

REGULAR MEETING

DATE: May 6, 2024

CALL TO ORDER

The Regular Meeting of the Milford Borough Common Council was held at Milford Firehouse located at 21 Water Street on May 6, 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
Henry Schepens, Mayor
Absent: Ronald Rehl, Elisa Yager
The record reflects the presence of: Todd Bolig, Attorney

NEW BUSINESS

Letter of Retirement – Karen Dysart, Municipal Clerk

Noralie LaFevre made a motion to accept the letter of retirement from Karen Dysart.

Seconded by: James Gallos

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

A sub-committee was form to replace Karen Dysart: Elisa Yager, Noralie LaFevre, Henry Schepens and Karen Dysart.

Letter of Resignation – Councilman Ron Rehl

James Gallos made a motion to accept the letter of resignation from Councilman Ron Rehl.

Seconded by: Helen Livingston

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

UNFINISHED BUSINESS

Mayor and Council had a discussion regarding the trees that were cut down on the Government Use Zone. After a brief discussion the Borough employees will cut the trees into manageable pieces and the Mayor will speak to the Fire Company regarding taking the trees.

Councilman Sloyer asked Council if Mike Pflugfelder could remain as a part-time employee to cover water/sewer operations. Members of Council agreed to allow Mike to cover weekends.

LEGAL AFFAIRS REPORT – TODD BOLIG, ESQ.

No report tonight.

REPORTS FROM DEPARTMENT COMMISSIONERS

ADMINISTRATION/SAFETY – MAYOR HENRY SCHEPENS

- Mayor Schepens reported that he is planning on attending the Library Board meeting on Monday night.
- Mayor Schepens reported that he has been in communication with Elizabethtown Gas and hopefully we can continue discussions on the scope of work.

BUILDING & GROUNDS – COUNCILWOMAN LAFEVRE

Building and Grounds

Councilwoman LaFevre reported that Erlich began the first step toward the bat removal in the borough hall attic.

Local Business

The merchant association met on April 16th and the following items were discussed: updating website, river town booklet and family scavenger hunt.

SOLID WASTE/RECYCLING – COUNCILMAN GALLOS

No report tonight.

ORDINANCE – FIRST READING

ORDINANCE NUMBER 982-2024

AN ORDINANCE APPROPRIATING THE SUM OF \$7,000.00 CURRENTLY LOCATED WITHIN THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH OF MILFORD FOR EMERGENCY TEMPORARY REPAIRS

WHEREAS, there are currently funds, raised by the Current Budget and previous budgets, within the Capital Improvement Fund of Milford Borough and,

WHEREAS, it is deemed appropriate to make use of \$7,000.00 for the allowable capital improvement for Emergency Temporary Repairs to the creek banks located on Bridge Street (Block 19, Lot 21).

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Mayor and Council of the Borough of Milford, County of Hunterdon, State of New Jersey, as follows:

- Section 1 The sum of \$7,000.00 presently located in the Capital Improvement Fund is hereby appropriated for Emergency Temporary Repairs to Creek Banks.
- Section 2 In connection with the amount authorized in Section 1 hereof, the Council makes the following determinations.
- a. The purpose described in Section 1 hereof is not a Current Expense and is an improvement which the Borough may lawfully make as a general capital improvement.
 - b. The period of usefulness of the purpose described in Section 1 hereof is not in the limitation of the Local Bond Law and the reasonable life thereof is at least five (5) years.
- Section 3 All ordinances or parts of ordinances which are inconsistent with the terms of this ordinance be and the same are hereby repealed to the extent of their inconsistency.

Section 4 This ordinance shall take effect immediately after final passage, approval, and publication as provided by law.

FIRST READING - ROLL CALL VOTE

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

ORDINANCE NO. 983-2024

ORDINANCE OF THE BOROUGH OF MILFORD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, REGULATING THE SITE PLAN REVIEW PROCESS PROCEDURE WITHIN THE BOROUGH.

