

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
June 2, 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. William Hallman-present, Ms. Julia Hasser-present, Ms. Courtney White-present.

Late Attendance: Brian Griner (during Mayor's Comments)

Also present: Deputy Clerk Raymond Whitlock Jr., Borough Attorney Albert Cruz, Engineer William Tanner, CFO Ross Bobal, RMA Bob Morrison

MAYOR'S COMMENTS

- Mayor Zimmerman advised that he attended a State budget meeting. Approximately 25% of State aid has been restored. The State Police taxing will not be pursued by the Governor at this time. Efforts are continuing by the municipalities for the restoration of the full aid.
- The Rocky Hill and Millstone Boards of Education have met with the County Superintendent. A consolidation of school boards will not be pursued at this time.
- The County Clerk has advised that two Independent petitions have been filed for the vacant Council seats.
- Council members interested in attending the Somerset County Governing Officials' Meeting next week should notify the Borough Clerk. Former Governor DiFrancesco will be the guest speaker.
- A lemonade sale will be held throughout the Borough in honor of Stephen Haggan in conjunction with "Stephen Haggan" Day.
- Mayor Zimmerman related that he was a guest speaker at the American Cancer Society Montgomery Relay.

APPROVAL OF MINUTES

Regular Meeting Minutes – May 19, 2008 – Motion was made by Hasser with a second by White for the approval of the minutes as presented. Motion carried on roll call vote – all ayes.

Executive Session Meeting Minutes – May 19, 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.

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

Issues concerning Van Horne Park to be addressed under "Engineer's Report".

PUBLIC COMMENT

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

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NEW JERSEY STATE POLICE REPORT

Mayor Zimmerman and Council President Banks met with Lt. Skelton of the Kingwood Barracks. The NJSP will be present for the Bike Race and Fourth of July parade. No report presented at this time.

ENGINEER'S REPORT

Reported dated 5/30/08 for May 2008 as submitted by Engineer Tanner was distributed (copy placed on file in the Borough Clerk's Office).

County Park Project - Council member Hasser reported on a broken dog bag holder at Van Horne Park. Engineer Tanner advised that the Park Committee is addressing the problem. Ms. Hasser was provided with a key to the dispensers per her request so that she may check on the holders to ensure that the bags are installed properly in hopes of alleviating the problem with them getting broken. It was also noted that vehicles are parking in the grass area of the ball fields. Engineer Tanner will request that Karen Zimmerman send a notice to the leagues using the fields advising that parking is not allowed in these areas. Engineer Tanner advised that the Park Shelter is near completion; he will follow-up with the contractor on the mowing; the basketball court has the first coat on it; the three kiosks being constructed by the Eagle Scout will be placed in the parking lots and at the trail near the pond by the end of August.

NJDOT Grants - Resolution 2008-38 authorizing the filing of the NJ DOT grants by Engineer Tanner was presented. The Borough will be applying for the following grants:

Roads Program - Resurfacing of Hickory Ct., Montgomery Ave. (from Toth to Washington), and Reeve Rd., respectively.

Bicycle Path Program - joint application will be filed with Montgomery Township.

Sidewalks Program - remainder of sidewalks (not included in 2007 sidewalk project) as well as Washington St. Borough funds may be offered as a match.

Pedestrian Safety Program - flashing crosswalk sign.

Motion was made by Hallman with a second by Hasser approving the filing of the applications and signature by the Mayor via approval of the resolution. Motion carried on roll call vote - all ayes.

Tennis Practice Wall - A sketch of the proposed tennis wall to be built near the tennis courts was presented by Engineer Tanner. Engineer Tanner advised that the wall will be moved closer to the trees and more in line with the second tennis court so that the view and other usable area will not be impeded by the location of the wall. In response to questioning by Council, Engineer Tanner advised that the base area will be comprised of stone and asphalt and will be elevated and drained in order to help the drainage. Funds are being used from a Youth Athletic Grant approved last year which was specifically designated for this purpose. It was recommended that construction be done after the Fourth of July event and prior to the new nursery school year. Quotes will be solicited by Engineer Tanner.

Tennis Courts - Quotes were received as follows for the repair of the tennis courts:

Halcon Inc., Bridgewater, NJ - \$2200.00

Nickolaus Construction, Vince town, NJ - \$4000.00

Kurt's Kourts - \$8520.00

Recommendation was made by Engineer Tanner for the award to Halcon Inc. in the amount of \$2200.00.

