

**BOROUGH OF ROCKY HILL  
COUNCIL MINUTES  
June 16, 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: Deputy Clerk Raymond Whitlock Jr., Borough Attorney Albert Cruz

**MAYOR'S COMMENTS**

- Mayor Zimmerman reported on his attendance at the swearing in ceremony of Police Chief King of the South Bound Brook Police Department.
- A Rabies Alert has been received from the Montgomery Township Health Department; information will be posted on the Borough's website.
- Reminder that the Rocky Hill Cycling Classic is scheduled for Saturday, 6/21/08.

**APPROVAL OF MINUTES**

Regular Meeting Minutes – June 2, 2008 – Motion was made by Hasser with a second by Goldman for the approval of the minutes as presented. Motion carried on roll call vote – all ayes.

Special Meeting Minutes – June 9, 2008 - Motion was made by Hasser with a second by Banks for the approval of the minutes as presented. Motion carried on roll call vote - all ayes.

Possible Release of Executive Session Minutes - Period 1988-1999 - Motion was made by Banks with a second by Goldman for the release of the following executive session minutes based on recommendation of Attorney Cruz: 6/20/88; 12/4/89; 10/1/90; 10/15/90; 11/2/92; 1/4/93; 2/16/93; 3/1/93; 11/15/93; 12/6/93; 1/19/94; 2/7/94; 8/15/94; 1/17/95; 5/15/95; 6/5/95; 6/17/96; 10/21/96; 5/19/97; 6/16/97; 7/21/97; 12/1/97; 1/20/98; 3/16/98; 4/6/98; 8/17/98; 12/21/98; 3/1/99. Motion carried on roll call vote - all ayes.

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

None at this time.

**PUBLIC COMMENT**

Cliff Moore, resident, inquired on the status of the resurfacing of the Green Acres driveway. Mayor Zimmerman advised that follow-up will be made with Engineer Tanner.

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

**APPROVAL OF VOUCHERS TO BE PAID**

Motion was made by Hallman with a second by Hasser for the approval of the vouchers/bill list as presented. Motion carried on roll call vote - all ayes.

**DEPARTMENTAL REPORTS**

Tax Collector - May 2008  
Court Administrator - May 2008budget

The Court Administrator's report was summarized by Mayor Zimmerman. Motion to accept the reports as presented was made by Griner with a second by Goldman. Motion carried on roll call vote - all ayes.

**COMMITTEE REPORTS:**

**Administration & Records** – Council member Goldman advised that website updating is ongoing; meetings have been held with the County and vendors contracted by the County in reference to the PARIS records project. The Borough is scheduled to be first on the list for the purging project; discussions have been held on the second phase of the project relative to the digitizing and microfilming of the permanent records. Quote has been received from General Code for the updating of the Borough's Code which includes legislation from #2-07 through #1-08 and a completed disposition list of all ordinances. The estimated cost is between \$1895 and \$2135 plus shipping. Discussion ensued on whether consideration should be given to doing in-house updates as opposed to using the outside vendor. It was noted that the in-house updating would need to be carried out on a consistent basis to ensure the ordinances posted on the website are kept current. It was agreed to monitor the cost of the updates at this time and reevaluate this issue depending on the costs associated with the updates. Motion was made by Goldman with a second by Hasser for the expenditure of funds not to exceed \$2,000.00 for the processing of the updates contingent upon certification of funds. Motion carried on roll call vote - all ayes. Ms. Goldman further reported on updates to the master ordinance based on changes made at the last meeting.

**Buildings & Grounds** – Councilman Banks advised that quotes are being solicited for the asbestos abatement problem in the basement. ARC is working with their attorney on making modifications to the property around the water tower. Mr. Banks is awaiting a response from PSE&G on the electric issue at Panicaro Park. Mayor Zimmerman and Councilman Banks will meet to discuss pending building projects. Mr. Banks will research the costs associated with renovating the Borough signage in front of Borough Hall. Mr. Banks will confer with the software vendor on the problems being encountered with remote access to the system via the Borough's router.

**Finance & Insurance** – No report at this time; Mayor Zimmerman reported that our local legislators have presented a resolution in support of the reinstatement of the State aid to the municipalities.

