

**BOROUGH OF ROCKY HILL  
COUNCIL MINUTES  
July 21, 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.

Absent: Mr. Brian Griner

Also present: Borough Attorney Albert Cruz, Borough Engineer William Tanner

**MAYOR'S COMMENTS**

- Mayor Zimmerman expressed appreciation to Council members Goldman and Banks for the time expended on the PARIS purge project.
- Thanks was extended to Mandee Dewey for the framed photographs of the Rocky Hill Cycling Classic
- Mayor Zimmerman advised that the NJLM has filed an appeal on the COAH third round rules. The Borough is one of approximately 169 municipalities that have pledged in support of the appeal.
- Approximately seven municipalities have filed complaints with the Board of Local Mandates on the recent funding mandate for State Police coverage. Mayor Heck of Millstone Borough has pledged financial support to the Borough if needed due to the fact that they missed the deadline for filing a complaint.

**APPROVAL OF MINUTES**

Regular Meeting Minutes – June 16, 2008 – Motion was made by Goldman with a second by Hasser for the approval of the minutes contingent upon the following correction: Streets & Roads report – “report was received relative to an injury sustained by a child from a ~~bolt on the~~ broken playground equipment at Van Horne Park”. Motion carried on roll call vote – all ayes.

Approval of Executive Session Minutes – June 16, 2008 - Motion was made by Hallman with a second by White for the approval of the minutes as presented. Motion carried on roll call vote - all ayes.

Approval of Special Meeting Minutes – July 7, 2008 – Motion was made by Goldman with a second by White for the approval of the minutes presented. Motion carried on roll call vote - all ayes; Hasser-abstain.

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

Goldman - New Business – Acknowledgment of Businesses that closed for Bicycle Race

**PUBLIC COMMENT**

Peggy Harris, resident, advised that it is believed that a person is sleeping in the gazebo at Van Horne Park. Mayor Zimmerman advised that the NJSP have been notified.

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

### **STATE POLICE REPORT**

Council member Hallman advised that an activity report for June has been received from Lt. Skelton. One accident was reported on Washington St. A meeting will be scheduled with Lt. Skelton to discuss the activity reports.

### **ENGINEER'S REPORT**

Report dated 7/17/08 for June 2008 from Engineer Tanner was received and distributed (copy on file in Borough Clerk's Office). The following issues were discussed:

Princeton Gamma Tech – Borough Clerk Griffiths has received e-mail correspondence from the EPA/DEP regarding the transfer of ownership of the water level recording equipment. The NJDEP is following up on the status of the transfer.

County Park Project – Restrooms are open; the opening and closing of the restrooms and the park will be discussed at the Van Horne Park Committee meeting. A quote was received for the rehabilitation of the multi-purpose field. Another quote will be sought.

Trails Grant for Van Horne Park – Quotes will be solicited for the construction of the path for action at the next meeting.

NJDOT Opportunities – The following resolutions were presented for action and signature by the Mayor. The resolutions will complete the grant applications that have been filed electronically:

- 1) **Resolution 2008-47** – Resurfacing of Montgomery Avenue – grant request of \$144,210.00. Motion was made by Hasser with a second by Banks for the approval of the resolution. Motion carried on roll call vote – all ayes. The contractor of the Phase II sidewalk project will be requested to reach out to residents that may be interested in paying for an extension of the sidewalk at their own cost.
- 2) **Resolution 2008-48** – Washington Street Improvements - Construction of Sidewalks and Lighting in the Village Area – grant request of \$312,000.00. Motion was made by Goldman with a second by Banks for the approval of the resolution. Motion carried on roll call vote – all ayes; Goldman, Banks – abstain.
- 3) **Resolution 2008-49** – Reconstruction of Reeve Road and replacement of curb and sidewalk – grant request of \$134,470.00. Motion was made by Hallman with a second by Banks for the approval of the resolution. Motion carried on roll call vote – all ayes.
- 4) **Resolution 2008-50** – Reconstruction of Hickory Court – grant request of \$109,880.00. Motion was made by Hallman with a second by Banks for the approval of the resolution. Motion carried on roll call vote – all ayes; Hasser-abstain.
- 5) **Resolution 2008-51** – Bicycle Path – Phase II – Van Horne Park – grant request of \$69,296.00. Motion was made by Hallman with a second by Hasser for the approval of the resolution. Motion carried on roll call vote – all ayes.

Leaf Collection – Borough Clerk Griffiths will follow-up with Hopewell Borough, Mercer County, for interest in a shared service project.

Brush/Limb Collection – Quotes will be solicited for possible award at the next meeting.