In response to questioning by Council, Engineer Tanner advised that there is no warranty for the repair work that was done previously on the courts. It is believed that the work was done approximately 6-7 years ago. Engineer Tanner recommended that the repair work offered by Halcon to clean, fill with caulk, and tape and paint the approximate 300 lf. of cracks should be done until such time as the courts are in need of resurfacing. Motion was made by Banks with a second by Griner approving the award of the contract to Halcon, Inc. in the amount of \$2200.00. CFO Bobal was in attendance and certified to the availability of funds from the Recreation budget. Motion carried on roll call vote - all ayes.

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Public Comments:

Peggy Harris, resident, was advised by Engineer Tanner that the pathway from Crescent Ave. to the park will be funded by a grant.

CHIEF FINANCIAL OFFICER'S REPORT

Cash receipts and Temporary Budget Expenditures reports as of 5/30/08 were received from CFO Bobal and distributed. Also distributed was an escrow trust fund account summary as of 5/30/08. The release of escrow funds will be followed up with the Planning Board. Motion was made by Hasser with a second by Banks to accept the reports. Motion carried on roll call vote - all ayes.

APPROVAL OF VOUCHERS TO BE PAID

Deputy Clerk Whitlock advised that Check #5142 has been voided and will be re-issued at the next meeting due to an overpayment. Motion was made by Goldman with a second by Banks for the approval of the bill list with the deletion of Check #5142. Motion carried on roll call vote - all ayes.

SPECIAL BUSINESS:

Introduction - ORDINANCE #3, 2008 – “ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK” - said ordinance as read by title is on file in the Office of the Borough Clerk. Auditor Morrison provided an overview of the ordinance which allows the Borough to increase its spending cap from 2.5 to 3.5%. Motion was made by Hallman with a second by White to introduce the ordinance as presented. Motion carried on roll call vote - all ayes. Public hearing on the adoption of the ordinance is scheduled for special meeting date July 7, 2008, at 7:30 PM.

Introduction – Resolution #2008-37 – 2008 ROCKY HILL BOROUGH MUNICIPAL BUDGET - Auditor Morrison was present to provide an overview of the 2008 budget. The budget reflects a .08 cents increase in the local property tax. Five of the eight cents increase is as a result of the State aid cuts by the Governor. An amendment to the budget will be made in the event of the restoration of the State aid monies. The remainder of the increase is due to increased pension and capital improvements projects. Auditor Morrison advised that the increase in the local tax equates to \$195/yr. for a home assessed at \$250,000.00; \$125/yr. of that increase is as a result of the loss of the State aid. Motion was made by Hasser with a second by Banks for the introduction of the budget resolution. Motion carried on roll call vote - all ayes. Public hearing was scheduled for special meeting date July 7, 2008, at 7:30 PM. The budget will be noticed accordingly with a publication date of June 6, 2008.

Resolution 2008-39 – Temporary Emergency Appropriations Resolution - CFO Bobal presented the resolution which amends the temporary budget to come in line with the proposed budget. Motion was made by Hallman with a second by Goldman for the approval of the resolution as presented. Motion carried on roll call vote - all ayes.

Possible Award of Fire Truck Bid/Resolution 2008-40 - The fire truck bids as presented at the last meeting were reviewed by Attorney Cruz as to their legal compliance. The bids were previously reviewed by the Rocky Hill Fire Department as to technical compliance. Motion was made by Hasser with a second by Goldman approving the resolution for the rejection of the bids from Smeal Fire Apparatus Co. and Kovatch Mobile Equipment Corp. (based on non-compliance with the technical requirements as determined by the Fire Department) and the award of the contract to Pierce Manufacturing, Inc. in the amount of \$352,976.00. Motion carried on roll call vote - all ayes.

