

REGULAR MEETING

DATE: February 5, 2024

CALL TO ORDER

The Regular Meeting of the Milford Borough Common Council was held at Milford Firehouse located at 21 Water Street on February 5, 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, Ron Rehl, Elisa Yager
Henry Schepens, Mayor

Absent: Douglas Sloyer

The record reflects the presence of: Todd Bolig, Attorney

NEW BUSINESS

Mayor Schepens held a moment of silence in memory of Russell Heller.

UNFINISHED BUSINESS

Cannabis Sub-committee Report – Councilman Rehl and Councilman Gallos

Councilman Rehl presented to Council the regulations of operating a retail cannabis dispensary in the Borough. Councilman Rehl stated he went to the cannabis store in Flemington and surveyed the amount of people and the time the customers spent in the store. Most customers spent approximately 15 minutes in the store and there was a steady amount of customers.

Councilman Rehl open the discussion to Council members and Councilwomen LaFevre and Yager did not want the stigma of a cannabis dispensary in the Borough. Councilwoman Livingston had a concern of the possible odor from the store. Mayor and Council thanked Councilman Rehl for a thorough report.

Mayor Schepens reported that other municipalities are looking into dispensaries in their community and this maybe an opportunity for Milford's debt.

Curtis Paper Site - Update

Mayor Schepens reported that he attended a meeting on Friday, January 26th with Congressman Kean, NJ DEP, EPA and Hunterdon County Commissioners regarding the Curtis Paper site. The EPA stated there are high levels of PFAS at the site and they are looking for the ground water contamination source. Congressman Kean requested the EPA to address this issue as quickly as possible. Mayor Schepens stated he hopes the EPA will work in a more expedited manner to find

the contamination. The EPA will hold a CAG meeting early in April.

LEGAL AFFAIRS REPORT – TODD BOLIG, ESQ.

- Attorney Bolig reported he updated the job descriptions for the employees in the Borough.
- Attorney Bolig had a discussion with our Zoning Officer regarding the 111 Hillcrest Avenue property and the membrane ordinance from the Planning Board. Attorney Bolig stated we will put a hold on the membrane ordinance and relook at the ordinance at a later date.
- Attorney Bolig and Rob Martucci, Borough Engineer will be working on a fiberoptic ordinance.
- At the next Council meeting there will be a resolution presented to reinstate the late fees and interest on the Water and Sewer accounts.

REPORTS FROM DEPARTMENT COMMISSIONERS

ADMINISTRATION/SAFETY – MAYOR HENRY SCHEPENS

- Mayor Schepens stated he attended a meeting with Councilman Rehl and Rob Martucci, Borough Engineer regarding open projects in the Borough. Mayor Schepens reported there were several other issues discussed: time and attendance records, job descriptions and comp time for exempt employees.
- Mayor Schepens advised Council that we need to move the Borough Hall to the Milford Public Library. The Borough Engineer has been asked to design a scaled down plan to move the Borough Hall employees to the library as soon as possible.

BUILDING & GROUNDS – COUNCILWOMAN LAFEVRE

Councilwoman LaFevre reported the following updates:

1. Riffles-Borough Park/York Road – DEP permit has been approved and project will go to bid shortly.
2. Ballfield/Tennis Court – waiting for DEP permit approval.
3. Library Gasline – need to sign a no cost contract with the gas company. Rob Martucci is also working on pricing for the boiler conversion.
4. Borough Hall Roof – Borough Engineer has estimated a cost of \$140,000 to replace the roof.
5. Bat Removal from Attic – Borough has an agreement with Ehrlich Pest Control in amount of \$7,885.00. The removal will be completed in the Spring.

SOLID WASTE/RECYCLING – COUNCILMAN GALLOS

Councilman Gallos stated the first SWAC meeting is scheduled for February 14th.

ORDINANCES – FIRST READING

ORDINANCE NO. 975-2024

CALENDAR YEAR 2024

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS

AND TO ESTABLISH A CAP BANK

(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that

in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Common Council of the Borough of Milford in the County of Hunterdon finds it advisable and necessary to increase its CY 2024 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Common Council of the Borough of Milford hereby determines that a 3.5 % increase in the budget for said year, amounting to \$43,164.98 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Common Council of the Borough of Milford hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Common Council of the Milford, in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2024 budget year, the final appropriations of the Borough of Milford shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$43,164.98, and that the CY 2024 municipal budget for the Borough of Milford be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

FIRST READING - ROLL CALL VOTE

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

ORDINANCE NUMBER 976-2024

AN ORDINANCE APPROPRIATING THE SUM OF \$7,885.00 CURRENTLY LOCATED WITHIN THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH OF MILFORD FOR REMOVAL OF BATS – BOROUGH HALL

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 \$7,885.00 for the allowable capital improvement for removal of bats located in the attic at the Borough Hall building.

