TO ORDER

The Regular Meeting of the Milford Borough Common Council was held at Milford Firehouse located at 21 Water Street on April 1, 2024. The meeting was called to order by Henry Schepens, Mayor at 7:00PM.

PLEDGE OF ALLEGIANCE was led by Mayor Schepens.

SUNSHINE PROCLAMATION was read by Mayor Schepens.

As required by the Open Public Meetings Act of 1975, adequate notice of this meeting was provided on January 11, 2024 in the Hunterdon County Democrat and Express Times newspapers.

Notices were also posted on the bulletin boards both inside and outside the Municipal Building and at the Milford Public Library.

ROLL CALL

Present: James Gallos, Noralie LaFevre, Helen Livingston,
Douglas Sloyer, Elisa Yager
Henry Schepens, Mayor

Absent: Ronald Rehl

The record reflects the presence of: Todd Bolig, Attorney

LEGAL AFFAIRS REPORT – TODD BOLIG, ESQ.

No report tonight.

REPORTS FROM DEPARTMENT COMMISSIONERS

ADMINISTRATION/SAFETY – MAYOR HENRY SCHEPENS

CAG Meeting

- Mayor Schepens advised Council members that the next CAG meeting is scheduled for April 9th at 6:30PM at the Milford Fire Company building.
- Mayor Schepens reminded Council to sign vouchers on a timely basis.

BUILDING & GROUNDS – COUNCILWOMAN LAFEVRE

Building and Grounds

- Councilwoman LaFevre reviewed the concept plans and estimated cost for the Borough Hall to move into the library.
- Borough Hall/Bat Removal – April 17th Ehrlich Pest Control will begin the first step of work to remove the bats in the Borough Hall attic and the second step will take place on May 15th. Rob Martucci, Engineer will be providing specifications to go out for bids to replace the roof.

Local Business

- Easter Egg Hunt will be held on March 23rd with a rain date of March 30th.
- Networking Night – planned for Monday April 8th
- Music in Milford – will be held on the 3rd Thursday in May, June, July and August from 6:00pm-8:00pm on the lawn behind the Milford Library.

SOLID WASTE/RECYCLING – COUNCILMAN GALLOS

Councilman Gallos reported he gave the Milford/Holland Rescue Squad information on possible grants they can apply for.

ORDINANCE – FIRST READING

ORDINANCE NUMBER 980-2024

**ORDINANCE PROHIBITING PUBLIC ACCESS
TO, AND UPON, THE BOROUGH'S
GOVERNMENT USE ZONE, BLOCK 29, LOT 5.01**

WHEREAS, certain real property under the sole and exclusive ownership of the Borough of Milford, officially designated as the Borough's "Government Use Zone" (Block 29, Lot 5.01) (hereinafter the "GU Zone") is utilized for critical Borough infrastructure including various Borough wells and sanitary sewer lines; and

WHEREAS, the GU Zone has areas within it which have been delineated by the New Jersey Department of Environmental Protection as protected wetlands; and

WHEREAS, the Borough has an area within the GU Zone which has been historically utilized by both the Borough and the Borough's residents for the collection of leaves and brush; and

WHEREAS, the Borough has experienced issues involving the dumping of leaves and brush, at times not specifically authorized by the Borough, and has also discovered various other household materials, tires, and other refuse dumped upon the GU Zone; and

WHEREAS, the Borough's GU Zone has been subjected to and remains subject to various unlawful "self-help" repairs and landscaping measures which have been undertaken without the permission of the Borough; and

WHEREAS, the Common Council of the Borough of Milford has determined that the existence of the Borough's wells, the presence of delineated wetlands, the unlawful dumping of materials, and various unlawful acts of trespass upon the Borough's GU Zone, each subject the Borough to potential liability resulting in increased insurance costs, and regulatory fines and penalties, resulting in increased costs ultimately borne by the Borough's residents; and

WHEREAS, the potential liability(ies) presented coupled with increased insurance premiums, which would ultimately be borne by all of the Borough's residents, necessitates the blanket prohibition for access to the GU Zone by any member of the public not specifically authorized to access the GU Zone by official act of the Milford Borough Common Council, or in the case of a bona fide emergency, or which entrance upon or within the GU Zone is specifically permitted via a properly recorded deed or easement of record in the Hunterdon County Clerk's office.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the Borough of Milford, State of New Jersey, that:

Section I. Purpose.

A. The public's access to and upon the Borough's Government Use Zone, Block 29, Lot 5.01 is hereby prohibited at all times without the express consent of the Milford Borough Common Council, or in the case of bona fide emergency.

