

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
November 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 and a moment of silent meditation in observance of Veteran's Day.

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. Julia Hasser-present

Absent: Ms. Courtney White

Also present: Borough Attorney Albert Cruz, Deputy Clerk Raymond Whitlock

MAYOR'S COMMENTS

- Mayor Zimmerman advised that the General Election results have not been certified to date by the County. The certification is expected to be received on 11/24/08. Once the results have been received, reorganization of the Council will take place.
- Letter dated 11/14/08 from Senator Bateman was received advising of the award of a \$100,000 grant from the New Jersey Department of Transportation for improvements to Hickory Court (entered into Communications). Mayor Zimmerman recommended that authorization be granted for the Borough Engineer to begin the process for this project. Motion was made by Goldman with a second by Banks authorizing the Borough Engineer to start the process of drafting the applicable paperwork relative to this project. Motion carried on roll call vote – all ayes. Councilmember Hasser expressed her opinion that residents of Hickory Court may not be amenable to having sidewalks constructed on Hickory Court as part of this project.
- Somerset County Governing Officials' Holiday Dinner Meeting – In keeping with past practice, motion was made by Griner with a second by Banks to pay for spouses to attend this event. Motion carried on roll call vote – all ayes; Hasser-nay.
- Mayor Zimmerman noted that an observance by the Borough of Veteran's Day should be scheduled next year as it was unfortunately overlooked this year.

APPROVAL OF MINUTES

Regular Meeting Minutes – November 3, 2008 – Motion was made by Goldman with a second by Banks for the approval of the minutes with the following recommended changes:

Page 1 – Mayor's Comments – second paragraph – correction of "same" to "some";

Page 4 – Chief Financial Officer's Report – correction of \$200,000 to \$40,000.

Roll call: Banks-aye, Goldman-aye, Griner-abstain, Hallman-abstain, Hasser-abstain. Motion carried.

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

New Business – Revaluation – Mayor Zimmerman

PUBLIC COMMENT

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

Peggy Harris, resident, was provided with further clarification on the manner in which minutes are composed and contents of same by Borough Clerk Griffiths.

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

APPROVAL OF VOUCHERS TO BE PAID

Motion was made by Banks with a second by Hasser for approval of the bill list as presented. Motion carried on roll call vote – all ayes. Deputy Clerk Whitlock advised that the bill list contains payment to Montgomery Township for the Borough's share (20%) of charges for Van Horne Park for the past three years. It was noted that the invoices provided by Montgomery Township have been reviewed by Engineer Tanner and found to be in order. The funds to pay these charges had been previously appropriated via ordinance.

DEPARTMENTAL REPORTS

Tax Collector – October 2008
Court Administrator – October 2008

The Court Administrator's report was read into the record by Mayor Zimmerman. Motion was made by Hasser with a second by Banks for the acceptance of the reports. Motion carried on roll call vote – all ayes.

COMMITTEE REPORTS:

Administration & Records – Council member Goldman advised that a link to the Board of Health website has been added to the Borough's website. The cost of the shelving for the records room will be approximately \$2160 which will be paid for by the County. The contractor (DEPTCOR) has advised that the shelving should be installed by the end of November. In response to a previous question posed by resident, Cliff Moore, a feasibility study was done by Ms. Goldman on offering a three-year animal license in lieu of an annual license (copy distributed). It was concluded that the issuance of a three year license would not be a viable option based on the increased costs associated with the software modification, ordinance revisions, and tag purchases as well as based on the opinion as expressed by way of formal resolution from the Board of Health maintaining that an annual license is the best way to ensure the protection of the community from rabies. Mr. Moore was present and apprised of the results of the research. Suggestion was made by Council member Hasser that a reminder of renewal could be sent via e-mail to residents willing to provide e-mail addresses. Borough Clerk Griffiths offered that annual reminder notices are going to be sent to the residents each year. A request letter for volunteers for interest in various board and committee seats is being developed by Mayor Zimmerman and Ms. Goldman and will be distributed in the next edition of the Community Group newsletter. Mayor Zimmerman also solicited suggestions from Council for possible appointment to vacancies. Mayor Zimmerman reported that the desktops are now operational for the office staff and resident Sean Dineen has been assisting with the network setup for the system.

Buildings & Grounds – Councilman Banks reported that the records room renovation should be completed in time for the installation of the shelving. The vendor who will be doing the "Welcome to the Borough of Rocky Hill" signs will be providing the service for less than what was originally anticipated (\$350.00/sign).

Finance & Insurance – As a follow-up to previous discussion, Council member Hasser reported that Bollinger Insurance has advised that an act of terrorism has been defined by Bollinger Insurance as an act as declared by the Secretary of State or Attorney General's Office. Bollinger Insurance has related their opinion that this coverage is not needed by the Borough, and the coverage should be deleted (approx. \$350.00/yr) from the renewal policy. Additional insurance information paperwork relating to the November 17, 2008

Borough's policy was provided by Bollinger for completion. The Borough Clerk and Deputy Clerk will complete same and return same to Bollinger.

