

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
May 19, 2008**

The regular meeting of the Borough Council of the Borough of Rocky Hill was called to order by Mayor Edward Zimmerman at 7:30 PM followed by the salute to the Flag.

NOTICE OF COMPLIANCE WITH OPEN PUBLIC MEETINGS ACT

The following statement was read into the record by Mayor Zimmerman: This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting was included in a list of meetings advertised in the December 7, 2007, edition of the Courier News and transmitted to the Somerset Spectator. Notice has been posted accordingly and a copy of this notice is available to the public and is on file in the Office of the Borough Clerk.

ROLL CALL

Mr. Jim Banks-present, Ms. Linda Goldman-present, Mr. Brian Griner-present, Mr. William Hallman-present, Ms. Julia Hasser-present, Ms. Courtney White-present.

Also present: Borough Attorney Albert Cruz, Deputy Clerk Raymond Whitlock

MAYOR'S COMMENTS

- Mayor Zimmerman reported on a Relay for Life Cancer Walk and Survival Dinner being sponsored by the Montgomery High School noting that Rocky Hill residents are invited to attend.
- The Mayor will officiate at the annual Memorial Day event to be held at Panicaro Park; Deputy Clerk Whitlock will obtain the wreath for the ceremony.
- In regard to the recent proposed cuts in State aid, Mayor Zimmerman advised that \$9352.00 in aid will be restored to the Borough. The Mayor will attend a budget summit tomorrow along with other municipal representatives continuing efforts for the restoration of the full amount of aid.

PROCLAMATION

Mayor Zimmerman presented a Proclamation declaring June 7, 2008, as "Stephen Haggan Day". Stephen is the son of David and Jacqueline Haggan of Rocky Hill. Stephen was diagnosed with acute lymphoma leukemia and is expected to make a full recovery. The proclamation will be presented to Stephen at an event scheduled in his honor.

APPROVAL OF MINUTES

Regular Meeting Minutes – May 5, 2008 - Motion was made by Hasser with a second by Goldman for the approval of the minutes contingent on the following corrections: Correction to date of meeting on Page 1; Addition of approval of Resolution #2008-34 under Lawn Services on Page 2. Motion carried on roll call vote - all ayes.

REQUEST OF COUNCIL FOR NEW OR OLD BUSINESS (NOT ON AGENDA)

New Business – Memorial Day Flags; NJDEP Tonnage Grant Resolution
Unfinished Business - Bike Race Update

PUBLIC COMMENTS

Hearing no comments/questions, the floor was closed to the public.

APPROVAL OF VOUCHERS TO BE PAID

Bill list dated 5/19/08 was distributed. Motion was made by Hallman with a second by Banks for the approval of the bill list as presented. Motion carried on roll call vote – all ayes.

DEPARTMENTAL REPORTS

Tax Collector's Report - April 2008
Court Administrator's Report - April 2008

The Court Administrator's report was summarized by Mayor Zimmerman. Motion was made by Banks with a second by Goldman for the acceptance of the reports. Motion carried on roll call vote - all ayes.

COMMITTEE REPORTS:

Administration & Records – Council member Goldman provided an updated on the PARIS Grant Program; Somerset County municipalities are entitled to \$16,000/per town and the County is in the process of soliciting bids for the PARIS projects. Code book revisions - discussed under Unfinished Business.

Buildings & Grounds – Council member Banks advised that the plumbing problems in Borough Hall were fixed last week; estimates have been obtained for the asbestos abatement problem around one of the pipes in Borough Hall; the meeting with the electric company to discuss service at Panicaro Park has been rescheduled. Mayor Zimmerman and Councilman Banks will meet to discuss projects that need to be done over the summer months. The work on the tennis courts as previously discussed is being followed up by Engineer Tanner. Concern was expressed in regard to the overgrown grass on the Borough properties. Deputy Clerk Whitlock will speak to the contractor if the issue continues to ensure that the mowing is done in a timely manner. Discussion ensued regarding the need for leveling out the back fields on the Borough Hall property. Councilmen Banks and Hallman will follow-up. Councilman Banks will follow-up on the sign and lighting renovation needed in front on Borough Hall.

Finance & Insurance – Copy of e-mail dated 5/19/08 from Auditor Morrison, Re: CY2008 Proposed CMPTRA Replacement Aid Program, was received and distributed. A meeting will be scheduled with Council member Hasser, Mayor Zimmerman, Auditor Morrison and CFO Bobal prior to the next meeting in regard to the effect of the state aid cuts on the proposed budget.

Public Safety & Emergency Services – A meeting with Lt. Skelton of the Kingwood Barracks, Council member Hallman, and Mayor Zimmerman is scheduled for Wednesday. E-mail activity reports from South Bound Brook have been received and distributed.

