

REGULAR MEETING

DATE: March 18, 2024

CALL TO ORDER

The Regular Meeting of the Milford Borough Common Council was held on March 18, 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, Ronald Rehl
Helen Livingston, Douglas Sloyer, Elisa Yager
Henry Schepens, Mayor

Absent: None

The record reflects the presence of: Todd Bolig, Attorney

NEW BUSINESS

Milford Fire Company – 2024 Budget Presentation

- Nathan Fleck, Milford Fire Chief reviewed the 2023 expenses and the proposed 2024 budget. The proposed budget request is for \$50,000 which is the same as last year. The Milford Company requested \$15,000.0 from the capital improvement fund to assist with completing their high water truck project.
- Chief Fleck reported that in 2023 the fire company answered 155 calls and held 28 drills. The Fire Company also outfitted twelve of their interior firefighters with new PPE. The Milford Company provided each of their ten swift water rescue technicians with new dry suits, helmets, vests, boots, etc. The fire company acquired a 1995 Stewart and Stevenson LMTV for use as a high water rescue truck.

Noralie LaFevre made a motion to accept the Fire Company’s 2024 Budget and approve the Fire Company’s request for \$50,000.00, \$15,000.00 from the capital improvement fund and \$25,000.00 for future purchase of a fire truck.

Seconded by Ronald Rehl

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

Milford-Holland Rescue Squad – 2023 Budget Presentation

Diane Lutz presented the yearly operational report for Milford-Holland Rescue Squad from January 1, 2023 – December 31, 2023. Diane Lutz stated for the year of 2024 the squad is requesting \$47,500.00 for their expense budget. The next scheduled purchase of an ambulance will be in January 2026. Mayor and Council thanked the Rescue Squad for their attendance at tonight’s meeting.

Noralie LaFevre made a motion to accept the Milford-Holland Rescue Squad's request for \$47,500.00 and \$11,000.00 for future purchase of ambulance.

Water Department – Discussion with Rick Aller and Rob Martucci

Rick Aller presented to Council the following:

- The Water Quality Accountability Act went into law October 2017 which required community water systems with more than 500 service connections to develop hydrant location, maintenance, flushing schedules, valve location, maintenance and service schedule. The act required an Asset Management Plan which presented projects to be completed through 2050 and recommended the utility place \$100,000 away annually to complete the planned recommended upgrades on top of our regular operating expenses. The Asset Management Plan needs to be updated this year and requires a long term funding strategy.

Water Department Items to be addressed with the Asset Management Plan and State/Federal regulations:

- In 2021 a small portion of the telemetry system was completed as an emergency and the remainder of the telemetry system upgrade has an estimated cost of \$200,000.
- Well #2 was scheduled to have the pump, motor and electric replaced in 2022, but the items were not replaced. If we need to go back on emergency use of well #5 which per our well permit requires treatment of sulfate, total hardness, iron and manganese. This well received system wide complaints due to the hardness and odor.
- Rehab Mount Pleasant booster pumps and piping in 2024 with an estimated cost of \$250,000.
- In 2024 replace the roof on well #2.
- York Road well arsenic tanks in 2026, waiting for an actual cost.
- York Road booster pumps in 2027 with an estimated cost of \$250,000.
- Well #2 will most likely need treatment for Pfas with new pending federal regulations.
- In 2021 NJ passed the lead service line law which required all community water systems to inventory the utility and customer side services and replace any lead or galvanized service whether it was town owned or customer owned, The utility does not have to fund the customer side replacement but it does have to inventory and inform the customer of the material their service is constructed of. The state has given the utility ten years to dig up and inspect and or replace all lead or galvanized services. Currently, when we replace meters we note the material the customers service is made of when we install meters. Additionally, notices need to be sent to all suspected owners of galvanized or unknown services by certified mail.
- Finally, well #5 is required to have treatment installed for sulfate, total hardness, iron and manganese with an estimated cost of two million dollars. Well #4 should be put online with an estimated cost of two million dollars, which would alleviate the current need for well #5.

Water Department – Work Completed

- The Water Department has been replacing meters, water mains and services.
- Water mains and town side services were installed on Mt. Nebo Road, Phyllis Lane, York

Street and Williams Street. Town side services were also replaced on Green and Maple Streets.

