

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
November 3, 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. A moment of silent meditation was held in memory of resident Nellie Chini.

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, Ms. Courtney White-present

Absent: Mr. Brian Griner, Mr. William Hallman, 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 the ruling by the New Jersey Council on Local Mandates on 10/22/08 regarding the complaint filed by the Borough of Rocky Hill along with several other municipalities relative to State Police funding. He related that the section of the State appropriations bill that was written to force municipalities into a cost sharing agreement with the State Treasurer regarding NJ State Police services was found to be an unconstitutional, unfunded mandated and it was ordered that that section of the bill be deemed null and void. The decision made is not subject to appeal.

Mayor Zimmerman expressed his gratitude to the Council for their support and specifically to Council member Goldman for her research regarding the inappropriate use of an appropriations bill to override existing law. Appreciation was also extended to Attorney Cruz for writing a major portion of the final brief some of which also included Ms. Goldman's insight. Mayor Zimmerman cautioned that the Administration's "war on small towns" is far from over as upon learning of the decision, Governor Corzine has threatened to take the monies from other aid. Mayor Zimmerman voiced his opinion that this issue was about the redistribution of property taxes; making the smaller towns pay more so the larger towns can get more aid. He further expressed his opinion that what we fought was not about the State Police or the Borough, but the assault on our constitution that could affect all municipalities. He stressed that what was accomplished by the Mayors from the 22 towns and various legislative members was non-partisan in an effort to do what was right.

In conclusion, Mayor Zimmerman noted that we should be proud of what was accomplished as it not only protected our residents from an increase in property taxes, but redefined how the State can allocate the expense of their poor spending habits.

- Former Rocky Hill Mayor Grace Gurisic has accepted an invitation extended by Mayor Zimmerman to attend the January 2009 reorganization meeting in honor of the 50th anniversary of her service as Mayor. Mayor Gurisic served as Mayor of the Borough from 1959-1960 as the youngest and only female Mayor of the Borough.
- In response to complaints received earlier this date from residents in the area of Princeton Ave. regarding the lack of water, Water Superintendent Lesko reported that the hydrants were temporarily opened and flushed out in response to complaints received of cloudy water.

- Council members were advised that the Borough's e-mail accounts are full and individual accounts should be evaluated for purging.
- Mayor Zimmerman acknowledged the presence of the NJSP during a recent blackout as well as on Halloween as requested.

APPROVAL OF MINUTES

Regular Meeting Minutes – October 20, 2008 – Motion was made by Banks with a second by Goldman for the approval of the minutes as presented. Motion carried on roll call vote – all ayes.

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

None requested at this time.

PUBLIC COMMENT

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

Cliff Moore, Skillman Ave., inquired whether consideration could be given to the issuance of a three year animal license to run concurrent with three year rabies vaccinations. In the absence of Council member Hall, Council member Goldman volunteered to research this request and report back. Suggestion was also made by Mr. Moore for the availability of license renewal forms to be placed at veterinary offices.

Ralph Terragrossa, Montgomery Ave. – As a follow up to the last meeting, Mr. Terragrossa advised that he has reviewed the agendas and minutes on line relative to the construction of the tennis wall. He noted that the October 2007 minutes reflect that the Recreation Committee was going to send out a survey to residents to determine whether there was an interest in the tennis wall, and he questioned the status of that survey. Mayor Zimmerman advised that a survey was done in 2004-2005 and the Recreation Committee decided against doing another survey in 2007. Mr. Terragrossa requested the opportunity to review the wording of the 2004-2005 survey.

Mr. Terragrossa advised that upon reviewing the agendas and minutes not much detail is contained in them relative to the tennis wall. Mr. Terragrossa was advised that not all matters discussed at the meetings are specifically listed on the agenda and may be discussed under other business listed, i.e. engineer's report, resolutions, grant applications, committee reports, etc. He was further advised that minutes are reflective of action taken and not verbatim record. In response to further questioning, Mr. Terragrossa was advised that projects brought before Council are discussed, voted on, and noticed as applicable.

Mr. Terragrossa questioned whether there is verifiable evidence that the residents of the Borough want the tennis wall. Council member Banks and Attorney Cruz responded to Mr. Terragrossa's comments noting that Council is charged with making decisions in favor of the residents of the Borough, and the Council works in the best interest of the town absent formal surveys. Mr. Banks related his concurrence with the decision made by Council based on the facts presented and discussions held and thanked the public for the comments now being offered.

