

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
December 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.

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-present.

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

MAYOR'S COMMENTS

- Mayor Zimmerman thanked Lt. Skelton and a Trooper from the NJSP for their attendance at the meeting;
- Appreciation was extended to the Rocky Hill Community Group for the tree lighting ceremony. Thanks was also extended to the NJSP and South Bound Brook Police Department for their attendance;
- Reminder of the Council's Reorganization/Regular Meeting of January 5, 2009, was provided. There will be a social gathering held prior to the meeting between 6:30 and 7:30 PM. An informational letter has been mailed to the residents.

APPROVAL OF MINUTES

Regular Meeting Minutes – December 1, 2008 – Motion was made by Hallman with a second by Griner for the approval of the minutes contingent upon two, minor wording changes. Motion carried on roll call vote – all ayes.

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

New Business – Audio-taping – Mayor Zimmerman

(A change in the order of regular agenda business was directed by the Mayor.)

SPECIAL BUSINESS

Wagner – Water/Sewer Appeal Hearing

Andrew and Pamela Wagner of 18 Merritt Lane appeared before Council to appeal (per letter dated 11/24/08) the water/sewer charges to their account for the third billing period of 2008 (April 1- June 30). The total usage charged was 84,000 gallons which equates to \$756.00. In accordance with ordinance provisions, Mr. Wagner agreed at a previous meeting to have the water meter tested for accuracy. The meter results were received from Sensus Metering Systems, dated 10/13/08. Memorandum dated 11/7/08 was received from Water Superintendent Larry Merk confirming that the tests showed that the meter was not over recording and there was no reason to adjust the bill based on those results. A history of the usage on the account was distributed by Utilities Collector Griffiths.

Water Superintendents Larry Merk and Timothy Lesko were present at the hearing.

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Attorney Cruz provided an overview of Borough Ordinance Sections 197-12 and 197-44 relative to the process regarding the testing of meters and the appeal process, respectively.

Mr. Wagner provided an overview of the history of events surrounding the process followed since receiving the bill with the high reading (outlined in 11/24/08 letter). He offered that the meter was checked by him after receipt of the high bill and the site visit by Superintendent Lesko. It appeared that the usage returned to a normal level. During the site visit, Mr. Lesko checked for leaks throughout the house but no obvious leaks were found. The meter was subsequently replaced on 7/22/08. The usage has been monitored by Mr. Wagner since the replacement meter was installed, and the usage has since been consistent with normal usage based on their billing history.

In response to questioning by Council, Mr. Wagner related the following: prior to the replacement, the meter continued to move at a slow rate despite the fact that water was not passing through it; no leaks were found; there was no excessive use of soaker hoses; no work was done at the house that could have created a problem; they do not have a pool. Mr. and Mrs. Wagner offered that there is no explanation as to why there was an extreme spike in the usage for this period or why the meter returned to a normal working manner prior to being replaced.

Superintendent Merk provided testimony relative to the testing process of the meter. He related that based on the three tests conducted (outlined in Sensus report) the meter was working well within the allowable accuracy limits and in one test specifically, the recording showed the meter was under calculating (which would be a benefit of the customer). He offered that while there may not have been an obvious leak, an underlying leak, i.e. flapper valve in a toilet, may have attributed to the spike in usage and it may have corrected itself. Superintendent Lesko advised that the installation of a dehumidifier or ice maker would contribute to the continual spinning of the meter. Mr. Wagner advised that there is a dehumidifier installed on the heating system, however, it is turned off during the summer.

In response to questioning by Council, Mr. Merk advised that the rate of speed of the old meter vs. the new should be consistent. Mr. Lesko advised that he performed the best assessment possible at the time of the visit to include checking the outside faucet. Discussion ensued regarding the rate of accuracy of the meter testing and possible malfunctioning of meters. Mr. Merk offered that the test meters are double checked by the Bureau of Weights and Measures to ensure accuracy. Mr. Merk further related that based on his experience and the results received, he was confident that water passed through the meter. He also offered that the usage charged would not be unusual for a leak occurring over a period of time. In response to further questioning by Council, Mr. Merk advised that the meter in question was approximately 5-6 years old and the life expectancy of meters is generally 30 years.