Streets & Roads – Council member White advised that the pedestrian signs knocked down on Route 518 have been put back in place; the County has advised that requests for additional pedestrian signs will need to be made in quantities of six at a cost of \$275.00 each. It was suggested that a joint purchase with another municipality, specifically, Hopewell Borough, should be looked into. A tree down on Merritt Lane was taken care of by the County; approval for the hanging of the bike race banner will be sought from the County by Ms. White. The replacement of the cables on Washington St. should begin by the end of May/beginning of June per the power company. Ms. White will further explore whether the Borough can purchase reflective material that is on the stop sign at Crescent and Princeton Aves. Deputy Clerk Whitlock advised that Garden State Signs donated the sign material several years ago. Ms. White will follow-up with them. George White has volunteered to help with the hanging of the flags for Memorial Day. Deputy Clerk Whitlock will coordinate the effort with Mr. White.

Water, Sewer & Environmental Protection – No report at this time.

Council Representative to Planning Board – Resolutions of approval for the Donato and Fischer applications were memorialized. A historic preservation application for Bristol was approved. A COAH update was provided to the Board.

Council Representative to School Board – Randie Zimmerman was elected to the School Board; there will be a joint school board meeting with Millstone Borough on 5/28/08.

Council Representative to Board of Health – Councilman Hallman advised that the Board of Health website is up and running thanks to the efforts of Susan Fisher; Mr. Hallman has asked the Board of Health

to research the effects of the traffic calming devices being used by the Borough, specifically, whether they are a help or hindrance. Discussion ensued regarding other avenues that can be explored for traffic calming in lieu of the signs, i.e. blinking light, radar guns used by Constables, etc.

Zoning Official's Report – Zoning Official Whitlock advised of phone inquiries relative to zoning that have been received.

Grants Committee – Councilman Hallman will follow-up with Chief Harris on a new loan program being offered through the NJ SAGE program for equipment.

SPECIAL BUSINESS

Public Hearing: Ordinance #2, 2008 – “AN ORDINANCE TO AMEND CHAPTER 56: ANIMALS, ARTICLE I: DOGS AND ARTICLE III: CATS TO INCREASE LICENSE FEES AND INSTITUTE NEW LATE FEE SCHEDULE.” - The ordinance as filed in the Borough Clerk's Office was read by title. Proof of publication was received. Councilman Hallman related that the Board of Health has reviewed the ordinance as amended by Council and has expressed their disappointment with the Council's decision to delete the pro-ration fee for newly acquired pets as recommended by the Board. The Board of Health is questioning whether a complete waiver of fees for initial registration should be considered. It was noted by Attorney Cruz that this suggestion would defeat part of the ordinance in that the Borough is attempting to recoup expenses associated with the licensing program which currently reflects a fund deficit. The floor was opened to the public for comments/questions:

Cliff Moore, resident, suggested that a cross reference with other municipalities for rabies vaccination information should be looked into.

Hearing no other comments/questions, the floor was closed to the public.

In response to discussion concerning the census that will need to be conducted, Council member Hasser volunteered her services for this project.

Motion was made by Hallman with a second by Hasser for the adoption of the ordinance. Motion carried on roll call vote - all ayes.

Rocky Hill Fire Department - Recommendation of Fire Truck Bids

Bids were received and opened on May 16, 2008, for a Triple Combination Pumper. Chief Harris and members of the Rocky Hill Hook and Ladder Company reviewed the bids submitted as follows:

Kovatch Mobile Equipment Corp./KME - \$338,885.00;
Smeal Fire Apparatus Co. - \$341,854.00; alternate bid - \$289,854.00;
Pierce Manufacturing, Inc. - \$352,976.00.

Chief Harris appeared before Mayor and Council and provided an overview of the bids that were submitted. It was noted by Chief Harris that the bids of Smeal did not meet the technical specifications, to include but not limited to, the delivery time that can not be accommodated and the alternate bid that was provided for a demonstration model which is unacceptable. The Kovatch bid did not meet the technical specifications, to include but not limited to, the length of the pumper exceeding the space limitations of the fire house. It was the recommendation of Chief Harris that consideration be given to the award of the contract to Pierce Manufacturing Inc. who appear to have met the technical requirements of the specifications. It was also noted that an optional credit is being provided by Pierce Manufacturing.

The bids will be reviewed by Attorney Cruz for legal compliance, and a copy will be provided to Engineer Tanner for review. Attorney Cruz noted that the optional credit offered by Pierce could not be factored into

the decision of the award since the option for a credit was not within the parameters of the specifications. No action at this time; carried to next meeting.

