

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
August 18, 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.

Late attendance: Mr. Brian Griner (after roll call on attendance)

Absent: Ms. Courtney White

Also present: Borough Attorney Albert Cruz, Borough Engineer William Tanner, CFO Ross Bobal, Deputy Clerk Raymond Whitlock

MAYOR'S COMMENTS

- Mayor Zimmerman offered wishes for a speedy recovery to Mei Mei Morris.
- Reminder of the upcoming Somerset County Governing Officials' meeting on 9/10/08 was provided.

APPROVAL OF MINUTES

Regular Meeting Minutes – July 21, 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; Griner-abstain.

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

None.

PUBLIC COMMENT

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

STATE POLICE REPORT

No report at this time.

ENGINEER'S REPORT

Report dated 8/15/08 for July/August 2008 from Engineer Tanner was received and distributed (copy on file in Borough Clerk's Office). The following issues were discussed:

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- The gravel work on Skillman Ave. is scheduled for this week;
- Councilman Hallman and Engineer Tanner will confer on the work to be done on the soccer field behind Borough Hall.
- Engineer Tanner will provide direction to CFO Bobal on the billing for the work being done at Van Horne Park.

The following projects were sent out for quotes and bids. Certification of funds for the projects was received from CFO Bobal. Motion was made by Hallman with a second by Banks for the award of contracts and approval of the following resolutions contingent upon correction to the amount of award for the installation of the mulch trail to \$4925.00 (Resolution 2008-54):

Resolution 2008-54 – Installation of Mulch Trail – Van Horne Park - JML Landscaping, Inc. - \$4925.00;

Resolution 2008-55 – Installation of Fence along Parking Lot – Van Horne Park- Mastroianni Landscaping - \$2,000.00;

Resolution 2008-56 – Brush and Tree Limb Removal – JML Landscaping, Inc. - \$180.00/hr (not to exceed \$3,500.00);

Resolution 2008-57 – Multi-purpose field renovations – Van Horne Park – JML Landscaping, Inc. - \$8,140.00.

Motion was carried on roll call vote – all ayes.

Discussion of Receipt of Bids – Tennis Wall – Results of the bid opening on 8/15/08 for the work on the tennis wall were provided by Engineer Tanner. Engineer Tanner recommended the bids be rejected due to the fact that the bids far exceed the amount budgeted. Three bids were received ranging between \$35,000-\$50,000.00. It was agreed that an alternate design (reduced size) should be developed to reduce the cost of the project. Motion was made by Banks with a second by Hasser to reject the bids and authorize the re-bidding of the project by Engineer Tanner based on a reduced design. Motion carried on roll call vote – all ayes.

Leaf Collection – Borough Clerk Griffiths advised that a response has not been received to date from Hopewell Borough regarding a shared service agreement for this service. Engineer Tanner was authorized to bid this project for possible award at the September meeting due to time constraints. It was agreed that a shared service agreement with Hopewell Borough or the County could still be considered if received prior to the award of a contract.

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

CHIEF FINANCIAL OFFICER’S REPORT

Budget Revenue and Expenditures Reports dated 7/28/08 and Trust Fund report dated 7/28/08 were distributed by CFO Bobal. Motion to accept the reports as submitted was made by Hasser with a second by Banks. It was noted that approximately 85% of the planning board escrow refunds have been released.

DEPARTMENTAL REPORTS

Tax Collector – July 2008

Court Administrator – July 2008

The Court Administrator’s report was summarized. Motion was made by Hallman with a second by Hasser 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.

(The agenda order of business was changed at the direction of the Mayor.)