Based on the testimony and documentation provided, it appeared that the water meter was working properly. However, it was the consensus of Council to grant minimal relief by reducing the sewer charge. It was agreed that the bill would be amended by way of charging for the total water usage and half of the sewer usage (based on the average usage by the Wagners of 29,500 gallons). Motion was made by Griner with a second by Goldman to amend the charges to \$586.88 which includes the \$30.00 fee for the meter testing and waiver of interest fees on the disputable amount. Motion carried on roll call vote – all ayes.

(The regular order of agenda business resumed.)

PUBLIC COMMENT

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

Martin Engelbrecht, 88 Crecent Ave.- Mr. Engelbrecht agreed with discussion regarding the need for members of the public to stand and identify themselves in keeping with better order of meetings.

Cliff Moore, Skillman Ave. – In response to questioning, Mr. Moore was advised that provisions to be outlined in the newly adopted Parks Ordinance will also apply to the Green Acres Park. The leash law and pet littering law signs will also be posted in the Green Acres Park also.

TRANSFER RESOLUTION

Resolution 2008-76 for the transfer of \$4400.00 to Liability Insurance was presented for approval. Motion was made by Hallman with a second by Goldman for the approval of the resolution. Motion carried on roll call vote – all ayes.

APPROVAL OF VOUCHERS TO BE PAID

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

DEPARTMENTAL REPORTS

Tax Collector – November 2008
Court Administrator – November 2008

The Court Administrator's report was read into the record by Mayor Zimmerman. Motion was made by Hallman with a second by Goldman for the acceptance of the reports. Motion carried on roll call vote – all ayes. (Copies of the reports are on file in the Office of the Borough Clerk.)

COMMITTEE REPORTS (to include Annual Reports):

Annual Reports from Committee Chairs were provided for the calendar year 2008 and will be placed on file in the Office of the Borough Clerk.

Administration & Records – Council member Goldman advised that information has been posted on the Borough's website relative to programs offered through the NJ Share Program to include foreclosure prevention resources and utilities assistance. DEPTCOR has provided an installation time line of the end of the year, first of January for the installation of the shelving in the records room. Information has been shared with members of Council who did not attend the NJLM Convention. Work is being continued on the updating of the Code Book to include the draft Parks and Recreation Ordinance that has been distributed for discussion at this evening's meeting. Ms. Goldman and Borough Clerk Griffiths are in the process of researching materials for the development of an employee handbook and policies and procedures manual. Mayor Zimmerman reported that the new computer system has been completely installed; remote access is still being worked on. Mayor Zimmerman noted that consideration needs to be given to how the old computer equipment will be disposed of.

Buildings & Grounds – Councilman Banks advised that the sign in front of Borough Hall will be completed within a couple of days; the "Welcome to the Borough" signs will be completed within a couple of weeks. Painting in Borough Hall will be done this week. Mayor Zimmerman advised that for future planning purposes, consideration should be given to making an emergency exit from the Council/Court Meeting Room into the Records Room in keeping with concern expressed by the Court. A possible move of the dais to another location in the room may also be a consideration in order to accomplish emergency egress.

Finance & Insurance – Councilman Banks presented proposal from Bollinger Insurance Inc. for the renewal of the Borough's Commercial Lines coverage (to include the package and workers comp coverage) for the 2009-2010 policy period. The premium will be increased by .2% for the renewal period from \$20,756.00 to \$20,817.00. Motion was made by Banks with a second by Hallman approving the renewal at the new premium rate. Motion carried on roll call vote – all ayes. Deputy Clerk Whitlock recommended that all Boards, Committees, etc. be requested to review their budget needs for the upcoming budget year. At the request of Council member Goldman, Councilman Banks will ask CFO Bobal to provide Minutes –

Expenditure reports for the 2008 budget year to all applicable parties for review.

Public Safety & Emergency Services – Appreciation was extended to the Police and Fire Departments for their service throughout the year. Mayor Zimmerman noted that a meeting will need to be scheduled with the emergency services departments to discuss next year's funding and grant availability.

