

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
September 15, 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 observed in memory of the victims of 9/11 to include former Council member William Fallon and for the victims of the recent gulf coast hurricanes.

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, Ms. Courtney White-present.

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

MAYOR'S COMMENTS

- Mayor Zimmerman provided an update on the recent Mayor's Summit that he attended;
- The ACLU acknowledged that the Borough's school district was erroneously noted in a report alleging violation of law on the enrollment of school students (copy of letter listed under correspondence).

APPROVAL OF MINUTES

Regular Meeting Minutes –August 18, 2008 – Motion was made by Goldman with a second by Hasser for the approval of the minutes contingent upon the following corrections:
Page 3 - Committee Reports - Administration - correction to "Germain"; Finance & Insurance - "pick-up truck" to be changed to "Chief's truck"; Streets & Roads - delete the need for weeding at "Montgomery Ave". Motion carried on roll call vote – all ayes; White-abstain.

Executive Session Minutes - August 18, 2008 - Motion was made by Goldman with a second by Banks for the approval of the minutes as presented. Motion carried on roll call vote - all ayes; White-abstain.

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

None.

PUBLIC COMMENT

Cliff Moore, resident, Skillman Ave. - Mr. Moore expressed his appreciation for the gravel work done on Skillman Ave.

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

STATE POLICE REPORT

Council member Hallman provided an overview of monthly activity reports received from Lt. Skelton of the Kingwood Station for the months of August and September.

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ENGINEER'S REPORT

Report dated 9/12/08 for August 2008 from Engineer Tanner was received and distributed (copy on file in Borough Clerk's Office). The following issues were discussed:

Van Horne Park - There have been problems with the irrigation system in the lower field. Engineer Tanner is working with the contractor and Walter Shepard of Montgomery Township in efforts to have repair work done. The fencing contract award at the passive side of the parking lot will be paid by Montgomery Township out of their Recreation Grant monies as previously agreed.

Resolution 2008-65 - Trails Grant - Bids were solicited by Montgomery Township for the construction/resurfacing of the paths in the park as follows: Oxford Engineering, Camden, NJ - \$51,030.00; Penaloza Calderone Asphalt, Somerset, NJ - \$73,864.40; Diamond Construction, Dunellen, NJ - \$84,110.00. Resolution was presented for the award of the contract to Oxford Engineering, Camden, NJ, in the amount of \$51,030 which includes \$5,995.00 for a path repair. Funds will be used from grant monies received by both municipalities from the NJDEP and the \$5,995.00 will be taken from the Borough's 2008 County Youth Athletic Grant. Motion was made by Hasser with a second by Banks approving the award and resolution. Certification of funds was received by CFO Bobal. Motion carried on roll call vote - all ayes. Engineer Tanner will advise Montgomery Township of the Borough's approval.

Resolution 2008-64 - Tennis Wall - Bids were re-solicited for the construction of a tennis wall behind Borough Hall. Bids were received for the construction of an eight feet wall and a 10 feet wall as follows: Kalogridis Construction, LLC, North Brunswick, NJ - 8 ft. \$28,540.00, 10 ft. \$29,900.00; Diamond Construction, Dunellen, NJ - 8 ft. 36,700.00, 10 ft. \$36,900.00; Berto Construction Inc., Rahway, NJ - 8 ft. \$43,190.00, 10 ft. \$43,990.00. Motion was made by Hallman with a second by Goldman for the award of the contract to Kalogridis Contracting LLC for the 10 ft. wall in the amount of \$29,900.00. Certification of funds was received by CFO Bobal. The project will be funded from the Youth Athletic Recreation Grant monies remaining from 2006 and 2007 along with a portion of the 2008 grant monies. Motion carried on roll call vote - all ayes. Engineer Tanner will remind the contractor of the conditions outlined in the specification regarding the need for added safety due to the preschool being in session.

Leaf Collection - Bids were solicited and resulted in the receipt of one bid from Mastroianni Landscaping, Inc. The per pickup price of the proposal as submitted by Mr. Mastroianni appeared to be questionable resulting in recommendation by Attorney Cruz for the bid to be rejected. Motion was made by Goldman with a second by White to reject the bid submitted and to authorize the re-bid of the project with more clarification on the specifications. Roll call: Banks-aye, Goldman-aye, Griner-aye, Hallman-nay, Hasser-nay, White-aye. Motion carried. Bids to be solicited for possible award at the next meeting. Borough Clerk Griffiths advised that Hopewell Borough will also be providing a proposal for a shared service for this project which will also be considered at the next meeting.