Resolution 2008-41 – Annual Renewal of Alcoholic Beverage Control License for 2008/09 – Santa Fe Grille, LLC - Application for renewal was presented by the license holder. Borough Clerk Griffiths advised that the Tax clearance certificate and applicable fees have been received. No written objections to the renewal have been received. Mayor Zimmerman opened the floor to the public for comment/questions. Hearing none, the floor was closed. Motion was made by Goldman with a second by Hasser for the approval of the resolution and renewal of the license for the 2008/09 license year. Motion carried on roll call vote - all ayes

Resolution 2008-42 – Annual Renewal of Alcoholic Beverage Control License for 2008/09 – Cajo Enterprises, LLC - Application for renewal was presented by the license holder. Borough Clerk Griffiths advised that the Tax clearance certificate and applicable fees have been received. No written objections to the renewal have been received. Mayor Zimmerman opened the floor to the public for comment/questions. Hearing none, the floor was closed. Motion was made by White with a second by Banks for the approval of the resolution and renewal of the license for the 2008/09 license year. Motion carried on roll call vote - all ayes

Resolution 2008-43 – Challenge to COAH's Third Round Rules - Resolution was presented in support of the New Jersey League of Municipalities' potential challenge to COAH's Third Round Rules and authorizes a pledge of \$500.00 toward the costs of the litigation. Motion was made by Goldman with a second by Hasser for the approval of the resolution. Motion carried on roll call vote - all ayes; Hallman-nay.

UNFINISHED BUSINESS:

Discussion - Code Revisions - carried to next meeting.

COAH Update - Planner Kimball provided an estimated cost of \$1500-2,000.00 to follow-up on providing information to the County on the Borough's growth projections. Question was raised as to whether the funds should be expended to have this information provided due to the fact that the information was compiled not long ago by Planner Kimball and a new projection to the County may not yield a benefit from COAH. It was agreed to refer this matter to the Planning Board for opinion before a final decision is made. Planner Kimball will be asked to request an extension from the filing of the information with the County.

NEW BUSINESS:

Animal Licensing Software Program/Possible Award of Contract - Resolution 2008-44 - Borough Clerk Griffiths advised that quotes have been received for the purchase of an animal software licensing program. Quotes have been received as follows:
Municipal Software - \$395.00 licensing program/\$384.00 annual support contract - \$779.00 Total
FRA Technologies – \$472.50 licensing program/\$350.00 annual support contract - \$822.50 Total
Borough Clerk Griffiths and Council member Goldman provided an overview of the licensing program. The program would aid in filing State reports, the monitoring of licensed and vaccinated animals, and the conducting the required animal census. A copy of a summary prepared by the Board of Health detailing the current licensing costs vs. the anticipated costs was distributed. The increased licensing fees should offset the purchase of the software program. The Board of Health is recommending the purchase of the licensing program. Borough Clerk Griffiths advised that the lowest bidder, Municipal Software, is a current vendor of the Borough and the current tax record data base provided by them would be integrated into the licensing program. Motion was made by Hasser with a second by Goldman for the approval of the resolution and award of contract to Municipal Software, in the amount of \$779.00. Motion carried on roll call vote - all ayes. Certification of funds was received by CFO Bobal.

COMMUNICATIONS:

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

- Letter dated 5/28/08 was received from COAH requesting support of the following resolution:
Resolution committing to petition with a Third Round Affordable Housing Plan and to Expend Affordable Housing Trust Fund Monies on the Development of a Housing Element and Fair Shair Plan. (c: Attorney Cruz)
- Letter dated 5/27/08 was received from the DEP, Re: Compliance Evaluation and Assistance Inspection Report. A copy was provided to Council member Griner for follow-up.
- Information was received on the NJLM Conference to be held 11/18-11/21/08. Borough Clerk Griffiths will make reservations for the attendance of the Mayor and Council members. Mayor Zimmerman suggested that newly elected officials be afforded the opportunity to attend.
- Letter dated 5/28/08 was received from Somerset County Public Works Director Amorosa approving the hanging of the Rocky Hill Cycling Classic banner in the area of the Mary Jacobs Library.

FINAL PUBLIC COMMENT

Eileen Uhrik, resident, advised that trucks have been on the walking path at Van Horne Park. She also found some cat tails and an aerosol can in the park that appeared to have been burned. Mayor Zimmerman will notify the State Police.

Peggy Harris, resident, advised that she received notice that someone was sleeping under a tarp in the gazebo in Van Horne Park approximately one to two weeks ago. Mayor Zimmerman will make the police departments aware of the situation.

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

ADJOURNMENT:

Motion to adjourn the meeting at 9:00 PM was made by Griner with a second by Banks. All voted in favor of adjournment.

Respectfully submitted:

Donna M. Griffiths, RMC
Borough Clerk