Minutes – July 21, 2008

Page 3

Tennis Wall – Due to the estimated cost of this project, formal bids will need to be solicited. Motion was made by Hallman with a second by Banks authorizing Engineer Tanner to put the project out to bid for possible action at the August meeting. Motion carried on roll call vote – all ayes. Council member Hasser questioned whether the grant monies could be used for another purpose or for relocation of the tennis wall to another site given the concerns with the construction during the nursery school year. Mayor Zimmerman advised that the Youth Athletic grant monies were approved last year for this project and the total construction time should not exceed two weeks.

Princeton Ave. Gravel Work- Motion was made by Goldman with a second by Hasser authorizing the expenditure of funds for this project for an amount not to exceed \$650.00. Motion carried on roll call vote – all ayes.

Tennis Courts behind Borough Hall – the cracks have been filled and the color coating is expected to be completed soon.

Other:

Councilman Hallman advised that a representative from Rutgers' Turfgrass Center came out to assess the soccer field behind Borough Hall. A type of grass seed will be recommended along with a treatment. Leaf composting will also be considered to help with the aerating of the soils.

Corrections workers are scheduled to do weeding work at Borough Hall and Panicaro Park. In response to concern raised by Peggy Harris, Crescent Point Park will also be scheduled for weeding.

A power point presentation was provided by Councilman Hallman on a newly developed 3D road striping/marketing process being used. This type of road marking presents the illusion of speed humps, cross sections, traffic calming measures, etc. in roadways and crosswalks. It was suggested that this method should be investigated for use within the Borough. Engineer Tanner will investigate further.

**CHIEF FINANCIAL OFFICER'S REPORT**

Temporary Budget Expenditures Report dated 6/30/08, Cash Receipts Summary dated 7/5/08, and Trust Fund report dated 7/5/08 were received. Motion to accept the reports as submitted was made by Hasser with a second by Goldman. It was noted that planning board escrow refunds are included on this evening's bill list.

**DEPARTMENTAL REPORTS**

Tax Collector – June 2008

Court Administrator – June 2008

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

**APPROVAL OF VOUCHERS TO BE PAID**

Motion was made by Hasser with a second by Goldman for approval of the bill list as presented. Motion carried on roll call vote – all ayes; Banks-abstain.

**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 reported on the purging project completed by County contractor Large Docs as authorized through the County's PARIS grant project. Ms. Goldman was present at Borough Hall for three days overseeing the project. The Borough's records have been categorized and are scheduled for purging and/or retention pursuant to State regulations. The County will provide services for the purging of the records along with the possible allocation of funds for shelving for the storage of the remaining records. Appreciation was extended to Michael Goldman, Brian Griffiths, and Councilman Banks for their assistance with the project. Ms. Goldman advised that the animal licensing program was installed last week.

**Buildings & Grounds** – The following projects were presented by Councilman Banks:

- 1) Motion was made by Goldman with a second by Hallman for the expenditure of funds of \$3600.00 to Global Abatement Inc. for asbestos abatement in the Borough Hall basement. Motion carried on roll call vote – all ayes. Quote was also received from Environmental Connect Inc. in the amount of \$3289.26, however, the scope of service was not complete.
- 2) Motion was made by Goldman with a second by Hasser for the expenditure of funds not to exceed \$1500.00 for the refinishing/painting of the five "Welcome to Rocky Hill" signs. Motion carried on roll call vote – all ayes. Councilman Banks will investigate whether a vinyl decal of the Borough picture can be used in lieu of re-painting.
- 3) Motion was made by Hallman with a second by Goldman for the expenditure of funds not to exceed \$500.00 for the refurbishment of the sign in front of Borough of Hall to include the fixing of the electric fixtures. Motion carried on roll call vote –all ayes.
- 4) Motion was made by Hallman with a second by Goldman for the expenditure of funds up to \$200.00 for the construction of a partition wall in the first floor closet. Motion carried on roll call vote – all ayes. This area will be used by the Clerk's Office for records storage.
- 5) Motion was made by Hallman with a second by Goldman for the expenditure of funds up to \$400.00 for the renovation of the mens' bathroom to a records storage room. The costs will include removal of the fixtures, painting, and installation of a rug. Motion carried on roll call vote – all ayes.

All approvals are contingent upon certification of funds.

**Finance & Insurance** – No report at this time.

**Public Safety & Emergency Services** – Activity reports from South Bound Brook Police Department have been received and distributed electronically. Councilman Hallman advised that residents should be made aware of magazine peddling recently being conducted within the Borough. It was noted that peddling is prohibited without a license. A notice will be posted on the website. Mayor Zimmerman advised that the Fire Department has been offered the donation of a fire chief's vehicle from the Hopewell Borough Fire Department. Request is being made by the Rocky Hill Fire Department for the addition of the vehicle on the Borough's insurance policy. It was noted hat the premium for the addition of the vehicle should be minimal. Motion was made by Hasser with a second by Banks for the acceptance of the donation from Hopewell Borough and the addition of the vehicle to the Borough's policy provided the vehicle is titled to the Borough. Motion carried on roll call vote – all ayes. Bollinger Insurance will be contacted.

