

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
October 6, 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. Courtney White

Absent: Ms. Julia Hasser

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

MAYOR'S COMMENTS

- Mayor Zimmerman reported on an error that was discovered in employment data provided by the Council on Affordable Housing to the Department of Labor by the Borough's Planner while compiling the revised housing element. A letter was sent to the Department of Labor by Mayor Zimmerman advising them of the error and requesting a correction to the data. A response was received by the Department of Labor acknowledging the error that was made. They advised that data from the Borough of Watchung was calculated into the Borough's employment projections. A subsequent letter from Mayor Zimmerman to the Mayor of Watchung has been sent advising him of the error. The Department of Labor indicated that they would advise COAH of the erroneous information.

APPROVAL OF MINUTES

Regular Meeting Minutes – September 15, 2008 – Motion was made by Goldman with a second by Banks for the approval of the minutes with the following corrections: White to be marked as “present” under roll call on attendance; page 4 – Streets & Roads – language to be amended to read, “Request *was* made for all of the bus stops...”. Motion carried on roll call vote – all ayes.

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

Unfinished – Update from Larry Merk on Violations – Griner
New Business – Rocky Hill Remembers - Goldman

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 10/3/08 for September 2008 from Engineer Tanner was received and distributed (copy on file in Borough Clerk's Office). The following issues were discussed:

Resolution 2008-69/Possible Award of Contract - Leaf Collection – Bids were re-solicited and opened on 10/3/08. One bid was received from Mastroianni Landscaping Inc., Hopewell, NJ, in the amount of \$8000.00 per pickup for a total of \$32,000.00 for four pickups. It was noted that response was received from Hopewell Borough regarding a shared service agreement. Their Administrator advised that they are interested in the project, but they are not able to do the entire project. An option to supplement a contractor's work was offered. It was agreed that this option should be considered in the event a fifth pickup is needed. Motion was made by Goldman with a second by Hallman to award the contract to Mastroianni Landscaping for a total of \$32,000.00 for four pickups. It was noted that a certification of funds has been received by the CFO. Motion carried on roll call vote – all ayes.

Resolution 2008-68/Possible Award of Contract – Soccer Goals – Proposal was received from Shaffer & Associates, Inc. of Lake Hopatcong, NJ, in the amount of \$2081.65. Motion was made by Banks with a second by Griner to award the contract under State contract award #A59054 in the amount of \$2081.65. The purchase of the soccer goals will be funded through the 2008 Youth Athletic Grant. Motion carried on roll call vote – all ayes.

Scheduling of Pick-ups:

Leaf Pick-up – the contractor will be requested to pick up on the following dates: 10/27, 11/10, 11/24, 12/8.

Brush and Limb Pick-up – the contractor will be requested to pick up on the following date: 10/23/08.

Mayor Zimmerman requested a meeting be set up to discuss the impending revaluation to include the following individuals: Mayor Zimmerman, Engineer Tanner, Tax Assessor Sopko, Finance Chair Hasser, and Borough Clerk Griffiths. Clerk Griffiths will coordinate the meeting date and time.

Van Horne Park – Engineer Tanner advised that the pet litter laws have been posted in the kiosks in the park. Request was made for a kiosk to be installed in the Green Acres Park. Engineer Tanner will follow-up with the Boy Scouts on whether another kiosk is available. The corrections workers are scheduled to do work in Van Horne Park on 10/12/08. Request will be made to have them pull the weeds on Princeton Ave. in the area of the park.

Engineer Tanner will follow-up on the 3D road paintings per the presentation made by Councilman Hallman at a prior meeting. An e-mail update will be provided by Engineer Tanner on the anticipated start date of the tennis wall.

The floor was opened to the public for comments/questions:

Peggy Harris, resident – In response to questioning on the status of the path to Crescent Ave., Ms. Harris was advised that we are awaiting approval of the permits from the NJDEP. Mayor Zimmerman offered to follow up on the status of the approvals.

CHIEF FINANCIAL OFFICER'S REPORT

Budget Revenue and Expenditures Reports dated 9/29/08 and Trust Fund report dated 9/29/08 were distributed by CFO Bobal. In response to questioning by Mayor Zimmerman as to the status of the Borough's cash position and bank accounts (in light of the recent national financial crises involving financial institutions), Trial Balance Cash Report dated 9/29/08 was distributed. RMA Morrison and CFO Bobal responded to the Mayor's request advising that under the Governmental Unit Protection Act, banks

have to pledge securities to collateralize deposits. CFO Bobal noted that municipalities have not had a problem in the past getting assets back. The Borough's approximate \$1.3 million is secure and earning interest with Amboy National Bank. Motion to accept the reports as submitted was made by Banks with a second by Goldman. Motion carried on roll call vote – all ayes.