SPECIAL BUSINESS

Public Hearing: Resolution 2008-58 – Approval of Person-to-Person Transfer of Plenary Retail Consumption License Number 1817-33-002-005 to Copper Bottom LLC – Borough Clerk Griffiths advised that a completed application for a person-to-person transfer has been received for the above-referenced liquor license transfer from the Santa Fe Grill to Copper Bottom LLC. The appropriate fees have been paid and the following documents have been received: proof of publication of the public hearing, completed NJSP background investigation for the applicant, Copper Bottom LLC and license holder, Bruce Blomgren, tax clearance certificate for Copper Bottom LLC. No written objections have been received. Motion was made by Hasser with a second by Goldman for the approval of the resolution authorizing the transfer of the license effective August 22, 2008. Motion carried on roll call vote – all ayes. Mr. Blomgren was present and provided an overview of the changes anticipated to be made to the establishment which will be doing business as the Rocky Hill Inn. Susan Kleinman was present on behalf of the Kleinman Family (Santa Fe Grille) and expressed her appreciation to the Borough for their support over the years.

(The regular order of agenda business resumed.)

COMMITTEE REPORTS:

Administration & Records – Councilmember Goldman advised that a complete list of the Borough's Mayors has been posted on the website. We are awaiting approval of our records destruction request forms from Auditor Morrison and DARM in order to carry out the purging project. The most recent Code supplements have been received (as distributed). The final cost of the updates is \$2174.14. Mark Germain is doing an analysis of the Borough's computer equipment and an estimate of costs should be available for the September meeting.

Buildings & Grounds – Councilman Banks advised that the renovation work in Borough Hall will begin next week. A copy of the Borough Seal as provided by Councilmember Goldman will be transferred into a vinyl material for installation on the Borough signs which should be restored within the next two to three weeks. An IP address is being secured in an effort to restore remote access to the fund accounting software for the CFO. ARC is moving ahead with the landscaping which will include plantings in the fall and a fence and trees in the area of the water tower. In regard to the lighting around the sign in front of Borough Hall, suggestion was made by Deputy Clerk Whitlock for the lighting to be installed on top of the sign rather than on the ground for prolonged use.

Finance & Insurance – Councilmember Hasser advised that the *Chief's pickup* truck donated to the Fire Department has been added to the Borough's insurance policy at a cost of \$1400-1500/yr. Follow-up will be made with Bollinger Insurance on recent information received regarding a terrorism policy offered to the Borough. Questions were raised as to the amount of coverage that will be provided as far as maximum benefit and clarification needs to be made on the definition of "acts of terrorism".

Public Safety & Emergency Services – Mayor Zimmerman advised that a meeting needs to be scheduled with NJSP Lt. Skelton and his commander in an effort to obtain detailed information on the call logistics for the Borough in light of the recent State Police Fee Mandate.

Streets & Roads – Councilmember Goldman presented the report in the absence of Councilmember White. Crosswalk signs at Princeton and Washington streets have been repaired; the County will investigate the location of the missing street sign on Merritt Lane; suggestion for a convex mirror at the T-intersection of Merritt and Washington Sts. is not permitted on County roads according to County Supervisor Herb Peterson; there are no plans to address the issue of noise at the faux brick intersections according to Mr. Peterson; Ms. Goldman will advise Engineer Tanner of the need for weeding at ~~Montgomery and~~ Princeton Avenues.

Water, Sewer & Environmental Protection – Councilman Griner advised that the leak at the fire hydrant on Route 518 is expected to be repaired next week. It will cost approximately \$4-5,000.00 to replace the hydrant if need be. Copy of an emergency interconnection agreement between the Borough and NJ American Water was received from Superintendent Larry Merk. A copy of the contract will be provided to Attorney Cruz and Mayor Zimmerman for review. Mayor Zimmerman requested follow up information on

a recent report received from the NJDEP listing some minor deficiencies. Councilman Griner will follow-up with Water Superintendent Larry Merk and report back at the next meeting.

Council Representative to Planning Board – Councilmember Goldman advised that approval was granted for a stone wall at 8 Montgomery Ave. A presentation of the Washington Street sidewalk was made by Engineer Tanner at the Planning Board meeting. Comments on the proposal are being drafted by the Board Attorney.