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 \$7,885.00 presently located in the Capital Improvement Fund is hereby appropriated for removal of bats located in the attic at the Borough hall building.

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			
Helen Livingston		x		x			
Elisa Yager	x			x			
Ronald Rehl				x			

ORDINANCE NUMBER 977-2024

AN ORDINANCE APPROPRIATING THE SUM OF \$140,000.00 CURRENTLY LOCATED WITHIN THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH OF MILFORD TO BOROUGH HALL ROOF

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 \$140,000.00 for the allowable capital improvement to replace Borough Hall roof.

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 \$140,000.00 presently located in the Capital Improvement Fund is hereby appropriated to replace roof at the Borough Hall.

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			
Elisa Yager	x			x			
Ronald Rehl				x			

RESOLUTIONS

RESOLUTION NO. RE2024-028

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 February 5, 2024.

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

RESOLUTION NO. RE2024-029

RESOLUTION OF THE BOROUGH OF MILFORD AUTHORIZING MILFORD BOROUGH’S ENGINEER TO DESIGN A FLOORPLAN TO INCORPORATE THE BOROUGH’S ADMINISTRATIVE OFFICES WITHIN THE MILFORD BOROUGH PUBLIC LIBRARY.

WHEREAS, the Milford Borough Common Council recognizes certain limitations with the functionality of the existing Milford Borough Hall; and

WHEREAS, the Council wishes to redress said limitations by moving the administrative offices contained in the current Borough Hall to the Milford Public Library building, a building maintained and owned by the Borough; and

WHEREAS, Milford’s Common Council seeks to reconfigure the Library building to adequately and appropriately accommodate all of the administrative office and needs of the Borough which include but are not limited to the offices of the Borough Clerk, Borough Deputy Clerk, Borough

Chief Financial Officer, Borough Zoning Officer, Borough Tax Collector, Borough Tax Assessor, as well as appropriate meeting rooms and storage for all such administrative functions; and

WHEREAS, the Milford Borough Common Council has discussed and concluded that the Borough’s needs in this endeavor shall supersede those of the Milford Public Library’s needs, and that this undertaking should be completed without delay; and

WHEREAS, the Borough Common Council hereby seeks to have the Borough’s Engineer, Robert Martucci, P.E., design a floorplan which will accomplish the goals of the Common Council in a cost-effective, expedited manner.

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

1. The Borough’s Engineer Robert Martucci, P.E., may design a floorplan to enable the movement of the Milford Borough Hall and all the functions performed in the Borough Hall to the Milford Public Library Building with said newly created floorplan to consider, foremost, the Borough’s needs.
2. The cost to undertake this redesigned floorplan design which will include architectural details and electrical plan but shall be exclusive of actual construction materials and labor, shall not exceed Ten Thousand Dollars (\$10,000.00).

NOW, WHEREFORE BE IT HEREBY FURTHER RESOLVED by the MILFORD BOROUGH COMMON COUNCIL that all aforementioned recitals are incorporated herein as though fully set forth at length.

This being submitted at the Council meeting held on Monday, February 5, 2024.

ROLL CALL VOTE

Council Member	Motion	Second	Aye	Nay	Abstain	Absent
James Gallos			x			
Noralie LaFevre	x		x			
Helen Livingston			x			
Ronald Rehl			x			
Douglas Sloyer						x
Elisa Yager		x	x			

RESOLUTION NO. RE2024-030

RESOLUTION OF THE BOROUGH OF MILFORD OPPOSING BOTH NEW JERSEY ASSEMBLY BILL A-4 AND NEW JERSEY SENATE BILL S-4251

WHEREAS, legislation is being considered by the State Legislature, A-4 and S-4251 (the “Legislation”), which will abolish the Council on Affordable Housing; reform the responsibilities of municipalities concerning the provision of affordable housing; and appropriate \$16 million for State costs relative thereto; and

WHEREAS, the Legislation would also establish a process whereby a municipality shall determine its own present and prospective fair share affordable housing obligation based on the formulas established in the Legislation and as calculated by three court-appointed obligation special masters, representing the northern, central, and southern areas of the State; and

WHEREAS, the Legislation requires that a municipality adopt its’ obligation by binding resolution no later than January 31, 2025 in order to be assured of protection from a builder’s remedy lawsuit through which a municipality may otherwise be compelled to permit development, when the fourth round begins; and

WHEREAS, if the municipality adopts a binding resolution, then the municipality’s determination of its obligation would be established by default, without any approval, as the

municipality’s obligation for the fourth round; however this determination is not final, for a challenge of the determination may still be filed with the Affordable Housing Dispute Resolution Program (the “Program”), which would then be required to facilitate the same; and

WHEREAS, the Legislation would also require that municipalities further amend its’ housing element and fair share plan to comport with the municipality’s obligation for the fourth round; and

WHEREAS, the Legislation would appropriate \$12 million from the State’s General Fund to the Program and \$4 million to the Administrative Director of the Courts, but would result in an indeterminate financial impact to municipalities, which have already expended significant funds on compliance with the current and prior affordable housing legislation imposed by the State; and

WHEREAS, the Legislation would impose a significant administrative and financial burden on municipalities in order to re-establish a new framework for the calculation of affordable housing obligations; and

WHEREAS, the governing body of the Borough of Milford strongly believes that the Legislation will result in a substantial detriment to the Borough of Milford and all municipalities, and an unnecessary burden on the Courts.