- Replaced roof at York well.
- Wells 5 & 6 drilled due to the state mandated shut down of well #1.

UNFINISHED BUSINESS

- Mayor Schepens reported that the Hunterdon County Commissioners have sent letters to our Assemblymen regarding the opposition to Bill No. 4/Senate Bill No. 50 regarding affordable housing legislation.
- Mayor Schepens stated he did Meals on Wheels route today.

LEGAL AFFAIRS – ATTORNEY TODD BOLIG

Attorney Bolig reported he spoke to Nicholas Delgaudio, Borough Employment Attorney and he is almost done reviewing the Borough’s job descriptions.

COMMUNITY AFFAIRS – COUNCILMAN SLOYER

Councilman Sloyer reported that the Milford Fire Company responded to 18 calls for service during the month of February 2024. The Fire Company held two drills consisting of apparatus checks and overview of new radio system by representatives of Bucks County Communications.

LIAISON – COUNCILWOMAN YAGER

No report tonight.

ZONING/JOINT LAND USE BOARD – COUNCILWOMAN LIVINGSTON

Councilwoman Livingston reported that at the last Planning Board meeting there was a completeness review for a shed.

PUBLIC WORKS – COUNCILMAN REHL

Councilman Rehl reported that he attended a meeting with the representatives of the Elizabethtown Gas, Mayor Schepens, Rick Aller and Rob Martucci. Elizabethtown Gas will provide a detailed plan (with a traffic plan) to Rob Martucci Borough Engineer to review and accept before continuing with the gas line project.

ORDINANCES – FIRST READING

ORDINANCE NUMBER 978-2024
ORDINANCE TO CREATE CHAPTER 68 OF THE
CODE OF THE BOROUGH OF MILFORD,
ENTITLED “LEAD-BASED PAINT INSPECTIONS”
PURSUANT TO THE REQUIREMENTS OF P.L. 2021, c.182.

WHEREAS, pursuant to P.L. 2021, c.182, all municipalities are required to inspect every single-family, two-family, and multiple rental dwelling located within the municipality at tenant turnover for lead-based paint hazards; and

WHEREAS, the State of New Jersey has determined that it is in the best interests of the residents of the Borough of Milford to amend the Borough Code at this time to require inspections for lead-based paint in residential rental dwellings to conform with New Jersey State law;

WHEREAS, the Borough wishes, through this Ordinance to establish Chapter 68 entitled “Lead-

Based Paint Inspections” of the Borough Code to comply with the laws of the State of New Jersey with the desire to serve the best interests of the Borough’s residents.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Milford, in the County of Hunterdon and State of New Jersey, that Chapter 68 of the Code of the Borough of Milford, entitled “Lead-Based Paint Inspections”, is hereby added to the Code and shall read as follows:

CHAPTER 68
SECTION 1.

Definitions Lead-Based Paint Inspections.

§68-1 Definitions.

Lead Abatement – Measures designed to permanently eliminate lead-based paint hazards in accordance with standards established by the Commissioner of Community Affairs in compliance with standards promulgated by the appropriate federal agencies.

Dust Wipe Sampling – A sample collected by wiping a representative surface and tested in accordance with a method approved by the United States Department of Housing and Urban Development.

Lead Evaluation Contractor – A person certified by the New Jersey Department of Community Affairs to perform lead inspection and risk assessment work pursuant to N.J.A.C. 5:171.1 et seq.

Lead-based Paint Hazard – Any condition that causes exposure to lead from lead-contaminated dust or soil or lead-contaminated paint that is deteriorated or present in surfaces that would result in adverse human health effects.

Visual Assessment – A visual examination for deteriorated paint or visible surface dust, debris, or residue.

Tenant turnover – The time at which all existing occupants vacate a dwelling unit and all new tenants move into the dwelling unit.

SECTION 2.

Lead-Based Paint Inspections.

§68-2 Inspections.

A. A lead evaluation contractor retained by the Borough shall inspect every single-family, two-family, or multiple rental dwelling located in the Borough of Milford for lead-based paint hazards through visual assessment and dust wipe sampling in accordance with N.J.S.A. 52:27D-437.1 et seq.