WHEREAS, the Borough of Milford finds it desirable and in the best interest of the Borough to enable applicants to apply for a site plan exemption under the Site Plan Review Process Procedure ordinance at § 190-123 if the application involves only a change in use from one permitted use to another and no other changes under the ordinance are implicated, as intended by the Joint Planning Board & Board of Adjustment prior to the enactment of Milford Borough Ordinance No. 924-2021, and to clarify the remaining provisions of the Site Plan Review Process Procedure ordinance at § 190-123 as supplemented and amended by Milford Borough Ordinance No. 924-2021, for the betterment of the Borough; and

WHEREAS, the Borough’s purpose underlying this Section is to enable applicants to apply for a site plan exemption if an application involves only a change in use from one permitted use to another and no other changes under the Site Plan Review Process Procedure ordinance at § 190-123 are implicated; and

WHEREAS, the Borough of Milford finds it desirable and in the best interest of the Borough to amend the Site Plan Review Process Procedure ordinance at § 190-123; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the Common Council of the Borough of Milford, County of Hunterdon, and State of New Jersey, the Site Plan Review Process Procedure ordinance at § 190-123 is amended as follows:

§ 190-123 Procedure. The following procedures shall be followed to secure a site plan of proposed construction or for exemption from the requirements of this chapter:

A. Applicability

- (1) Prior to the issuance of a construction permit or certificate of occupancy for any development, an application shall be submitted to and approved by Joint Land Use Board as provided by statute, for its review and approval in accordance with the requirements of this chapter, except that the following shall be exempt from site plan review and approval: a) subdivision applications; b) individual lot applications for detached one (1) or two (2) family dwelling unit buildings; and c) change in tenancy or change in use from one permitted use to another within existing structures where there is no:
 - i. no physical development other than interior renovations are proposed; and

- ii. there is no change in parking demand associated with the change in tenancy.
- (2) When approval is required.
- (a) Any change in nonresidential tenancy except as otherwise exempted under § 190-123 A.1. shall require Joint Land Use Board review. An applicant may apply for minor site plan approval to the Joint Land Use Board subject to the following requirements:
 - 1. In order to qualify as a minor site plan application, the minor site plan must satisfy the following criteria:
 - a. It involves only a change in use or a change in tenancy of an existing building or is the first use in a new building having received site plan approval and the use is permitted in the zone or involves the tenancy for a building granted prior site plan approval but for which tenancy was not established at the time of approval.
 - b. The use does not involve the handling or storage of hazardous materials as defined in N.J.A.C. 7:1G-1 to 7:1G-5.
 - c. There is no outstanding health, fire, building code, zoning or traffic safety violations.
 - d. There are no outstanding taxes or assessments payable.
 - e. There are no changes to the exterior design or appearance of a building.
 - f. No new variances are created, or existing nonconforming conditions are expanded.
 - 2. Joint Land Use Board in determining whether or not a minor site plan approval should be granted shall, as appropriate, refer the application to one (1) or more of the following Borough employees or their approved alternates for review and comment as appropriate:
 - a. Zoning Officer.
 - b. Construction Code Official.
 - c. Traffic Safety Officer.
 - d. Borough Engineer.
 - e. Water and Sewer Department
 - f. Health Officer.
 - g. Fire Official.
 - h. Borough Planner.
 - 3. Following approval of a minor site plan, unless otherwise exempted from site plan approval pursuant to this chapter, the Zoning Officer shall issue a zoning permit authorizing the occupancy or continued occupancy, as the case may be, of the premises. No use shall commence or continue without the issuance of said zoning permit.
 - (b) Where a site plan has been duly approved by the Joint Land Use Board, but where the specific use or uses of the building are not known at the time of the site plan approval, such as in the case of a speculative building, no certificate of occupancy for any part of the building shall be issued until a

site plan for the specific use is approved; provided, however, that the Planning Board may review the specific use or occupancy as a minor site plan provided the application satisfies the criteria for minor site plan as established in § above.