NOW, WHEREFORE BE IT HEREBY RESOLVED by the MILFORD BOROUGH COMMON COUNCIL that all aforementioned recitals are incorporated herein as though fully set forth at length; and

BE IT FURTHER RESOLVED, that the governing body of the Borough of Milford strongly oppose A-4 and S-425 and urge the Legislature to vote “NO” on the same; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Senate President Nicholas P. Scutari, Assembly Speaker Craig Coughlin, Senator Douglas J. Steinhardt, Assemblyman John Dimaio, Assemblyman Erik C. Peterson, Governor Phil Murphy and the New Jersey State League of Municipalities.

This being submitted at the Council meeting held on Monday, February 5, 2024.

ROLL CALL VOTE

Council Member	Motion	Second	Aye	Nay	Abstain	Absent
James Gallos			x			
Noralie LaFevre	x		x			
Helen Livingston			x			
Ronald Rehl			x			
Douglas Sloyer						x
Elisa Yager		x	x			

PUBLIC COMMENTS

Elisa Yager made a motion to open the public portion of the meeting.

Seconded by Noralie LaFevre.

ROLL CALL: AYES: J. Gallos, N. LaFevre, H. Livingston, E. Yager, R. Rehl

NAYS: None ABSTAIN: None ABSENT: D. Sloyer

- John Phillips updated Council on the Preliminary Damage Assessments for Winter Storm Finn. John stated the State needs \$17.1 million in damages to request a major disaster declaration. Currently, the state damages are approximately \$13 million, therefore we are still waiting to hear if any damages in the Borough will be covered.
- John Phillips stated there are still street lights on Frenchtown Road that are out.
- Milford merchants in attendance tonight to comment on the possible retail cannabis

dispensary coming into the Borough. The merchants stated they have concerns with parking and the security.

- Rob Castagna stated he is concerned with the lack of movement at the Curtis Paper site.
- There were several residents in the audience that expressed their concerns with a possible retail cannabis dispensary in the Borough.
- Ed Letko, owner of several properties on Bridge Street stated he wants to do what is right for the Borough regarding new businesses in his properties. Mr. Letko also stated he is not taking parking away on Bridge Street and he needs new business income to repair his parking lot.
- Chet Zeiger thanked Councilman Rehl for a very informative presentation and stated consumers use cannabis for wellness and recreational use.
- Mike Odenwald stated he brought the idea of a retail cannabis dispensary to Milford.

Motion to close the public hearing was made by Ron Rehl.

Seconded by Noralie LaFevre.

ROLL CALL: AYES: J. Gallos, N. LaFevre, H. Livingston, E. Yager, R. Rehl

NAYS: None ABSTAIN: None ABSENT: D. Sloyer Motion carried.

CLERK'S REPORT – January 2024

Comments: none

Motion to accept: James Gallos

Seconded: Noralie LaFevre

All in Favor – AYES: All NAYS: None ABSTAIN: None ABSENT: D. Sloyer

Clerk's Report for December 2024 was approved.

TAX COLLECTOR'S REPORT – January 2024

Comments: none

Motion to accept: Elisa Yager

Seconded: Helen Livingston

All in Favor – AYES: All NAYS: None ABSTAIN: None ABSENT: D. Sloyer

Tax Collector's Report for January 2024 was approved.

REGULAR MEETING MINUTES FROM PREVIOUS MEETINGS PRESENTED FOR APPROVAL – January 16, 2024

Comments: none

Motion to accept: James Gallos

Seconded: Noralie LaFevre

All in Favor - AYES: All NAYS : None ABSTAIN: None ABSENT: D. Sloyer

Regular Meeting Minutes of January 16, 2024 are approved.

MISCELLANEOUS

Milford Merchant Association – 2024 Events

Noralie LaFevre made a motion to accept the Milford Merchant Association Events for 2024.

Seconded by: Ronald Rehl

ROLL CALL: AYES: J. Gallos, N. LaFevre, H. Livingston, R. Rehl, N. LaFevre

NAYS: None ABSTAIN: None ABSENT: D. Sloyer

Motion carried.

CORRESPONDENCE LIST

Correspondence was reviewed as presented.

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: Ron Rehl

Seconded by: Noralie LaFevre

All in Favor - AYES: All NAYS: None ABSTAIN: None ABSENT: D. Sloyer

Meeting adjourned at 9:00PM.

Respectfully Submitted,

Karen Dysart, RMC
Municipal Clerk