B. In lieu of having the dwelling inspected by the Borough’s lead evaluator, a dwelling owner or landlord may directly hire a private lead evaluation contractor who is certified to provide lead paint inspection services by the Department of Community Affairs to perform the lead-based paint inspection in accordance with N.J.S.A. 52:27D-437.1 et seq.

C. In accordance with N.J.S.A. 52:27D-437.16(c), a dwelling unit in a single-family, two-family, or multiple rental dwelling shall not be subject to inspection and evaluation for the presence of lead-based paint hazards if the unit:

- (1) Has been certified to be free of lead-based paint;
- (2) Was constructed during or after 1978;
- (3) Is in a multiple dwelling that has been registered with the Department of

Community Affairs as a multiple dwelling for at least ten (10) years, either under the current or a previous owner, and has no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the “Hotel and Multiple Dwelling Law,” P.L.1967, c.76 (C.55:13A-1 et seq.);

(4) Is a single-family or two-family seasonal rental dwelling which is rented for less than six months duration each year by tenants that do not have consecutive lease renewals; or

(5) Has a valid lead-safe certification.

D. The owner, landlord, and/or agent of every single-family, two-family, or multiple rental dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards every three (3) years, or at tenant turnover, whichever is earlier.

E. If lead-based paint hazards are identified, then the owner, landlord, and/or agent of the dwelling shall remediate the lead-based paint hazard using lead abatement or lead-based control methods in accordance with N.J.S.A. 52:27D-437.16(d). Upon the remediation of the lead-based paint hazard, the Borough’s lead evaluation contractor shall conduct an additional inspection of the unit to certify that the hazard no longer exists.

If no lead-based paint hazards are identified, then the Borough’s lead evaluator shall certify the dwelling as lead-safe on a form prescribed by the Department of Community Affairs, which shall be valid for two (2) years.

F. Pursuant to N.J.S.A. 52:27D-437.16(e), property owners shall:

(1) Provide evidence of valid lead-safe certification and the most recent tenant turnover at the time of the cyclical inspection.

(2) Provide evidence of a valid lead-safe certification obtained pursuant to this Section to new tenants of the property at the time of tenant turnover unless not required to have had an inspection by a lead evaluation contractor or permanent local agency pursuant to §68-2(C) of this Chapter.

(3) Maintain records of lead-safe certification, which shall include name(s) of the unit tenant(s), if inspection was conducted during a period of tenancy.

SECTION 3.

Lead-Based Paint Inspection Fees.

§68-3 Fees.

A. In accordance with N.J.S.A. 52:27D-437.16(h), an additional fee of \$20.00 per dwelling unit inspected by the Borough’s lead evaluation contractor or the owner’s private lead evaluation contractor shall be addressed for the purpose of the Lead Hazard Control Assistance Act, unless the owner demonstrates that the Department of Community Affairs has already assessed an additional inspection fee of \$20.00. The fees collected pursuant to this subsection shall be deposited into the Lead Hazard Control Assistance Fund.

B. In a common interest community, any inspection fee charged pursuant to this subsection shall be the responsibility of the unit owner and not the homeowners’ association, unless the association is the owner of the unit.

C. As listed in the fee ordinance.

SECTION 4.

Lead-Based Paint Inspection Fees.

§68-4 Violations, Penalties, and Enforcement.

Penalties for violation of Chapter 68 shall be as follows:

- A. If a property owner has failed to conduct the required inspection or initiate any remediation as required by N.J.S.A. 52:27D-437.1 et seq. the owner shall have 30 days to cure the violation.
- B. If a property owner fails to cure the violation after 30 days, the property owner shall be subject to a penalty not to exceed \$1,000.00 per week plus the Borough’s reasonable court costs until the required inspection has been conducted or remediation efforts have been initiated.
- C. This Chapter shall be enforced by the Borough Clerk or other Borough personnel as may be assigned by resolution of the Milford Borough Common Council.