- B. Application requirements.
- (1) Unless otherwise exempt, the applicant shall file with the Joint Land Use Board on forms provided by the Joint Land Use Board an application for site plan approval. The application shall be accompanied by such plans, necessary fees or other data specified herein and shall include a statement, in writing, by the applicant, with adequate evidence showing that the proposed site plan will conform to the standards herein specified.
 - (2) In the event that the change in use will not require a building permit, nor any permit from the Hunterdon County Soil Conservation Service, nor an additional requirement for off-street parking, then an applicant shall file an application for exemption from the other requirements set forth herein. The Joint Land Use Board shall review each request for exemption or reject the request and require the applicant to file the formal site plan as otherwise required herein. The fee for the exemption application shall be as prescribed in Chapter 10, Fees, of this Code. In the event that any professional fees are incurred in connection with the exemption from site plan application, those fees shall be paid by the applicant prior to issuance of any Joint Land Use Board approval. The application for exemption shall be on a form provided by the Joint Land Use Board.
- C. Preapplication conference with the Joint Land Use Board. Prior to filing a formal application for an approval of a site plan, the developer may request and shall be granted a preapplication conference with the Joint Land Use Board. The purpose of such conference is to allow the developer to present a general concept of his proposed development prior to the preparation of detailed plans. For this purpose, the presentation shall include but not be limited to:
- (1) A written letter of intent from the developer establishing his intentions as to the development of the property.
 - (2) A location map and topographic survey map, including delineation of all areas which have natural slopes in excess of 15%.
 - (3) Sketch plans and concepts regarding land use, building type and arrangement, density, landscaping and open area and other generalized site details.
 - (4) General descriptions and tentative proposals regarding water supply, waste disposal, sewage disposal, utilities, surface drainage and circulation and parking improvements.
- D. The Joint Land Use Board shall consult with the developer with regard to all zoning and other development requirements, including state and county plans which may affect the proposed development or the procedural steps for approval.
- E. In the event that approval of the site plan would require a variance, it shall be secured by the applicant prior to submitting a formal application for site plan approval.
- F. Site plan approval.
- (1) Review by Joint Land Use Board.
 - (a) Upon the submission to the administrative officer of a complete application for a site plan which involves 10 acres of land or less and 10 dwelling units

or fewer, the Joint Land Use Board shall grant or deny preliminary approval within 45 days of the date of such submission or within such further time as may be consented to by the developer. Upon the submission of a complete application for a site plan which involves more than 10 acres or more than 10 dwelling units, the Joint Land Use Board shall grant or deny preliminary approval within 95 days of the date of such submission or within such further time as may be consented to by the developer. Otherwise, the Joint Land Use Board shall be deemed to have granted preliminary approval of the site plan.

- (b) Final approval shall be granted or denied within 45 days after submission of a complete application to the administrative officer or within such further time as may be consented to by the applicant. Failure of the Joint Land Use Board to act within the period prescribed shall constitute final approval, and a certificate of the administrative officer as to the failure of the Joint Land Use Board to act shall be issued on request of the applicant.
 - (2) Public hearing. Prior to acting upon any application for site plan approval, a public hearing shall be held thereon in accordance with the provisions of N.J.S.A. 40:55D-10 and amendments thereto.
 - (3) Action by resolution. The action of the Joint Land Use Board shall be by resolution and, in the event of disapproval, shall state the reasons therefor.
 - (4) Reports; recommendations. The Joint Land Use Board may request reports or recommendations from such other Borough officials, employees or advisors and such other persons as it deems appropriate to the particular site plan.
 - (5) Submission to County Planning Board. Each application for site plan approval, where required pursuant to Section 8 of P.L. 1968, c. 285 (N.J.S.A. 40:27-6.6), shall be submitted by the applicant to the County Planning Board for review or approval, and the Milford Borough Joint Land Use Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board. If the County Planning Board fails to report within 30 days after its receipt of a site plan, said site plan shall be deemed to have been approved by the County Planning Board. Upon mutual agreement between the County Planning Board and Milford Borough Joint Land Use Board, with the approval of the applicant, the thirty-day period may be extended for an additional thirty-day period.
- G. Copies of application; purpose of reports. Upon receipt of the application, the Joint Land Use Board shall review the same and, within 10 days after the next regular meeting of the Joint Land Use Board following receipt of the application, submit copies thereof to the Borough Council, the Borough Engineer, the Hunterdon County Division of Public Health Services, the County Planning Board, the Borough Board of Education and the United States Department of Agriculture Natural Resources Conservation Service, who shall, within 30 days of receipt of such copies, submit their reports to the Joint Land Use Board. Failure to submit such reports within 30 days shall indicate approval by the agency in question, unless, by mutual agreement between the Joint Land Use Board and other agency and the applicant, the thirty-day period shall be extended for an additional thirty-day period, and any such extension shall so extend the time within which the Borough Joint Land Use Board shall be required by law to act. The purpose of reports submitted by these bodies shall be as follows:

- (1) Borough Council. From the Borough Council, a certification that the proposed sewage disposal and collection system has been approved by it.
 - (2) Borough Engineer. From the Borough Engineer, a certification that all matters requiring his approval under this article have been approved by him.
 - (3) Hunterdon County Division of Public Health Services. From the Hunterdon County Division of Public Health Services, a certification that the proposed development complies with all of the requirements of all local and state health laws, ordinances and regulations.
 - (4) Water and sewer. From the Milford Borough Sewer Utility and the Milford Borough Water Department, a certification declaring or otherwise stating that each system possesses sufficient, uncommitted capacity to accommodate the proposed development.
 - (5) County Planning Board. From the County Planning Board, at its option, a report with respect to the effect of the proposed construction upon any county facilities or interest.
 - (6) Natural Resources Conservation Service. From the Natural Resources Conservation Service, at its option, a report and recommendation regarding soil erosion control.
- H. Issuance of building permit. Upon site approval, a building permit and other necessary approvals shall be issued forthwith upon the request of the applicant.
- I. Recorded plan to be binding. The proposed project shall be developed only according to the approved and recorded site plan and all supporting data. The recorded plan and supporting data, together with all recorded amendments, shall be binding upon the applicant, its successors, grantees and assignees and shall limit and control the use of the premises and location of structures as set forth therein.

PLEASE TAKE NOTICE that the foregoing Ordinance was introduced and passed on first reading on the 6th day of May, 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 3rd day of June, 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.

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			x			
Ron Rehl							x
Douglas Sloyer				x			
Elisa Yager							x

ORDINANCE – SECOND READING/PUBLIC HEARING
ORDINANCE # 981-2024

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$250,000 FOR RENOVATIONS TO THE BOROUGH LIBRARY FOR AND BY THE BOROUGH OF MILFORD, IN THE COUNTY OF HUNTERDON, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$237,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

Noralie LaFevre made a motion to open the public hearing on Ordinance No. 975-2024.

Seconded by James Gallos.

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

NAYS: None ABSTAIN: None ABSENT: R. Rehl, E. Yager

There were no comments from the public in attendance.

Motion to close the public hearing was made by Noralie LaFevre.

Seconded by Helen Livingston.

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

NAYS: None ABSTAIN: None ABSENT: R. Rehl, E. Yager

SECOND READING - ROLL CALL VOTE

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

RESOLUTIONS

RESOLUTION NO. RE2024-047

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 May 6, 2024.

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

RESOLUTION NO. RE2024-048
TAX CERTIFICATE REDEMPTION

WHEREAS, the Tax Collector of the Borough of Milford has been paid by the mortgage company, Pennymac, the amount of \$ 2,516.28 to redeem Tax Sale Certificate #2023-002 held by BALA PARTNERS LLC on Block 1 Lot 17.

WHEREAS, additionally the lienholder, BALA PARTNERS LLC, posted a premium in the amount of \$ 1800.00 at the time of the sale.

NOW, THEREFORE, LET IT BE RESOLVED, on the 6th day of May 2024 by the Common Council of the Borough of Milford, County of Hunterdon and State of New Jersey, that the Chief Financial Officer be authorized to issue checks as follows to complete the redemption of tax sale certificate # 2023-002 on Block 1 Lot 17 to BALA PARTNERS LLC, POB 303, POTTERSVILLE, NJ 07979

Redemption 1 17 Cert # 2023-002 \$ 2,516.28
 Premium \$ 1,800.00

This being submitted at the Regular Council Meeting on May 6, 2024.

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

RESOLUTION NO. RE2024-049

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 Delaware Valley High School Cheerleaders, 19 Senator Stout Road, Frenchtown, NJ to hold a Coin Toss June 1, 2024 with a rain date of June 2, 2024. The location will be at the intersection of County Route 519 and Bridge 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 May 6, 2024.

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

CLERK’S REPORT – April 2024

Comments: none

Motion to accept: James Gallos

Seconded: Noralie LaFevre

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

Clerk’s Report for May 2024 was approved.

REGULAR MEETING MINUTES FROM PREVIOUS MEETINGS PRESENTED FOR APPROVAL – April 15, 2024

Comments: none

Motion to accept: Noralie LaFevre

Seconded: Doug Sloyer

All in Favor - AYES: All NAYS : None ABSTAIN: None ABSENT: R. Rehl, E. Yager

Regular Meeting Minutes of April 15, 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, D. Sloyer

NAYS: None ABSTAIN: None ABSENT: R. Rehl, E. Yager

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, D. Sloyer

NAYS: None ABSTAIN: None ABSENT: R. Rehl, E. Yager

Motion carried.

CORRESPONDENCE LIST

Correspondence was reviewed.

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: Noralie LaFevre

Seconded by: Helen Livingston

All in Favor - AYES: All NAYS: None ABSTAIN: None ABSENT: R. Rehl, E. Yager

Meeting adjourned at 7:45PM.

Respectfully Submitted,

Karen Dysart, RMC
Municipal Clerk