**Streets & Roads** – Council member White advised that a pedestrian and stop sign have been fixed by the County. Emergency numbers for the County have been received and will be provided to Council member Goldman for inclusion in the procedures manual. A leak in the fire hydrant in the area of the Shedd property on Washington St. has been reported to Water Superintendent Larry Merk. Replacement parts

have been ordered. However, Mr. Merk advised that it may be likely that the fire hydrant may have to be replaced at an estimated cost of \$2,000.00. Ms. White is still awaiting a response from PSE&G on the leaking cables along Washington St. Ms. White reported on Recreation events: there was a successful turnout for the first Park Night and July 4<sup>th</sup> celebration. Positive feedback had also been received on the tennis program that was held. Appreciation was extended to the businesses, sponsors, and to the County for the help extended for the bicycle race. It was agreed that thank you notes would be sent out by the Bike Race Committee.

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

**Council Representative to Planning Board** – Council member Goldman reported on the planning board issues. Planners Duggan and Susan Kimball were in attendance at the last Planning Board. A third round COAH plan is being prepared by Ms. Kimball, the Borough's development fee ordinance needs to be amended to reflect an increase in development fees per the new regulations, the Permit Extension Act was discussed, the Master Plan Reexamination Report has been adopted by the Board and has been sent to the County. Authorization for the release of escrow fund monies was given by the Board.

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

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

**Zoning Official's Report** – House #198 has been assigned to the Donato property on Washington St.

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

#### **SPECIAL BUSINESS:**

**Resolution 2008-52 – Extension of Grace period for Third Quarter Taxes** – Borough Clerk/Tax Collector Griffiths advised of the Borough's need to provide for an extended grace period for the payment of the third quarter taxes. Ms. Griffiths advised that the County was not able to certify the Borough's tax rate within the allowable statutory time limit for the mailing of the bills due to the absence of the certification of the Borough's budget from the State. It is anticipated that the certification of the tax rate should be received soon. Motion was made by Hasser with a second by White for the extension of the grace period for the payment of third quarter taxes to August 30, 2008. Motion carried on roll call vote – all ayes.

**Resolution 2008-53 – Local Mandate Board Complaint** – Mayor Zimmerman provided an update on the complaints filed with the Local Mandate Board. As a follow-up to the complaint filed by Mayor Zimmerman, request was made of Council for the adoption of a resolution by the Council in support of the challenge of the mandate. Motion was made by Hallman with a second by Banks for the approval of the resolution authorizing the Borough of Rocky Hill to formally join in the complaint filed by Mayor Zimmerman, the NJLM, and other local municipalities with the Local Mandate Board challenging the requirement of entering into a Cost Sharing Agreement for New Jersey State Police Services. Motion carried on roll call vote – all ayes.

#### **UNFINISHED BUSINESS:**

##### **COAH Update** –

**Proposed Development Fee Ordinance Amendment** – Ordinance to be amended by Attorney Cruz for introduction at the August meeting. Attorney Cruz advised that Planner Kimball is in the process of drafting the Borough's revised housing plan in accordance with the new third round obligation and is requesting a consensus of approval from Council on the proposal. Recommendation will be made for four rehabilitation units, 10 accessory apartment units, and one additional bedroom group home unit to meet the 15 unit obligation. It was the consensus of Council that this proposal would be acceptable and should be put into plan.

**Growth projection Update Letter** – Motion was made by Hallman with a second by Banks authorizing the Mayor's signature on letter addressed to the Somerset County Planning Board providing an update on the Borough's population, household, and employment projections as drafted by Planner Kimball. Motion carried on roll call vote – all ayes.

Minutes – July 21, 2008  
Page 6

**NEW BUSINESS:**

**Bicycle Race Recognition** – It was agreed that letters of appreciation should be generated by the Bike Race Committee. A summary of the funds generated from the race will be posted on the website once received from the Bike Committee.

**COMMUNICATIONS:**

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

- Request was made for a total of monies expended by the Borough for legal expenses relative to the Rocky Hill Citizens for Responsible Growth litigation. Attorney Cruz will provide the information.

**FINAL PUBLIC COMMENT**

Hearing no comments/questions, the floor was closed.

**ADJOURNMENT:**

Motion to adjourn the meeting at 9:40 PM was made by Hallman with a second by Goldman.  
All voted in favor of adjournment.

Respectfully submitted:

Donna M. Griffiths, RMC  
Borough Clerk