APPROVAL OF VOUCHERS TO BE PAID

Deputy Clerk Whitlock advised that check #5281 to the Division of Employer Account has been voided and replaced with check #5297. A bill list reflecting this change was distributed. Motion was made by Goldman with a second by Hallman for approval of the bill list as presented. Motion carried on roll call vote – all ayes.

SPECIAL BUSINESS

Introduction: Ordinance #5, 2008 - "An Ordinance Updating the Code of Rocky Hill to reflect Changes in underlying Statutes, Borough Practices, and Procedures as well as Consistency in Penalties and Violations" - The ordinance was read by title by Mayor Zimmerman. The ordinance addresses changes to 13 chapters of the Borough Code. Motion was made by Hallman with a second by Goldman for the introduction of the ordinance. Public hearing is scheduled for November 3, 2008, at 7:30 PM.

UNFINISHED BUSINESS:

State Police Rural Policing Fee Update – Mayor Zimmerman advised that the brief is due tomorrow, a portion of which was written by Attorney Cruz. Arguments are scheduled for 10/22/08.

Recreation Agreement with Montgomery Township – Update – Mayor Zimmerman advised that he received some preliminary information on the use of the recreation services with Montgomery Township by the Borough residents. It was noted that a number of senior citizens do participate in the recreation programs. Request was made by Mayor Zimmerman to meet with Mayor Birge regarding the provisions of the agreement, however, a response has not been received. Discussion ensued regarding the increased activity on the tennis courts at Borough Hall by nonresidents of the Borough. Suggestion was made that consideration be given to adopting an ordinance regulating the use of the courts in order to impose restrictions on non-residents and to better regulate the use of the courts by Rocky Hill and Montgomery residents. Instituting a permit process was suggested. It was also suggested by Mayor Zimmerman that penalties should be imposed for parties utilizing the courts for commercial use. A copy of the Montgomery Township ordinance regulating the use of parks will be provided to Mayor Zimmerman for distribution and further discussion at the next meeting.

Water Report – Councilman Griner related that Superintendent Merk advised that the recent violation letter received from the NJDEP reflected the need for the Borough to have a contract with NJ American Water. Contact information for NJ American Water was provided to Attorney Cruz as previously requested. Attorney Cruz will follow-up on the agreement proposal.

NEW BUSINESS:

Fall Clean-up – The fall clean-up is scheduled for October 21, 2008. Notice has been posted on the website and in the post office. Deputy Clerk Whitlock will follow up with the County on the scheduling for the street cleaning in December.

Rocky Hill Remembers – Council member Goldman advised that Jeanette Muser has requested the removal of "Rocky Hill Remembers" from the Borough website. The posting of the document on the website was requested by Ms. Muser at a prior meeting. The document has been removed as requested.

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COMMUNICATIONS:

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

- Letter dated 9/29/08 from the Director of the Department of Labor, Re: Correction to error In employment count;
- Letter dated 9/29/08 from the Director of the Department of Labor to COAH advising of the error in employment count for the Borough of Rocky Hill;
- Letter dated 10/3/08 from Attorney Cruz, Re: Council on Local Mandates Complaints – Case Management Order;
- Letter dated 9/16/08 from NJ Commission of Investigation, Re: Copy of report titled Alarming Contracts relative to the purchase of fire trucks (c: Fire Department)

FINAL PUBLIC COMMENT

Cliff Moore, resident, advised that the telephone company has repaired the dangling wire in the Green Acres Park.

Peggy Harris, resident – Ms. Harris questioned the amount of monies raised from the Bike Race. Council member White advised that a meeting of the Bike Race Committee will be held soon and the final number will be provided. Ms. Harris questioned whether any of the 2008 Youth Athletic Grant funds could be used for equipment or projects at Panicaro Park. Mayor Zimmerman advised that consideration will be given to this request noting that the funds must be used for youth athletic purposes.

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

Executive Session Resolution 2008-70 – Litigation – Rocky Hill Citizens for Responsible Growth v. Borough of Rocky Hill, et als./Christopher Obchinetz et als. v. Maple Shade Township and Various New Jersey Municipal Entities Named as Party Defendants Herein

Borough Clerk Griffiths read into the record the executive session resolution: nature of discussion – Litigation. Motion was made by Goldman with a second by Banks for the approval of the resolution. Motion carried on roll call vote – all ayes. (8:43 PM)

Results of Executive Session (if any)

Results not available to the public at this time.

ADJOURNMENT:

Motion to adjourn the meeting at 9:05 PM was made by Banks with a second by Goldman. All voted in favor of adjournment.

Respectfully submitted:

Donna M. Griffiths, RMC
Borough Clerk