**SECTION 5.
REPEALER**

All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

**SECTION 6.
SEVERABILITY**

If any section, paragraph, subsection, clause, or provision of this Chapter 68 shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION 7.
EFFECTIVE DATE**

This Ordinance shall take effect after passage and publication in the manner provided by law. PLEASE TAKE NOTICE that the foregoing Ordinance was introduced and passed on first reading on the March 18, 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 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			
Douglas Sloyer				x			
Noralie LaFevre		x		x			
Ronald Rehl				x			
Helen Livingston				x			
Elisa Yager			x	x			

ORDINANCE NUMBER ORD979-2024

AN ORDINANCE TO AMEND ORDINANCE 880-2018 TO DETERMINE AND FIX THE SALARIES AND WAGES OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF MILFORD, IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY

BE IT ORDAINED, the Common Council of the Borough of Milford, in the County of Hunterdon and State of New Jersey that Ordinance 880-2018 be amended to include the position of Part-time Water/Sewer Grant Acquisition Employee as follows:

<u>OFFICE OR TITLE</u>	<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
Water/Sewer Grant Acquisition Employee	\$1,000.00	\$2,000.00	\$5,000.00

Amounts stated above as payable per year shall be considered salaries, or ranges of salaries, and shall be payable for the calendar year. The position of Water/Sewer Grant Acquisition Employee shall be paid quarterly.

BE IT FURTHER RESOLVED that all other sections of Ordinance 880-2018 not amended hereby shall remain in effect, and

BE IT FURTHER ORDAINED by the Common Council of the Borough of Milford that this Ordinance shall take effect immediately after final adoption and publication in accordance with the laws of the State of New Jersey.

FIRST READING - ROLL CALL VOTE

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

RESOLUTION NO. RE2024-035

WHEREAS, there are shortages of appropriations in several accounts of the 2023 Budget, and

WHEREAS, the State of New Jersey permits transfers at this time.

BE IT HEREBY RESOLVED by the Milford Borough Common Council that the following transfers be enacted:

<u>DATE</u>	<u>ACCOUNT</u>	<u>EXPLANATION</u>	<u>DEBIT</u>	<u>CREDIT</u>
03/18/24	62AS00A	Sewer S/W	\$10,180.16	
	62GF10A	Sewer FICA	\$ 1,390.90	
	62GS10A	Sewer SUI	\$ 544.61	
	62B010A	Sewer O/E		\$12,115.67
03/18/24	10515599A	Legal Svc.: OE Misc.	\$ 5,914.25	
	10529019A	Road Maint. S&W		\$ 1,314.66
	10539099A	Municipal Library: OE		\$ 336.97
	10543099A	Electricity		\$ 4,262.62

This being submitted at the Council meeting held on March 18, 2024.

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

RESOLUTION NO. RE2024-036

**A RESOLUTION PERMITTING THE TEMPORARY CLOSURE OF
HONEYSUCKLE LANE ON APRIL 27, 2024
FOR VIKING FEST AT DESCENDANTS BREWING**

WHEREAS, Descendants Brewing LLC, (the “Licensee-Applicant”) having a physical address at 61 Bridge Street, Milford, New Jersey, has an New Jersey Alcoholic Beverage Control (“NJABC”) for “COVID-19 Expansion of Premise Permit”.

WHEREAS, the Licensee-Applicant intends to extend its currently permitted premises through the use of the Borough’s Honeysuckle Lane over and through which the Licensee-Applicant holds an easement.

NOW THEREFORE, BE IT RESOLVED, by the MILFORD BOROUGH COMMON COUNCIL of the Borough of Milford, in the County of Hunterdon, State of New Jersey, as follows

1. The Borough of Milford hereby authorizes the Descendants Brewing LLC, (the “Licensee-Applicant”) to shut down said Honeysuckle Lane between the hours of 12:00PM (Noon) to 8:00PM on Saturday, April 27, 2024 to both pedestrian and vehicular traffic, and to use same for the consumption of alcoholic beverages in accordance with the terms of its license and any “COVID-19 Expansion of Premise Permit; and

2. The Licensee-Applicant shall remove all required barriers and fencings, and shall return the area utilized in accordance with any NJABC Extension of Premises Permit to a broom-clean condition by 9:00PM on Saturday, April 27, 2024.