**Public Safety & Emergency Services** – Councilman Hallman advised that the Constables are currently perusing the Borough for overgrown branch/brush violations. Reports have been received from South Bound Brook Police and distributed. A NJSP report has been received. The NJSP will be present for the Bike Race on Saturday.

**Streets & Roads** – Council member White advised that report was received relative to an injury sustained by a child from a bolt on the broken playground equipment at Van Horne Park. Ms. White and Councilman Banks addressed the problem at the site temporarily and advised Engineer Tanner for follow-up by the contractor. An issue with run-off water on Toth Lane (area of Metcalf residence) due to the lack of curbing will be followed up with Engineer Tanner. Ms. White was informed by the County that another municipality is purchasing pedestrian signs and offered that the Borough may wish to consider a joint purchase to meet the minimum purchasing requirement. The cost of the signs is between \$250-\$260.00. Motion was made by Hallman with a second by Banks for the purchase of two additional signs for back-up purposes. Deputy Clerk Whitlock advised that funds are available in the Streets and Roads budget line item. Motion carried on roll call vote - all ayes; Hasser-nay. The County will remove the pedestrian signs for the bike race and will donate road closure and message signs for the race. Ms. White expressed her

appreciation to the Rocky Hill Fire Department for the hanging of the Rocky Hill Cycling Classic banner on Route 518.

**Water, Sewer & Environmental Protection** – Councilman Griner reported on the receipt of letter dated 5/27/08 from the NJDEP, Re: Compliance Evaluation and Inspection. The report will be forwarded to Superintendent Merk for his review. The monthly report as provided by Superintendent Merk was summarized.

**Council Representative to Planning Board** – Planning Board Committee Liaison Goldman reported that the Board along with Planners Kimball are working on the Borough's Master Plan Reexamination report. Dug and Susan Kimball will be attending the next Planning Board meeting to discuss this report and the latest COAH issues. The Board's professionals are reviewing the escrow accounts so that a recommendation for refunds may be made. The Planning Board approved the expenditure of up to \$2,000.00 for an update to be done on growth projections by Planner Kimball as a follow-up to the request from the County. Mayor and Council agreed with the Board's recommendation. An overview of the impact of A2867 and S1919 - Permit Extension Act - by the legislature was discussed.

**Council Representative to School Board** – No report at this time.

**Council Representative to Board of Health** – Councilman Hallman advised of request received from the Board of Health for the purchase of two, "have a heart traps" for use by the animal control officer. The request was made from Health Officer Pappenberg to the Board. The traps would be used by the SB Health Department but would be the property of the Borough's. Motion was made by Hallman with a second by Banks approving the expenditure of funds up to \$100.00 contingent upon certification of funds. Motion carried on roll call vote - all ayes.

**Zoning Official's Report** – Zoning Official Whitlock reported on response provided to the Construction Official on the following projects (same of which had no zoning issues): Witt residence and Princeton Park

**Grants Committee** – No report at this time.

#### **Other: Recreation Committee Requests**

Melissa Bernardi requested funds to pay for the musician for the Park Night that is being held this Friday. It was noted that \$600.00 has been allotted in the Recreation budget for three park nights. Motion was made by Goldman with a second by Banks authorizing the expenditure of \$200.00 for the Park Night event being held this Friday further allowing the release of the check prior to the next meeting. The check will be listed on the next Council bill list. Motion carried on roll call vote - all ayes. It was noted that requests for the release of funds need to be submitted in a timelier manner to ensure certification of funds and ample time for scheduling on the bill list. Request was made by Ms. Bernardi for the allocation of funds in the amount of \$1,000.00 to the Rocky Hill Community Group who is organizing the event for the Borough's Fourth of July picnic/parade to be held on 7/5/08. The monies will be used for a moonwalk, band, ice cream, and other related expenses. Discussion ensued regarding the process to be followed for payment of services to the Community Group. Based on the process followed last year, it was the consensus of Council to approve the expenditure of the funds payable to the Community Group. Motion was made by Hallman with a second by Hasser for the expenditure of funds in the amount of \$1,000.00 made payable to the Rocky Hill Community Group for services provided for the Borough event contingent upon certification of funds and submission of receipts for all services rendered. It was further agreed that the Community Group will reimburse the Borough for any remaining funds left unexpended from the \$1,000.00 payment and approval was also granted for the issuance of the check at this time. Motion carried on roll call vote - all ayes. The payment voucher will be listed on the next Council bill list with receipts for services attached confirming the monies expended.