Washington St. - A meeting is scheduled with representatives of the State Historic Preservation Office, Engineer Tanner, and the three residents affected by this project. Mayor Zimmerman and Council member Banks will also attend the meeting.

Pet Littering Signs - Engineer Tanner advised that the County will install the signs at an approximate cost of \$75 per sign. It was agreed that six to eight signs should be installed at Van Horne Park and request should be made for the installation of two signs in the Borough's Green Acres Park. Engineer Tanner will follow up with the County on this request. Engineer Tanner will also follow-up on the dog litter bag receptacles that remain broken in Van Horne Park.

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 8/31/08 and Trust Fund report dated 8/31/08 were distributed by CFO Bobal. Motion to accept the reports as submitted was made by Hasser with a second by Banks. Motion carried on roll call vote - all ayes.

DEPARTMENTAL REPORTS

Tax Collector – August 2008
Court Administrator – August 2008

The Court Administrator's report was summarized. Motion was made by Goldman with a second by Griner to accept the reports as presented. Motion carried on roll call vote – all ayes.

APPROVAL OF VOUCHERS TO BE PAID

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

COMMITTEE REPORTS:

Administration & Records – Council member Goldman reported on a meeting held with the County for the installation of shelving for the new records room (men's bathroom) some of which should be available within four to six weeks; the master codification ordinance has been provided to Attorney Cruz for review and possible introduction at the next meeting; information was requested from Council members for inclusion in the standards operations manual being developed; appreciation was extended to Mark Germain for his assistance with an emergency repair of the Borough Clerk's computer.

- An analysis of the Borough's computer needs was provided by Mr. Germain in consult with Mayor Zimmerman and Council member Goldman. It was recommended that four desk tops, one server, and two routers be purchased for the office staff. The fourth desktop would be used at another work station for an office assistant and for access to imaged documents by the public when this service becomes available. Motion was made by Hasser with a second by Banks for the approval of **Resolution 2008-66** authorizing the purchase of the computer equipment from Dell Computers through State Contract #A70256 at an estimated cost of \$8886.97 (not to exceed \$10,000.00). Certification of funds was received from CFO Bobal for the expenditure of funds from the Buildings and Grounds account. Motion carried on roll call vote - all ayes.

- Council member Goldman will develop a model annual report for use by Council members for the filing of annual Committee reports. The fireproof filing cabinet has been received for the storage of vital records as required by the State; reimbursement of the cost of the cabinet is being sought from the County under the PARIS grant.

Buildings & Grounds – Councilman Banks advised that the asbestos abatement project in the basement of Borough Hall has been completed and the appropriate approvals have been received. It was noted by the Construction Official that repair work needs to be done to a support column in the basement. Mr. Banks will follow-up. Work has been done on the filing room in the Clerk's Office; renovation of the men's room/records storage room will be scheduled prior to the arrival of the shelving. Mr. Banks is obtaining another quote for the "Welcome to the Borough" street signs. Work on the Borough Hall sign will be done by

Mr. Banks. Follow-up will be made with Mayor Zimmerman and Comcast on securing static IP addresses for remote access to the Borough's software system. Suggestion was made that Trap Rock be contacted for a donation of paving materials to be used at Borough Hall. Mr. Banks will be meeting with representatives of ARC at the end of the month. It is anticipated that ARC will be ready to appear before the Planning Board and planting will be done in the fall.

Finance & Insurance – Council member Hasser advised that she is awaiting a response from Bollinger Insurance on the maximum benefit availability and clarification of “acts of terrorism” relative to a recent offer from Bollinger for Terrorism Insurance.

Public Safety & Emergency Services – Mayor Zimmerman expressed his appreciation to the Fire Department and Rescue Squad for their preparedness during the recent tropical depression storm. Councilman Hallman reminded all that school is back in session and drivers need to travel with more caution. The NJSP and South Bound Brook Police responded to requests from Councilman Hallman for added patrol on the first day of school. Borough Clerk Griffiths will follow up with the Court Administrator as to whether the monthly report can be broken down to indicate how many trucks are involved in motor vehicle offenses.