B. The Borough shall post "No Trespassing" signs referencing this Ordinance by Ordinance Number.

C. This Ordinance shall not prohibit those from entering upon the Government Use Zone who are permitted to do so as of right as evidenced by a properly recorded deed or easement of record in the Hunterdon County Clerk’s office.

Section II. Enforcement. This Ordinance shall be enforced by the Borough of Milford’s Zoning Officer, or any other employee or agent of the Borough so authorized by resolution of the Borough of Milford, or by the New Jersey State Police or any other law enforcement agency having jurisdiction within the Borough of Milford.

Section III. Penalties: Any person who violates this Chapter shall be subject to a penalty upon conviction of not less than \$750.00 and not more than \$2,000.00 for each violation.

Section IV. Severability. Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

Section V. Effective Date. This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

PLEASE TAKE NOTICE that the foregoing Ordinance was introduced and passed on first reading on the 1st day of April, 2024, at a meeting of the Borough Council of the Borough of Milford and will be taken up for final consideration and passage at a regularly scheduled meeting of the Mayor and Borough Council of the Borough of Milford to be held on the 15th day of April, 2024, at 7:00PM, or as soon thereafter as the matter may be reached, to be held at the Milford Borough Fire Company, located at 21 Water Street, Milford, New Jersey 08848.

Copies of said Ordinance are at the office of the Milford Borough Municipal Clerk, 30 Water Street, Milford, New Jersey 08848, and posted on the Borough website.

FIRST READING - ROLL CALL VOTE

Council Member	Motion	Adopt	Second	Ayes	Nays	Abstain	Absent
James Gallos		x		x			
Noralie LaFevre			x	x			
Helen Livingston				x			
Ron Rehl							x
Douglas Sloyer				x			
Elisa Yager	x			x			

Public hearing will be held on May 6, 2024.

RESOLUTIONS

RESOLUTION NO. RE2024-039

WHEREAS, the Common Council of the Borough of Milford requires any and all Coin Tosses, held in the Borough, to have a permit; and

WHEREAS, a copy of the applicant’s request to hold a Coin Toss has been received, reviewed and found in order; and

WHEREAS, all the regulations of the Borough Ordinance have been met.

BE IT HEREBY RESOLVED by the MILFORD BOROUGH COMMON COUNCIL that approval is granted and a permit be issued to the Milford Fire Company Inc. to hold a Coin Toss on Saturday, April 20, 2024 (rain date April 27, 2024). The coin toss will be held in front of the Milford Fire Company Firehouse at 21 Water Street.

THEREFORE, BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized to issue and endorse these permits.

This being submitted at the Council meeting held on April 1, 2024.

Council Vote	Motion	Second	Ayes	Nays	Abstain	Absent
Noralie LaFevre		x	x			
Ron Rehl						x
Doug Sloyer			x			
Helen Livingston			x			
Elisa Yager			x			
James Gallos	x		x			

RESOLUTION RE2024-040

Resolution to allow for Temporary Traffic Pattern for Stover Ave. and Hillcrest Drive for Gas Main Installation

WHEREAS, Elizabethtown Gas Company has prepared and executed a Street Opening Permit with the Borough of Milford in order to install gas mains on Stover Ave. and Hillcrest Drive; and **WHEREAS**, Stover Ave. is currently open for two way traffic and Hillcrest Drive from Mount Pleasant Road to Fairview Ave. Southbound in accordance with §181-16 of the Borough Ordinance on Traffic; and

WHEREAS, it has been determined by both parties that installation of gas main on the streets under flagger control is not practical and creates a safety concern.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Milford hereby allow a temporary closure of both streets and allow for two-way traffic on Hillcrest Drive from Mount Pleasant Road to Fairview Ave. while Stover Avenue is closed to through traffic subject to the following conditions:

1. The closure and respective detour plan shall be approved by the Borough Engineer and in effect during working hours.
2. Streets shall be always open to both local and emergency traffic. Gas Company Contractor shall provide necessary road plates and other measures to assure traffic flow and safety.
3. The closure shall only occur during working hours. Roads shall be open during non-working hours.
4. No equipment or material shall be stored on any roadway.

This being submitted at the Council meeting held on April 1, 2024.

Council Vote	Motion	Second	Ayes	Nays	Abstain	Absent
Noralie LaFevre			x			
Ron Rehl						x
Doug Sloyer			x			
Helen Livingston		x	x			
Elisa Yager	x		x			
James Gallos			x			

RESOLUTION NO. RE2024-041

BE IT HEREBY RESOLVED by the MILFORD BOROUGH COMMON COUNCIL that all **VOUCHERS** presented and approved be paid.