Peggy Harris, Crescent Ave., questioned the manner in which the Youth Athletic Funds Grants are used. She noted that she has requested that additional playground equipment be purchased for Panicaro Park for several years and was advised that the funds could not be used for this purpose. She related that it appears that all of the money is spent on the park at Borough Hall. Ms. Harris further advised that it has been learned that the spending parameters of the grant for this year have been expanded in that half of the monies can be used for recreational purposes and the remaining half can be used for municipal needs. Mayor Zimmerman concurred with Ms. Harris' understanding of how the funds can now be used. Mayor Zimmerman stated that an evaluation of the playground equipment at Panicaro Park had been done and it

was determined that it would be too costly to move the equipment. In response to previous requests made by Ms. Harris for a flagpole and light at Panicaro Park, Mayor Zimmerman advised that up to this point, the Borough was not permitted to utilize the funds for this purpose. However, the Council has been looking for ways to have this project done to include discussions with PSE&G. Mayor Zimmerman requested that suggestions be provided by Ms. Harris as to what equipment should be considered for Panicaro Park and her request will be taken under consideration.

Monica Lange, Montgomery Ave. – Ms. Lange questioned whether follow-up has been done on issues presented at the last meeting specifically related to whether State Historic Preservation Office guidelines are being followed and whether a landscape architect has been consulted. Mayor Zimmerman advised that the State Historic Preservation regulations are being reviewed, however, based on preliminary review of the regulations, compliance for this project does not appear to apply. In response to question raised about the impact of the placement of the wall on the trees, Engineer Tanner advised that the wall is going to be placed near the canopy (drip line) of the tree (19 ft. from the trunk of the tree) which will not affect the roots of the tree. Ms. Lange questioned this new location of the wall whereas it is not as was described at the last meeting. Engineer Tanner advised that the proposed placement of the wall is 19 ft. from the trunk of the trees and is being placed there to avoid the risk of killing the trees. The wall will be hidden partially by the trees.

STATE POLICE REPORT

No report at this time.

ENGINEER'S REPORT

Report dated 10/31/08 for October 2008 from Engineer Tanner was received and distributed (copy on file in Borough Clerk's Office). The following issues were discussed:

Van Horne Park – Engineer Tanner related that the paths have been paved, drainage fixed, and the cost for the wooden signs at the entrances is estimated at \$2500/sign. A Park Committee meeting will be scheduled for December to further discuss the signs for possible installation in the spring. The NJDEP has requested additional information be provided in response to the permit filed relative to the trails grant. Engineer Tanner will relate request for the painting of the speed hump (drainage hump) at the Park Committee meeting. Water Superintendent Lesko will be requested to relocate the barrels at the end of Young Drive to the well house area. It was noted that there are no litter bags in the pet dispensers at the park. Engineer Tanner will follow up with ARC on having them supply the bags for the dispensers and billing us for same. The leash/litter law signs will be installed in the kiosks. Signs will also be hung in Panicaro Park, the Green Acres Park, and the Borough Hall Park. Engineer Tanner will follow up with the Boy Scouts on having another kiosk built for the park behind Borough Hall. A price will also be obtained for the cost of these signs.

Washington St. Sidewalks – Engineer Tanner is revising the plans in response to request by the State Historic Preservation Office.

Leaf Collection – Letter dated 10/30/08 from John Mastroianni regarding issues with the leaf pickup was received. Mr. Mastroianni indicates in his letter that in some instances, branches and limbs have been buried in the leaves causing equipment failure. Request was made that residents be requested to separate these items from the leaves. A notice will be drafted to the residents advising of the problem which will be included with the Community Group newsletter.

Soccer Nets – The soccer nets have been delivered. Volunteers will be sought for help in assembling them.

Tennis Wall – In response to questioning by Councilmember Goldman, Engineer Tanner will follow up with the contractor on the amount of penalties and/or fees that would be imposed upon the Borough for a change order or cancellation of contract. Engineer Tanner provided a sketch of the proposed placement of the tennis wall which will be located at the drip line of the tree (19 ft. from the tree trunks). In response to questioning by Council member White, Engineer Tanner advised that the wall can be moved further in towards the trees and up to 25% of the roots can be taken out if need be without damaging the trees. Suggestion was made by Council member Goldman for the planting of another tree(s) outside of the drip line. It was agreed to continue discussion on this matter when a full Council is present.