Streets & Roads – Council member White reported that "School is Open" signs have been received from AAA; Ms. White made contact with the School Transportation Supervisor to remedy a situation where a child had to cross Route 518 to board the bus; Request ~~will be~~ was made for all of the bus stops in the Borough same copy of which will be provided to Councilman Hallman. PSE&G is currently working on the repair/replacement of the leaking cables on Washington St.; E-mail was received from Mr. Novak regarding the speeding traffic on Princeton Ave. South Bound Brook Police will be requested to increase their patrol of this area. It was noted that there is pending legislation that may allow municipalities to set their own standards for speed limits. Engineer Tanner will be requested to follow up on a complaint regarding weeds on the Schafer/Pulte property on Princeton Ave. Council member White will follow up with the County on report of a pothole on Route 518 in the area of Crescent Point Park.

Water, Sewer & Environmental Protection – The fire hydrant on Route 518 was replaced. Councilman Griner summarized the water report as provided by Superintendent Larry Merk. As a follow-up to request from Attorney Cruz, Clerk Griffiths will request that Superintendent Merk contact Mr. Cruz in regard to the emergency interconnection agreement between the Borough and NJ American Water as previously discussed. Mr. Griner is awaiting a response from Mr. Merk in regard to the DEP non-compliance letter recently received.

Council Representative to Planning Board – Council member Goldman advised of the adoption of the Planning Board resolution relative to the Washington Street sidewalks (copy on file). Planner Kimball presented a draft housing element and fair share plan to the Planning Board. Public hearing on the adoption of the housing element is scheduled for October. Letter was sent by the Mayor to the Department of Labor regarding the error made in the employment projections for the Borough. The sign application for the Rocky Hill Inn was approved; a special meeting is being held for the renovation work of the Rocky Hill Inn (formerly Santa Fe Grill).

Council Representative to School Board – There is an available seat on the School Board. Mayor Zimmerman reported that the County Superintendent of Schools, Trudy Doyle, spoke at the Somerset County Governing Official's Dinner Meeting on Tuesday. She will be studying a regionalization of school boards but the study will take some time.

Council Representative to Board of Health – Councilman Hallman reported that the Board of Health has asked that residents be reminded to vaccinate and register their pets. In regard to the pending animal census to be done, Council member Hasser volunteered to work on the project along with Council member White. It was reported that Middlesex County is considering a regionalization of their health office so the Borough may need to acquire health officer services elsewhere. Mayor Zimmerman and Councilman Hallman will discuss options for a shared health officer with the County or other municipalities.

Zoning Official's Report – Zoning Official Whitlock has been working with the Rocky Hill Inn on their renovation work.

Grants Committee – No report at this time.

SPECIAL BUSINESS

Public Hearing: Ordinance #4, 2008 - "An Ordinance Determining Positions Eligible for the Defined Contribution Retirement Program" – The ordinance (as filed in the Borough Clerk's Office) was read by title. Borough Clerk Griffiths provided a summary of the ordinance. Proof of publication was received. The public hearing was opened. Hearing no comments/questions from the

public, the hearing was closed. Motion was made by Banks with a second by Hasser for the adoption of the ordinance. Motion carried on roll call vote - all ayes.

Water/Sewer Bill Charge Appeal - Wagner - Andrew Wagner of 18 Merritt Lane appeared before Mayor and Council to appeal the water/sewer charges for his property for the period 4/1/08 through 6/30/08. Borough Clerk/Utilities Collector Griffiths provided an overview of the history of the billing on Mr. Wagner's account. E-mail correspondence from Water Superintendent Tim Lesko regarding this matter was distributed along with copy of the Borough's Water Ordinance Section 197-12 relative to the process to be followed for the appeal of charges. Ms. Griffiths advised that Mr. Wagner is disputing the usage on his account during this period (84,000 gallons). It was noted that this is a high reading based on the past usage by the Wagners. Mr. Wagner advised that he did not use the water that he is being charged for, he is not willing to pay for the testing of his meter to determine whether the meter was working properly, and he is not agreement with the type of testing that will be conducted on the meter. Superintendent Lesko and Mr. Wagner have been monitoring the meter since the reading was taken on 6/29/08 and both individuals agree that the meter readings are progressing in what seems to be a normal manner since the reading of 6/29/08. Mr. Lesko offered his opinion that there may have been an internal leak in the residence leading to the high volume usage. Mr. Lesko has subsequently replaced the meter.