Public Safety & Emergency Services – Councilman Hallman reported on the constable's activities. Councilman Banks noted that excess dirt is remaining from the replacement of the PSE&G poles and wires on Washington St. Mayor Zimmerman will follow-up with PSE&G on the removal/cleaning up of the dirt. A meeting will be scheduled with Lt. Skelton of the NJSP, Mayor Zimmerman, and Councilman Hallman.

Streets & Roads – Council member Goldman provided the report on behalf of Council member White. The County has been contacted for removal of the pedestrian signs; the County is requesting a copy of the newly adopted ordinance regarding the change in parking times in order to revised the signs. The dip in the road on Washington St. (area of library) has been reported to the County's Road Supervisor.

Recreation Committee - Ms. Goldman also related the following: letter dated 11/8/08 from Dr. Sharri Steen of Toth Lane was received in support of the proposed tennis wall (entered into Communications). The seeding that was done in Van Horne Park was undone subsequent to the last mowing job; the contractor left large rivets along the pathway that removed the growth and seeds. Mayor Zimmerman will relate this information to Engineer Tanner. Request was received from the Recreation Committee for the expenditure of funds for the replacement of the tennis nets. Motion was made by Goldman with a second by Hallman for the approval of expenditure of funds not to exceed \$500.00 for the replacement of the two tennis nets (contingent upon the nets not being installed until the spring and contingent upon certification of funds). Motion carried on roll call vote - all ayes. A map of the numbered post markers installed at Van Horne Park as composed by Engineer Tanner has been distributed to the fire department and rescue squad. An additional pdf copy will be requested for posting on the website. Volunteers Karl Schellscheidt, Chuck Cook, and Bill Hallman have agreed to assist in constructing the new soccer goals. Council member White will be requested to coordinate a date for the project.

Water, Sewer & Environmental Protection – Councilman Griner summarized the water report as submitted by Superintendent Merk (copy on file). The results of the water meter test for the Wagner property, Lemore Circle, have been received from the testing agency as well as from Superintendent Merk. It has been determined that the meter was working properly. Mr. Wagner was advised of the results by Utilities Collector Griffiths. Mr. Wagner related that he was not in agreement with the results and would follow-up with the Water Superintendent. Attorney Cruz is following up with NJ American Water on the outstanding form of contract issue. Mr. Merk related that all other issues outlined in the State non-compliance letter have been resolved.

Council Representative to Planning Board – Council member Goldman related that the Planning Board adopted the Housing Plan Element and Fair Share Plan at the November Board meeting. Councilman Griner advised that question was raised from a resident regarding the cost of construction permits. The resident will be directed to the Construction Official for clarification on the permit fees.

Council Representative to School Board – Vacancy on the School Board has been filled by Connie Hallman. Janine Lacava has been appointed to the President position and Ms. Hallman has been appointed to the Vice President position.

Council Representative to Board of Health – A draft letter was received from the Board of Health for distribution to residents during the animal census survey. The letter contains information regarding the census being done and the animal licensing fees. Also attached to the letter is a copy of the Borough's ordinances pertaining to the pet litter and leash laws. Mayor Zimmerman and Councilman Hallman will follow-up on the appointment of a census taker(s). No information has been received from South Brunswick Health Department relative to them discontinuing their service to the Borough as previously discussed. Mayor Zimmerman advised that a County-wide service is being explored, and the Borough will be a primary consideration.

Zoning Official's Report – Zoning Official Whitlock advised that a Notice of Violation has been issued to the Rocky Hill Inn for the construction of a 14" high wall along Route 518 and Princeton Ave. and the installation of lights along the stairs. It was noted that the property owner did receive approval for the installation of lighting at the sign but not on the stairs. The property owner has been given 45 days to either remove the items or file a Historic Preservation Application with the Planning Board. In the event the property owner moves to file an application, an extension of time through the January meeting of the Planning Board will be offered in order to allow for sufficient time for public notice.

Grants Committee – Discussed under Mayor's comments (Hickory Court grant).

