

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
March 17, 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, Mr. Brian Griner-present, Ms. Linda Goldman-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 expressed his appreciation to all who attended the special “Town Hall” meeting on March 13, 2008.

APPROVAL OF MINUTES

Regular Meeting Minutes – March 3, 2008 – Motion was made by Goldman with a second by Banks to approve the minutes contingent upon following correction: “Engineer’s Report - Council member White requested consideration for a gate at the Princeton Ave. *parking lot...*”. Motion carried on roll call vote – all ayes.

Executive Session Meeting Minutes – March 3 2008 - Motion was made by Goldman with a second by Griner for the approval of the minutes as presented. Motion carried on roll call vote - all ayes.

Special Meeting Minutes – March 13, 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.

Possible Release of Executive Session Minutes – Period 2000-2003 – Motion was made by Banks with a second by Goldman for the release of the following executive session minutes after review and recommendation by Attorney Cruz. Motion carried on roll call vote – all ayes.

11/3/03	12/16/02	12/18/00	7/17/00
10/6/03	8/19/02	11/6/00	1/18/00
8/18/03	3/18/02	10/16/00	
7/21/03	10/15/01	10/2/00	
3/3/03	4/2/01	9/18/00	

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

New Business – Mosquito and Vegetation Control was added to the agenda.

PUBLIC COMMENT

Cliff Moore, resident, was provided with the spring clean-up date.

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

APPROVAL OF VOUCHERS TO BE PAID

Action taken after “Special Business”.

DEPARTMENTAL REPORTS

Tax Collector – February 2008
Tax Collector – Annual Report 2007
Court Administrator – February 2008

The Court Administrator’s report was summarized by Mayor Zimmerman. Motion was made by Hallman with a second by Hasser for the acceptance of the reports as presented. Motion carried on roll call vote – all ayes.

COMMITTEE REPORTS:

Administration & Records – No report at this time.

Buildings & Grounds – Councilmember Banks advised that a meeting will be held with Verizon regarding phone service options. He is also discussing the feasibility of obtaining specialty lighting services with PSE&G, specifically pertaining to the flag pole at Panicaro Park.

Finance & Insurance – Councilmember Hasser met with a representative from Bollinger Insurance and was provided with an overview of the Borough’s insurance costs and services. An outline was provided to Councilmember Banks and Clerk Griffiths for the file.

Public Safety & Emergency Services – Councilmember Hallman advised that he will be meeting with the Fire Chief this week to fill out the grant application for the fire truck. Mayor Zimmerman advised that the 2008 budget adoption is on hold until the State aid issue is resolved, however, he recommended that the review of the bid specifications and request for proposals should continue by the Borough’s Engineer and Attorney as agreed to by Council at the last meeting. Question was raised by Councilmember Goldman as to whether the Borough can proceed with the RFP process without an approved appropriation. Attorney Cruz advised that it is appropriate to proceed with the preparation and solicitation of bids whereas the Borough adopted a bond ordinance in 2007 authorizing the funding by issuance of bonds/notes. Discussion ensued regarding the means by which the fire truck would be paid for, i.e. capital funds, bonds/notes, loans, grants, etc. Other financial commitments that the Borough will be facing that may impact the local tax rate in light of the cut in State aid were also discussed to include COAH compliance. Councilmember Hallman agreed that the process should be continued, however, the filing of the grant application for the fire truck should be pursued. Attorney Cruz will provide a recommendation on the bid specifications to Council before the bids are sent out.

Streets & Roads – Councilmember White provided notification from the County of Vegetation and Mosquito Control spraying which will be done on a regular basis from 4/1/08 through 12/31/08. Motion was made by Hasser with a second by Goldman authorizing the Borough Clerk to sign the agreement with the County. Motion carried on roll call vote - all ayes. Pothole on Route 518 has been filled in; the County will be asked to fix signs on Crescent and Montgomery Aves. An e-mail was received by Ms. White from PSE&G advising they will be fixing the poles that have been leaking along Washington St. within three to four weeks. Request was received from the Recreation Committee for the expenditure of funds for the summer tennis program. An overview of the program was provided by Ms. White. Motion was made by White with a second by Hallman for the expenditure of funds up to \$1200.00 for the tennis program contingent upon certification of funds. Motion carried on roll call vote - all ayes.

Water, Sewer & Environmental Protection – A summary of the Water Utilities Report submitted by Superintendent Larry Merk was provided by Councilmember Griner.

Council Representative to Planning Board – The Planning Board approved a resolution for the Delahoy property.

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

Council Representative to Board of Health – Rabies Clinic is scheduled for 4/17/08 between 4-6PM at the Firehouse. Notice will be posted on the website.

Zoning Official’s Report – Zoning Officer Whitlock reported that the Donato application for a certificate of appropriateness will be considered at the next Planning Board meeting. Mayor Zimmerman advised

Minutes – March 17, 2008
Page 3

that Carl *Eric* and Maggie Hintz of Montgomery Ave. are interested in being considered as a nominee for the Somerset County Historic Preservation Awards for the recent remodeling of their home.

Grants Committee – Discussed under Public Safety.

SPECIAL BUSINESS:

Resolution 2008-27 Authorizing the Refund of Overpayment of Taxes - Motion was made by Hasser with a second by Goldman authorizing the refund of overpayment of taxes in the amount of \$1587.64 to Kenneth Scasserra for overpayment of taxes on Block 5 Lot 6, Block 5 Lot 6Qfarm and Block 5 Lot 7Qfarm. Motion carried on roll call vote - all ayes.