#### **SPECIAL BUSINESS:**

**Resolution 2008-45 – 2008 Youth Athletic and Recreation Grant** – Mayor Zimmerman advised that notice of the availability of this grant has just recently been received.

Montgomery Township is applying for the same grant and will be utilized the funds for the lacross fields at Van Horne Park. They are requesting that \$10,000.00 of the funds being sought by the Borough be earmarked to fix the draining problems at the park. The remaining funds would be earmarked for the renovation of the soccer field behind Borough Hall (\$2500.00) and soccer goals for the same field (\$2500.00). Composting of the fields will be coordinated with Franklin and Montgomery Townships and Councilman Hallman has offered to aerate the field. Councilman Hallman and Dan Kluchinski will consult with a turf ground specialist on this project. Motion was made by Hallman with a second by Goldman approving the resolution and authorizing the signing of the grant application by the Mayor. Motion carried on roll call vote – all ayes.

#### **UNFINISHED BUSINESS:**

**COAH Update** - As discussed under Committee Reports, the Planning Board has authorized Planner Kimball to prepare an updated growth projections report as requested by the County.

*(Agenda order of business was changed at the direction of the Mayor).*

#### **NEW BUSINESS:**

**Public Works Shared Service Agreement/Resolution** – A draft copy of an updated countywide inter-local agreement for shared public works equipment was distributed. It was agreed that the Borough should participate in this shared service. The draft agreement will be amended to include the appropriate reference to the Shared Services and Consolidation Act as recommended by Attorney Cruz, an agreement period from 7/1/08 through 6/30/11 and appropriate references to the Borough of Rocky Hill. Motion was made by Hallman with a second by Goldman authorizing the signing of the agreement and resolution by the Mayor and Clerk. Motion carried on roll call vote – all ayes.

#### **COMMUNICATIONS:**

Communications as listed was distributed, disseminated and filed accordingly. Additional correspondence was received as follows:

- Mayor Zimmerman reported on correspondence received from Comcast advising of an increase in franchise fees from 2 to 4%. A letter was sent to residents by Comcast advising them that the increase in costs will be passed on to the residents. It was agreed that a representative from Comcast should be requested to attend the next Council meeting to discuss this issue.

#### **FINAL PUBLIC COMMENT**

Hearing no comments/questions, the floor was closed.

*(The agenda order of business resumed.)*

#### **UNFINISHED BUSINESS (CONTINUED)**

##### **Code Book Ordinance Update Discussion** –

Chapter 46 – Advertising – to be reviewed by Attorney Cruz;

Chapter 154 – Sewer Use and Chapter 197 - Water – Recommended changes reviewed by Superintendent Merk; recommended for adoption with changes;

Chapter 199 – Water Emergencies – recommendation made to delete box numbers and use house numbers; recommended for adoption with changes;

Chapter 110 – Housing Standards – Housing Code and DCA standards to be reviewed.

Chapter 131 – Parks – language pertaining to tennis courts and Panicaro park ball field to be reviewed.

Chapter 133 – Peace and Order – Attorney Cruz to review; conflicts with State law may exist;

Chapter 140 – Property Maintenance – question as to who enforcement agent is; provision should be included for violation of grass over 15 inches in height; to be amended.

Chapter 147 – Rapid Entry – to be reviewed by Fire Department.

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Discussion of remaining chapters carried to next meeting.

**EXECUTIVE SESSION RESOLUTION 2008-46 – TO RETIRE INTO EXECUTIVE SESSION –**

Executive Session Resolution for the purpose of: Litigation – Rocky Hill Citizens for Responsible Growth v. Borough of Rocky Hill et als. and Personnel was read into the record by Clerk Griffiths. Motion to adopt the resolution was made by Hasser with a second by Goldman. Motion carried on roll call vote – all ayes. (10:10 PM).

**RESULTS OF EXECUTIVE SESSION (IF ANY)**

Results of the executive session were not made available to the public at this time. (10:45 PM)

**ADJOURNMENT:**

Motion to adjourn the meeting at 10:45 PM was made by Griner with a second by White. All voted in favor of adjournment.

Respectfully submitted:

Donna M. Griffiths, RMC  
Borough Clerk