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

In response to questioning by Ms. Harris, Engineer Tanner advised that additional blacktop placed on the root system will not damage the trees. She was advised that the height of the wall (10 ft.) is a standard height for this type of wall. Mr. Terragrossa was advised that there will be 45 ft. of playing surface area at the proposed location (based on 19 ft. from the trunk of the trees). In response to questioning as to why the wall could not be placed in the path area by the tennis fence, Engineer Tanner indicated an emergency pathway needs to remain in that area, and there were drainage and grading issues in that area which were taken into consideration.

Engineer Tanner will follow-up on the report of the broken glass on the kiosk at Van Horne Park as related by Ms. Harris.

CHIEF FINANCIAL OFFICER'S REPORT

Budget Revenue and Expenditures Reports dated 10/31/08 and Trust Fund report dated 10/31/08 were distributed by CFO Bobal. Council member Goldman requested that measures be taken at the end of the year to ensure that the funds allocated for the sidewalk project (~~\$200,000~~– \$40,000.00) are reserved accordingly for expenditure in 2009 if a contract for this project is not executed by the end of 2008. Motion to accept the reports as submitted was made by Goldman with a second by Banks. Motion carried on roll call vote – all ayes.

APPROVAL OF VOUCHERS TO BE PAID

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

SPECIAL BUSINESS

Public Hearing: "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. Mayor Zimmerman related that the adoption of this ordinance relates to Phase I of the review work of the ordinances. Proof of publication was acknowledged by Clerk Griffiths. The floor was opened to the public for comments/questions. Hearing none, the floor was closed. Motion was made by Banks with a second by White for the adoption of the ordinance. Council member Goldman noted that the parking signs in front of the post office will need to be changed to reflect the newly adopted provisions.

Resolution 2008-72 - Millstone Scenic Byway - Resolution was presented in support of the Millstone Valley Scenic Byway Corridor Management Plan and participation by the Borough in future implementation strategies contained in the Plan. Motion was made by Banks with a second by Goldman for the approval of the resolution of support. Motion carried on roll call vote - all ayes.

Resolution 2008-Current Fund Transfers - action held due to the lack of a two-thirds majority required for this action. Carried to next meeting.

UNFINISHED BUSINESS:

State Police Rural Policing Fee Update – Discussed under Mayor's Comments.

Recreation Agreement with Montgomery Township – Update – Mayor Zimmerman reported that there is no additional information to report on at this time.

Towing Operator Application and License - Model application and license as prepared by Clerk Griffiths based on comments offered at the last meeting was reviewed by Attorney Cruz. Additional changes were recommended by Attorney Cruz and will be incorporated into a new draft to be presented at the next meeting.

NEW BUSINESS:

Discussion of 2009 Reorganization Meeting - Mayor Zimmerman advised that he would prepare a proclamation to be presented to Mayor Gurisic at the reorganization meeting. It was agreed that flowers should be presented along with the proclamation. Refreshments to be served before the meeting may be considered.

COMMUNICATIONS:

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

- Letter dated 10/28/08 from Senator Bateman, Re: Introduction of S2292 - Revising laws governing provisions of affordable housing, reestablishing regional contribution agreements, and repeals non-residential development fee.
- Letter dated 10/29/08 from Thomas McCool, President of The Eden Family Services, Re: letter of interest in expanding existing group home facility or establishing another group home in support of the Borough's COAH obligations. A copy of the letter is to be provided to Planner Kimball, Attorney Kimson, and Planning Board Chairman Pihokken.

FINAL PUBLIC COMMENT

Peggy Harris - Ms. Harris expressed her displeasure with the article written in the "Montgomery News" subsequent to the last Council meeting wherein residents that attended the meeting were referred to in a demeaning manner. Ms. Harris was urged to refer her comments to the Editor of the newspaper whereas this was not a Borough Council issue.

ADJOURNMENT:

Motion to adjourn the meeting at 9:30 PM was made by Goldman with a second by Banks. All voted in favor of adjournment.

Respectfully submitted:

Donna M. Griffiths, RMC
Borough Clerk