Resolution 2008-28 - Temporary Emergency Appropriations - Motion was made by Hasser with a second by Banks to approve the resolution as presented. Motion carried on roll call vote - all ayes.

APPROVAL OF VOUCHERS/BILL LIST

Motion was made by Hallman with a second by Goldman for the approval of the bill list as presented noting the void of check #5053 as recommended by Deputy Clerk Whitlock. Motion carried on roll call vote - all ayes.

UNFINISHED BUSINESS:

Discussion of Status of Municipal Aid - Mayor Zimmerman reported that there appears to be some movement on the return of some of the State aid. A special "Town Hall" meeting was held last week and it was the consensus of the residents that we as a Borough should continue forward in opposing the cuts in aid to small municipalities and the encouragement of merging municipalities. Copy of a resolution received from Pt Pleasant requesting legislators to enact legislation granting the right to levy local option taxes on discretionary spending. A draft resolution from the New Jersey League of Municipalities for use by municipalities opposing the Governor's proposal was received. Petitions are currently being circulated to the Borough's residents. A letter will be sent to the Governor from Mayor Zimmerman along with the petitions.

NEW BUSINESS:

COAH Report - Letter dated 3/12/08 from Planner Susan Kimball regarding the Borough's new third round COAH obligation was received. The Borough's new affordable housing obligation will be increased to 11 units from the previously projected share of 9 units. A copy of letter dated 2/27/08 from the Somerset County Planning Board opposing the new third round rules was received. The County has expressed concern that the new rules are not consistent with the State Development and Redevelopment Plan, the proposed new Water Quality Management Planning Rules, or the Final draft of the Highlands Regional Master Plan. The County further states that the Council's municipal housing and employment projections through 2018 and related Vacant Land Analysis are not accurate enough to be used for local housing and land use planning. Discussion ensued regarding the Borough's new obligation, the costs associated with compliance to the plan, the consideration of opting out of substantive certification, and the potential risk of a builder's remedy suit without substantive certification. Mayor Zimmerman reported that the estimated cost for amending the affordable housing plan is \$10,000.00 and the cost for the Master Plan Re-examination Report is approximately \$5,000.00 (as estimated by Planner Kimball and Attorney Cruz). Attorney Cruz recommended that a review be done by the Planning Board and its professionals of the Borough's housing plan in relation to the new obligation so that a recommendation can be made as to how the Borough should proceed. Mayor Zimmerman and Planning Board Liaison Goldman will discuss this matter with the Planning Board at their next meeting.

A draft letter to COAH from Mayor Zimmerman supporting the County's position on the new third round rules was distributed in light of the public comment period scheduled to expire on March 21, 2008. Motion was made by Hallman with a second by Banks authorizing the signing of the letter of support by the Mayor. Motion carried on roll call vote - all ayes.

COMMUNICATIONS:

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

- Public Policy Forum information seminar to be held by Ventantonio & Wildenhain;
- Letter dated 3/6/08 from NJ Transit, Re: Supplemental Draft Environmental Impact Statement for Access to the Regions Core (ARC Project).
- Breakfast meeting invitation from Comcast.
- NJLM Information Bulletin- Changes to Title 39 - Effect on Constables
- Letter dated 3/6/08 from DEP, Re: Survey of Clean Watersheds (c: Engineer Tanner)
- Letter dated 3/13/08 from Bridgewater Township to the Dept. of Community Affairs, Re: Third Round COAH Rules
- Letter dated 3/10/08 from the Somerset County Freeholders, Re: Resolution of Support – Clean power Community Partners Program.

FINAL PUBLIC COMMENT

Hearing no comments/questions, the floor was closed.

EXECUTIVE SESSION - RESOLUTION 2008 – 29 - TO RETIRE INTO EXECUTIVE SESSION

The executive session resolution was read into the record by Borough Clerk Griffiths. The purpose of the session is as follows: Contract Negotiations – Police Services. Motion was made by Banks with a second by Goldman for the adoption of the resolution. Motion carried on roll call vote - all ayes. (8:50PM)

RESULTS OF EXECUTIVE SESSION (IF ANY)

(9:00 PM)

Possible Adoption of Resolution 2008-30/Execution of Agreement for Police Services - South Bound

Brook - Minor changes to the renewal contract for police services were noted: flat monthly rate as opposed to an hourly rate; inclusion of a six months out clause; guarantee of police services by South Bound until a replacement agency is secured. The contract will be effective from April 1, 2008 through March 31, 2010. Motion was made by Banks with a second by Hasser authorizing the adoption the resolution and signing of the agreement by the Mayor. Motion carried on roll call vote - all ayes.

ADJOURNMENT:

Motion to adjourn the meeting at 9:02 PM was made by Griner with a second by White. All voted in favor of adjournment.

Respectfully submitted:

Donna M. Griffiths, RMC
Borough Clerk

Approved 4/7/08

Approved for Release to Open Session Minutes – 4/7/08

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
EXECUTIVE SESSION**

March 17, 2008

(8:50PM)

In the matter of:

Contract Negotiations - Police Services

The meeting was attended by Mayor Edward Zimmerman, Council members Jim Banks, Linda Goldman, Brian Griner, William Hallman, Julia Hasser, Courtney White.

Also present: Borough Attorney Albert Cruz

Contract Negotiations

Attorney Cruz provided an overview of the minor changes made to the renewal agreement for police services with South Bound Brook.

No formal action on the aforementioned matters was taken.

Motion to return to open session was made by Hallman with a second by Banks.

Motion carried on roll call vote – all ayes. (9:00 PM)

Respectfully submitted,

Donna M. Griffiths, RMC
Borough Clerk