This being submitted at the Council meeting held on March 18, 2024.

ROLL CALL VOTE

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

RESOLUTION NO. RE2024-037

WHEREAS, the Common Council of the Borough of Milford shall require the services of a Part-time Water/Sewer – Grant Acquisition employee effective March 18, 2024; and

WHEREAS, there are sufficient funds available in the General Operations Municipal budget to pay for this employee.

THEREFORE, IT IS HEREBY RESOLVED by the Milford Borough Common Council that William Hance will be hired as a part-time Water/Sewer Grant Acquisition employee at a salary of \$1,500.00 per year.

This being submitted at the Council meeting held on March 18, 2024.

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

RESOLUTION RE2024-038

Resolution Authorizing the Borough Engineer, Robert Martucci, P.E. to Apply to the State Historic Preservation Office for Milford Borough Hall Roof Replacement Project.

WHEREAS, the Borough of Milford has employed the services of Robert Martucci P.E. Martucci Engineering LLC, for the preparation of construction documents for the Borough Hall Roof Replacement; and

WHEREAS, this building is within the Borough’s Historic District; and

WHEREAS, these construction documents require approval by the State Historic Preservation Office;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Milford hereby authorize the Borough Engineer Robert Martucci, P.E., to submit the application for the Borough Hall Roof Replacement Project and fully supports the application being made to the State Historic Preservation Office for approval.

This being submitted at the Council meeting held on March 18, 2024.

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

PUBLIC COMMENTS

Noralie LaFevre made a motion to open the public portion of the meeting.

Seconded by Ronald Rehl.

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

NAYS: None ABSTAIN: None ABSENT: None

- Resident on York Road had several questions regarding replacing the water lines on their property.

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

Seconded by Elisa Yager.

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

NAYS: None ABSTAIN: None ABSENT: None

Motion carried

TAX COLLECTOR’S REPORT – February 2024

Comments: none

Motion to accept: James Gallos

Seconded: Noralie LaFevre
All in Favor – AYES: All NAYS: None ABSTAIN: None ABSENT: None
Tax Collector’s Report for February 2024 was approved.

REGULAR MEETING MINUTES FROM PREVIOUS MEETINGS PRESENTED FOR APPROVAL – February 20, 2024

Comments: none
Motion to accept: Noralie LaFevre
Seconded: Helen Livingston
All in Favor - AYES: All NAYS : None ABSTAIN: None ABSENT: None
Regular Meeting Minutes of February 20, 2024 are approved.

REGULAR MEETING MINUTES FROM PREVIOUS MEETINGS PRESENTED FOR APPROVAL – March 4, 2024

Comments: none
Motion to accept: Elisa Yager
Seconded: Noralie LaFevre
All in Favor - AYES: All NAYS : None ABSTAIN: None ABSENT: None
Regular Meeting Minutes of March 4, 2024 are approved.

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: Ronald Rehl
Seconded by: Elisa Yager
All in Favor - AYES: All NAYS: None ABSTAIN: None ABSENT: None
Meeting adjourned at 9:15PM

WATER CAPITAL FUND DISBURSEMENTS

03/18/24	Check #1206	Martucci Eng.	EPA Water Improvement	\$1,680.00
03/18/24	Check #1207	Martucci Eng.	EPA Water Improvement	\$2,640.00

CURRENT CAPITAL FUND DISBURSEMENTS

03/18/24	Check # 1605	Martucci Eng.	York Road Project	\$2,100.00
03/18/24	Check # 1606	Martucci Eng.	Ballfield & Tennis Courts	\$2,760.00

MILFORD BOROUGH SEWER UTILITY ACCOUNT DISBURSEMENTS

MILFORD BOROUGH SEWER UTILITY ACCOUNT DISBURSEMENTS-cont.

MILFORD BOROUGH WATER DEPARTMENT ACCOUNT DISBURSEMENTS

MILFORD BOROUGH CURRENT ACCOUNT DISBURSEMENTS

MILFORD BOROUGH CURRENT ACCOUNT DISBURSEMENTS – CONT.

Respectfully Submitted,

Karen Dysart, RMC
Municipal Clerk