UNFINISHED BUSINESS:

Rocky Hill Classic Bike Race Update - Tom Licker, Event Coordinator, presented an update of events relative to the bike race scheduled for June 21, 2008. Fund raising has already surpassed last year's total; a map outlining the parking availability will be posted on the website; racers will be directed to park at Van Horne Park; roads will be closed in Rocky Hill from approximately 8:00AM to 1:00 PM; notice of road closures to residents affected will be provided one month prior to the event; vehicle tags will be provided to residents impacted by the road closures; there will be portable restrooms down by the rescue squad; a map of the road closures will be provided to Somerset County, Roads and Bridges Department by Mr. Licker; local vendors will be selling merchandise. A copy of the event flyer will be sent to Council member Goldman for inclusion on the Borough's website.

COAH Update – Email correspondence dated 5/13/08 from Laurette Kratina of the Somerset County Planning Board was received and distributed. The County is requesting assistance in updating growth projections in response to the proposed third round COAH rules. A copy of the request was forwarded to Planner Kimball. Planner Kimball is requesting direction from the Borough as to whether they would like her to follow-up on the request from the County. It was the consensus that this project should be followed-up by Planner Kimball based on the fact that the third round obligations being imposed by COAH appear to be flawed and the County may be able to provide more accurate data. Mayor Zimmerman will request a cost estimate for this project from Planner Kimball. Carried to next meeting.

Attorney Cruz advised that the New Jersey League of Municipalities (NJLM) will be initiating a lawsuit challenging COAH's third round rules. The League is looking for the support of interested municipalities by way of a Resolution of support and \$500.00 pledge towards the cost of the litigation. Motion was made by Goldman with a second by Hasser for a resolution and pledge of \$500.00 in support of the litigation opposing COAH's third round rules. Motion carried on roll call vote - all ayes; Hallman-nay. Attorney Cruz and Clerk Griffiths will draft a resolution for the next meeting.

Discussion – Code Revisions – Council member Goldman advised that comments have been received from Council members and have been included in the ordinance revision outline. It was agreed that the project will be reviewed in two stages and one hour per meeting will be dedicated to the review. The following is a summary of the action taken:

- Chapter 1 – General Penalty – changes as recommended in ordinance approved for master ordinance;
 - Chapter 8 – Court, Municipal – changes as recommended in ordinance approved for master ordinance;
 - Chapter 12 – Ethical Standards – approved for Repeal;
 - Chapter 16 – Board of Health - changes as recommended in ordinance approved for master ordinance;
 - Chapter 24 – Officers and Employees – changes as recommended in ordinance approved for master ordinance; Constables - job specifications will be developed at a later date; requirement for a bond can be waived at time of appointment via resolution; Financial/Administrative Assistant – position to be included in salary ordinance with pay range;
 - Chapter 56 – Vicious Dogs – changes as recommended in ordinance approved for master ordinance (contingent upon review and approval of Health Officer). Councilman Hallman will forward to Health Officer.
 - Chapter 64 – Buildings, Unfit – Attorney Cruz to review to establish whether enforcement powers may be shared between Zoning Official and Health Official.
 - Chapter 70 – Returned Checks – approved for Repeal;
 - Chapter 81 – Curfew – approved for Repeal
- Further review carried to next meeting.

NEW BUSINESS:

Rocky Hill Fire Department - Membership Application - Steven Donis - Application for membership was received from Steven Donis of Princeton, NJ. Motion was made by Hallman with a second by Banks for the approval of the application. Motion carried on roll call vote - all ayes.

Resolution 2008-35 - DEP Tonnage Grants - Motion was made by Goldman with a second by Griner for the approval of this resolution which enables the Borough to file for New Jersey Department of Environmental tonnage grants. Motion carried on roll call vote - all ayes. Deputy Clerk/Recycling Coordinator Whitlock will file this resolution along with the Borough's recycling report with the NJDEP.

COMMUNICATIONS:

Communications as listed on the agenda were disseminated and/or ordered filed.

- Letter was received from the Co-Chair, State Police Tax Committee of Estelle Manor, requesting support in the fight against State Police tax on rural communities.

FINAL PUBLIC COMMENT

The floor was opened to the public for comments/questions. Hearing none, the floor was closed.

EXECUTIVE SESSION - RESOLUTION 2008-36 TO RETIRE INTO EXECUTIVESESSION

Resolution 2008-36 was read into the record by Borough Clerk Griffiths for discussion on the following subject matter: Litigation – Rocky Hill Citizens for Responsible Growth v. Borough of Rocky Hill, et als. Motion was made by Banks with a second by Hallman approving the resolution. Motion carried on roll call vote - all ayes. (10:15PM)

RESULTS OF EXECUTIVE SESSION (IF ANY)

Results of the executive session meeting were not made available to the public at this time. (10:36PM).

ADJOURNMENT:

Motion to adjourn the meeting at 10:36 PM was made by Banks with a second by Griner. All voted in favor of adjournment.

Respectfully submitted:

Donna M. Griffiths, RMC
Borough Clerk