This being submitted at the Council meeting held on April 1, 2024.

Council Vote	Motion	Second	Ayes	Nays	Abstain	Absent
Noralie LaFevre			x			
Ron Rehl						x
Doug Sloyer			x			
Helen Livingston			x			
Elisa Yager	x		x			
James Gallos		x	x			

Discuss 111 Hillcrest Drive Possible Municipal Court Litigation Executive Session

Mayor Schepens advised that the Council would be retiring into Executive Session for the purpose of Municipal Court Litigation – 111 Hillcrest Drive. Mayor Schepens stated that the minutes of the Executive Session will be available when the litigation ends, all appeals are exhausted or authorized by the Municipal Attorney.

RESOLUTION NO. 2024-022

WHEREAS, N.J.S.A.10:4-12 allows for a public body to go into closed session during a public meeting, and

WHEREAS, the Common Council of the Borough of Milford has deemed it necessary to go into closed session to discuss 111 Hillcrest Drive – Municipal Court Litigation which are exempted from the public.

NOW, THEREFORE BE IT RESOLVED that the Common Council of the Borough of Milford will go into closed session, as outlined in **N.J.S.A. 10:4-12**, to discuss possible litigation.

IT IS HEREBY FURTHER RESOLVED that the minutes of this Executive Session will be available when the litigation ends, all appeals are exhausted or authorized by the municipal attorney.

This being submitted at the Council meeting held on April 1, 2024.

Council Vote	Motion	Second	Ayes	Nays	Abstain	Absent
Noralie LaFevre	x		x			
Elisa Yager		x	x			
Ronald Rehl						x
Helen Livingston			x			
James Gallos			x			
Douglas Sloyer			x			

Motion to leave Executive Session: Elisa Yager

Seconded by: James Gallos

ROLL CALL VOTE: AYES: J. Gallos, D. Sloyer, N. LaFevre, E. Yager, H. Livingston

NAYS: None ABSTAIN: None ABSENT: R. Rehl

CLERK’S REPORT – March 2024

Comments: none

Motion to accept: Elisa Yager

Seconded: Helen Livingston

All in Favor – AYES: All NAYS: None ABSTAIN: None ABSENT: R. Rehl

Clerk’s Report for March 2024 was approved.

REGULAR MEETING MINUTES FROM PREVIOUS MEETINGS PRESENTED FOR APPROVAL – March 18, 2024

Comments: none
Motion to accept: Noralie LaFevre
Seconded: Doug Sloyer
All in Favor - AYES: All NAYS : None ABSTAIN: None ABSENT: R. Rehl
Regular Meeting Minutes of March 18, 2024 are approved.

PUBLIC COMMENTS

Noralie LaFevre made a motion to open the public portion of the meeting.
Seconded by James Gallos
ROLL CALL: AYES: J. Gallos, N. LaFevre, H. Livingston, E. Yager, D. Sloyer
NAYS: None ABSTAIN: None ABSENT: R. Rehl
Resident, 82 Fairview Avenue, made a few comments regarding the traffic plan for Elizabethtown Gas Company project.

Motion to close the public hearing was made by Elisa Yager
Seconded by Noralie LaFevre
ROLL CALL: AYES: J. Gallos, N. LaFevre, H. Livingston, E. Yager , D. Sloyer
NAYS: None ABSTAIN: None ABSENT: R. Rehl Motion carried.

CORRESPONDENCE LIST

Kingwood Municipal Court Report – February 2023

Motion to accept: James Gallos
Seconded: Noralie LaFevre
All in Favor - AYES: All NAYS : None ABSTAIN: None ABSENT: R. Rehl

Milford Joint Planning Board/Board of Adjustment – Annual Zoning Report

Motion to accept: Noralie LaFevre
Seconded: James Gallos
All in Favor - AYES: All NAYS : None ABSTAIN: None ABSENT: R. Rehl

ADJOURNMENT

Mayor Schepens advised there being no further business to discuss, the minutes of this meeting will be available as soon as possible.
Motion to adjourn was made by: Elisa Yager
Seconded by: Noralie LaFevre
All in Favor - AYES: All NAYS: None ABSTAIN: None ABSENT: R. Rehl
Meeting adjourned at 7:55PM.

Respectfully Submitted,

Karen Dysart, RMC
Municipal Clerk