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 – Zoning Official Whitlock reported on the stone wall application filed for the Lewis property at 8 Montgomery Ave. He has met with the new owner of the Rocky Hill Inn (Bruce Blomgren) regarding the proposed changes to be made. Request was received for a license to operate a limousine business within the Borough. Information forwarded to Attorney Cruz for follow-up.

Grants Committee – No report at this time.

SPECIAL BUSINESS (CONTINUED):

Resolution 2008-59 - Salary Resolution – Motion was made by Goldman with a second by Hallman for the approval of the resolution. Motion carried on roll call vote – all ayes.

Resolution 2008-60 - Chapter 159 Resolution - Somerset County 2008 Youth Athletic

Grant/Execution of Agreement - Motion was made by Hasser with a second by Hallman for the approval of the resolution and execution of the agreement by the Mayor for the \$15,000.00 grant. Motion carried on roll call vote - all ayes. It was noted by Mayor Zimmerman that a portion of the grant will be used for drainage improvements at Van Horne Park as previously agreed upon with Montgomery Township.

2008 Recreation Agreement Execution - Montgomery Township - Motion was made by Hallman with a second by Banks authorizing the approval and execution of the continued agreement with Montgomery Township for the year 2008 for recreation services at a cost of \$2,000.00 to the Borough. Motion carried on roll call vote - all ayes.

Renewal of Application for Municipal Exemption from Appointment of Public Works Manager -

Motion was made by Hallman with a second by Goldman for the approval of the renewal of this application for exemption from appointment of a Public Works Manager. Motion carried on roll call vote - all ayes. Notice of the need for renewal was received from the Division of Local Government Services. The exemption will be valid for a five year period.

Introduction: Ordinance #4, 2008 - "An Ordinance Determining Positions Eligible for the Defined Contribution Retirement Program"

- The ordinance was read by title by Mayor Zimmerman and summarized by Borough Clerk Griffiths and Borough Attorney Cruz. The ordinance is required to be adopted as a result of the Pension Reform Act wherein certain positions are to be designated for eligibility in the Defined Contribution Retirement Program. The ordinance as introduced is based on the latest model ordinance as provided by the Division of Local Government Services. It has been determined that the position of Municipal Court Judge is the only applicable position that meets the criteria for inclusion in the ordinance. Motion was made by Hallman with a second by Banks for the introduction of the ordinance. Public hearing is scheduled for September 15, 2008, at 7:30 PM.

Resolution 2008-61/Execution of Professional Services Agreement - Municipal Prosecutor

Resolution 2008-62/Execution of Professional Services Agreement - Public Defender

Mayor Zimmerman advised that a professional services agreement for Raymond Stine, the Municipal Prosecutor, is in need due to the fact that Mr. Stine is no longer working with the law firm on record. The amended agreement with Mr. Stine is for the period 6/1-12/31/08 and remains at the same fee of \$500.00 per Court session. It was also noted that the Borough is in need of a professional services agreement for

the Public Defender, James Wronko, who was appointed for the period 1/1/08-12/31/08. Motion was made by Hallman with a second by Hasser authorizing the approval of the resolutions and execution of the agreements contingent upon amendment to the pay-to-pay language in the resolutions which should read in part, "...services **will not** exceed \$17,500.00...". Motion carried on roll call vote - all ayes.

UNFINISHED BUSINESS:

The agenda order of business was changed at the direction of the Mayor.)

Rocky Hill Remembers - Request for Funding - Jeannette Muser requested financial support for the issuance of the newest edition of the Rocky Hill Remembers Historical Newsletter. An approximate cost of \$200.00 for printing the newsletter and distributing it to the residents was provided. She indicated that the last newsletter done was in 2006. Suggestion was made for the newsletter to be copied in Borough Hall to minimize the costs and contact to be made with the Community Group for inclusion of the newsletter with the Community Group calendar. Councilmember Goldman will post the newsletter on the website and offered to post previous editions if provided by Ms. Muser.