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SPECIAL BUSINESS

Resolution 2008-73 – Possible Award of Snow Removal Contract - Quotes were solicited resulting in the return of one quote from Severiano Berrios of Princeton, NJ in the amount of \$45.00 per hour. Borough Clerk Griffiths advised that last year's contract was awarded in the amount of \$40.00 per hour. It was related that Engineer Tanner recommends the award of the contract to Mr. Berrios. Motion was made by Hasser with a second by Griner for the approval of the resolution and award of contract to Severiano Berrios in the amount of \$45.00/hr. for an amount not to exceed \$2500.00. Certification of funds has been received from the CFO. Motion carried on roll call vote - all ayes. It was noted that this contract is for the removal of snow from the sidewalks on the Borough properties to include: Borough Hall, well house, Fireman's Park, Millstone River Bridge from canal parking lot to Clayphernalia property, Crescent Point Park and handicapped ramp, library to the Brook on Montgomery Ave. as well as handicapped, crosswalk ramps. Engineer Tanner will be advised that the sidewalk on Park Ave. should also be included in this list.

Resolution 2008-74 – Current Fund Transfers - At the request of the CFO, motion was made by Hallman with a second by Griner for the approval of the resolution transferring \$500.00 from the Shade Tree line item to the General Administration current fund line item. Roll call: Banks-aye, Goldman-aye, Griner-aye, Hallman-aye, Hasser-aye. Motion carried.

UNFINISHED BUSINESS:

Recreation Agreement with Montgomery Township – Update – No update at this time.

Draft Ordinance Discussion – Parks and Recreational Areas - Draft ordinance as provided by Council member Goldman has been distributed to the subcommittee for review.

Towing Operator Application and License - A revised draft of the application and towing operator license inclusive of recommended changes by Attorney Cruz was distributed. Clerk Griffiths advised that upon adoption of these documents, a towing operator list for the Borough will be instituted. Motion was made by Hallman with a second by Goldman for the approval of the application and license as presented. Motion carried on roll call vote -all ayes. A copy of the documents will be forwarded to Ms. Goldman for posting on the website.

NEW BUSINESS:

Discussion - Housing Plan Element/Fair Share Plan – Attorney Cruz advised that the Housing Plan Element and Fair Share Plan as adopted by the Planning Board has been forwarded to Borough Council for endorsement via a formal resolution (draft distributed) which will be subsequently sent to the Council on Affordable Housing (COAH) with the Borough’s Third Round Petition for Substantive Certification. Also distributed were the following draft documents to be adopted by the Borough Council for inclusion with the petition: an Ordinance Repealing Article 9 of the Borough of Rocky Hill Development Regulations Ordinance titled "Development Fees Section" and Adopting an Affordable Housing Development Fee Ordinance for the Borough of Rocky Hill; Resolution requesting review and approval of an Affordable Housing Development Fee Ordinance; Resolution requesting review and approval of a Municipal Affordable Housing Trust Fund Spending Plan; Resolution setting forth a commitment to fund costs associated with the implementation of the Borough of Rocky Hill's Housing Element and Fair Share Plan; Notice of Petition for Substantive Certification. An Affordable Housing Ordinance will be drafted inclusive of recommendations from Planner Kimball and forwarded also for review and formal action. Attorney Cruz provided an overview of the documents presented.

Discussion ensued regarding the exemptions listed under “Residential Development Fees” in the draft Development Fee Ordinance. It was agreed that in addition to the exemption of payment of fees by municipal entities and the fire department, the Rocky Hill First Aid and Rescue Squad, Rocky Hill Community Group, and Mary Jacobs Library should also be included as exempt.

It was noted by Attorney Cruz that the ordinances will be developed in draft form and attached with the petition to COAH. Once the ordinances have been reviewed by COAH and approved, the ordinances will be scheduled for adoption by Council.

Mayor and Council were requested to review the draft documents and forward any additional comments to Attorney Cruz. The resolutions will be scheduled for adoption at the December 1, 2008, meeting in order that the third round petition may be filed with COAH by the required filing deadline date of 12/31/08. A copy of the signed Housing Plan Element and Fair Share Plan Element and memorialized resolution by the Planning Board was provided to Attorney Cruz.

Revaluation Process – Mayor Zimmerman related that a proposal to do the reassessment/revaluation for the Borough was received from Assessor Sopko just prior to the meeting. The proposal will be presented for discussion at the next meeting.

COMMUNICATIONS:

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

- Copy of letters dated 11/1/08 from Engineer Tanner to the State Historic Preservation Office, Re: Application for Project Authorization for Washington Street Sidewalk and Tennis Wall;
- Letter dated October 2008 from Assemblyman Bramnick, Re: Support of Resolution in Opposition To New State Mandated COAH Housing;
- Table dated 5/22/08 from Hill Wallack, Re: Municipal Affordable Housing Obligations under COAH's May 6, 2008 Proposed Amendments to Rules;
- Letter dated 9/23/08 from Engineer Tanner, Re: Review of Sewer Billing – Montgomery Township.

FINAL PUBLIC COMMENT

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

ADJOURNMENT:

Motion to adjourn the meeting at 8:45 was made by Griner with a second by Goldman. All voted in favor of adjournment.

Respectfully submitted:

Donna M. Griffiths, RMC
Borough Clerk