Attorney Cruz reviewed the Borough's ordinance noting that as spelled out in the ordinance (Section 197-12), it is incumbent upon the property owner to request and pay for the testing of the meter if the property owner is not in agreement with the reading. It was also noted that upon receipt of the results, the Water Superintendent would have the authority to recommend a change in billing if warranted. Mr. Wagner was advised by Attorney Cruz that until the parameters of the ordinance have been met, he is responsible for the billing imposed and any applicable interest accruing to the account. Council was in agreement with the opinion offered by Attorney Cruz. Mr. Wagner agreed to the testing of the meter and payment of the fee to be charged for the testing. Ms. Griffiths will advise Superintendent Lesko to send the meter out for testing.

Resolution 2008-67 - Renewal of Application for Municipal Exemption from Appointment of Public Works Manager - Borough Clerk Griffiths advised that the Division of Local Government Services has requested an accompanying resolution of approval for the renewal application that was approved at the last meeting. Motion was made by Hasser with a second by Goldman for the approval of the resolution. Motion carried on roll call vote - all ayes.

UNFINISHED BUSINESS:

State Police Rural Policing Fee Update - Mayor Zimmerman reported on the Mayor's Summit recently attended by him and Council members Goldman and Hallman regarding this mandate. It was agreed that more data needs to be received by municipalities, i.e. formula used to compute costs to the municipalities affected, service data information from the NJSP, etc. Also discussed was the status of the complaints filed before the Local Mandates Council. Attorney Cruz will be attending a meeting with the Local Mandates Council this week.

Discussion - Recreation Agreement with Montgomery Township - Letter dated 9/8/08 from Montgomery Township Administrator Donato was received and distributed. Mr. Donato is requesting that the joint recreation agreement be reevaluated. The Borough currently pays \$2,000/yr. for the joint services. The letter further states that Montgomery Township intends to terminate the agreement for 2009 unless a mutually agreeable contract can be negotiated. Mayor Zimmerman advised that he has spoken to Mayor Birge in regard to the letter, and she indicated that she was not aware of the letter. She indicated that she would meet with Mayor Zimmerman to further discuss the issue. Mayor Zimmerman will request information detailing the amount of services used by the Borough residents in order to reevaluate the agreement. Consideration may be given to a joint services agreement with Franklin Township.

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NEW BUSINESS:

Application for Use of Soccer Field - Danielle Schellscheidt appeared on behalf of her husband, Karl Schellscheidt, requesting the use of the Borough's soccer field behind the Borough Hall. Mr. Schellscheidt would like to hold a soccer recreation program on the fields for the Life Skills through Soccer Organization which is a non-profit organization. The program is being offered to children between the ages of eight and 10 years old. The program will be open to Rocky Hill residents, and the cost is \$195/player. The field would be used two evenings and on Saturday mornings for the period 9/27/08 through 11/6/08. Mr. Schellscheidt has indicated that the condition of the field will be suitable for this age group. Motion was made by Hallman with a second by Banks granting approval for the use of the field provided the following conditions are met prior to the field being used: certificate of insurance will be filed to include the Borough as an added insured; a copy of the non-profit certification and certificate of incorporation will be provided; the organization will provide their own soccer nets; there will be no cars parked in the grass. Ms. Schellscheidt agreed to the conditions and to provide the insurance certificate and non-profit certification to the Borough by Wednesday for review and approval by Attorney Cruz and the Borough's insurance company prior to the field being used. Motion carried on roll call vote - all ayes.

COMMUNICATIONS:

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

- Copy of complaint filed by White Township with the Council on Local Mandates provided by Attorney Cruz;
- Copies of letters from Engineer Tanner dated 9/11/08 from Engineer Tanner to residents affected by the Washington Street sidewalk project (Green, Hayden, Faranetta).

FINAL PUBLIC COMMENT

Hearing no comments/questions, the floor was closed.

ADJOURNMENT:

Motion to adjourn the meeting at 9:45 PM was made by Hasser with a second by Hallman. All voted in favor of adjournment.

Respectfully submitted:

Donna M. Griffiths, RMC
Borough Clerk