Re-enactment Letter of Support - Paine/Washington Scientific Equipment - Request was received by Mayor Zimmerman from Doug Eveleigh for a letter of support to do a re-enactment of what is believed to have been the first American significant experiment. The experiment, for methane gas, was conducted by General Washington and Thomas Paine in the area of the river within the Borough. Mr. Eveleigh is awaiting approval from the D&R Canal Commission. All members voted in favor of a letter of support to be issued by Mayor Zimmerman.

State Police Rural Policing Fee Update - Letter dated 7/28/08 from the State Treasurer outlining the Borough's cost of \$29,227 to enter into a cost-sharing agreement for rural policing services was received. Mayor Zimmerman provided documentation and an update on measures being taken by the municipalities impacted by this newly imposed mandate. Mayor Zimmerman attended a press conference with local legislators proposing a surcharge on State Police tickets and will be attending a NJLM meeting on September 4, 2008, in further opposition to this mandate. An update on the complaints filed with the Local Mandate Board and assistance provided by Attorney Cruz was provided. It was agreed that the Borough may wish to explore alternatives for police coverage.

NEW BUSINESS:

Rocky Hill Hook and Ladder Fire Company - Membership Applications - Application was received from Darby F. O'Brien of Montgomery Township for membership with the Fire Company. Motion was made by Goldman with a second by Hasser approving the application. Motion carried on roll call vote. Deputy Clerk Whitlock also noted the addition of Dylan Talarick of Rocky Hill and Patrick O'Donald of Montgomery as Junior Firemen with the Fire Department.

COMMUNICATIONS:

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

- Letter dated 8/10/08 from the New Jersey Citizens Group for Responsible Government Spending, Re: State Police Medev Helicopters, was received by Mayor Zimmerman. Copy was provided to Attorney Cruz.
- Letter dated 8/14/08 from the NJLM, Re: Latest Developments on Efforts to Address Rural State Police Issue was received.
- Attorney Cruz provided an update on the NJLM's attempt to file for a stay on the deadline for the filing of COAH third round plans by 12/31/08 some of which was denied. The NJLM will be appealing the decision.

FINAL PUBLIC COMMENT

Martin Engelbrecht, resident, was provided with information on the costs to the Borough for the Rocky Hill Citizens for Responsible Growth litigation: \$10,905.60 has been billed by Attorney Cruz' firm; \$6471.00 of that total has been reimbursed by Pulte Homes. The fees charged by the Planning Board Attorney have not been received.

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

Code Book Ordinance Update Discussion

The following chapters were discussed:

Chapter 110 – Housing Standards – recommended changes per Goldman and Whitlock accepted with exception of Section 11.3 which should be reinstated; Section D – temperature to be changed to 65 degrees.

Chapter 140 – Property Maintenance – recommended changes per Goldman and Whitlock accepted; Zoning Official designated as primary code official; additional code official may be designated.

Chapter 143 – Public Property – recommended changes – delete reference “of landfill”; add “recreation, open space, or other public lands” to “Use of Parks”.

Chapter 185 – Vehicles & Traffic – Article I – Speed Limits – Mayor Zimmerman and Councilman Hallman will confer with South Bound Brook Police Department. Action carried.

Chapter 188 – Vehicles, Motorized – recommended changes as drafted accepted.

Councilmember Goldman will provide updated chapters to Attorney Cruz along with Master Ordinance for review and possible introduction at the next meeting.

(The regular order of agenda business resumed.)

Executive Session Resolution 2008-63 – Litigation – Rocky Hill Citizens for Responsible Growth v. Borough of Rocky Hill, et als.

Borough Clerk Griffiths read into the record the executive session resolution, nature of discussion – Litigation. Motion was made by Hasser with a second by Goldman for the approval of the resolution. Motion carried on roll call vote – all ayes. (9:55 PM)

Results of Executive Session (if any)

Results not available to the public at this time.

ADJOURNMENT:

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

Respectfully submitted:

Donna M. Griffiths, RMC
Borough Clerk