Streets & Roads – Council member White advised that a copy of the adopted ordinance pertaining to the change in hours of parking on Washington Street has been forwarded to the County. The dip in the road on Washington Street is being followed up by the County Engineer with the water departments. An e-mail regarding the tennis program was received from resident Ralph Terragrossa. In response to question raised, Ms. Goldman advised that the newly adopted parks and recreation ordinance will include “no parking” provisions for the Green Acres Park as well as the other parks. Engineer Tanner will be requested to follow-up on the installation of a “no parking” sign on the Skillman Ave. extension. Suggestion to have multiple ordinance regulations displayed on one sign pole will be passed on to Engineer Tanner.

Water, Sewer & Environmental Protection – Councilman Griner summarized the monthly report as provided by Water Superintendent Merk. It was noted in the report that there were two, sanitary main lines that had blockages from excessive grease which were cleared.

Council Representative to Planning Board – Ms. Goldman related that the County Design Guidelines Grant was discussed at the December meeting. Discussion will continue at the January meeting.

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

Council Representative to Board of Health – The Board of Health is working with the County in acquiring radon test kits for availability to the residents.

Zoning Official's Report – Mr. Whitlock advised that the owners of the Rocky Hill Inn have been granted an extension to present an application to the Planning Board at the January meeting in regard to the wall and lights that were recently installed.

Grants Committee – Mr. Hallman advised that the County is making grant monies available to small Somerset County municipalities for the refurbishment of athletic/recreational fields. Provisions of this grant will be further explored. Council member Goldman offered suggestion for a memorial garden or small amphitheatre at Panicaro Park for use during services for veterans, etc. Mayor Zimmerman advised that volunteers are needed to fill open seats on the Recreation Committee.

SPECIAL BUSINESS

Resolution 2008-77 – Budget Cancellations - Resolution for the cancellation of funds in the amount of \$50,760.00 was presented for consideration. A budget trial balance sheet was distributed by Deputy Clerk Whitlock detailing the balances of accounts as of 12/15/08. Motion was made by Hallman with a second by Goldman for the approval of the resolution. Motion carried on roll call vote – all ayes.

UNFINISHED BUSINESS:

Recreation Agreement with Montgomery Township – Update – Mayor Zimmerman advised that he will be meeting with Mayor Birge regarding the renewal of the agreement. A meeting will also be scheduled with Mayor Levine of Franklin Township to discuss possible recreation options with their municipality.

NJ American Water Agreement - Letter dated 12/15/08 from Attorney Cruz was received. Attorney Cruz' letter states that American Water is unwilling to make any changes to the agreement as presented. Mayor Zimmerman will review the conditions of the agreement and report back.

Draft Ordinance Discussion – Parks and Recreational Areas -

Draft ordinance as prepared by the Parks Subcommittee was distributed and discussed. Changes as presented by the subcommittee were discussed. The ordinance will be further amended based on those recommended changes as well as some additional recommended changes to include (but not limited to):

- addition of ATV's as prohibited vehicles;
- a hold harmless agreement for the Borough will be included in the certificate of insurance information to be supplied as a part of the permit process;
- Facility Reservation Fee - \$25.00 fee will be imposed;
- Prohibited Activities – will include “no ice skating” on Borough property;
- Tennis Courts – Permit Required – provisions to be added that “play is limited to no more than 60 minutes if others entitled to use the court indicate their desire to do so” and “primary purpose of the tennis wall practice area is for use for tennis; if not being used for tennis, other activities will be allowed.”

A revised draft will be redistributed by the subcommittee. A copy of the draft ordinance will also be forwarded to Montgomery Township Recreation Director Karen Zimmerman for review.

NEW BUSINESS:

2009 Proposed Meeting Dates – Calendar of proposed meeting dates for 2009 as well as the reorganization meeting of 2010 was presented. Motion was made by Hallman with a second by Banks to approve the meeting dates as the first and third Monday of the month (and the second Monday of the month during the months of July, August, September) with the exception of the second meeting dates of January and February which will be held on Wednesday, January 21st and Wednesday, February 18th due to federal holidays. The reorganization/regular meeting of 2010 will be held on January 4, 2010. Motion carried on roll call vote – all ayes.

Audio-Taping of Council Meetings – Discussion ensued regarding the audio taping of Council meetings in response to recent suggestion for same. It was the consensus of Council not to audiotape meetings, but to put a provision in the rules of order that members of the public wishing to address Mayor and Council are to stand and identify themselves for the record in keeping with better order. Motion was made by Goldman with a second by Banks to add this provision to future Council agendas. 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 the written opinion dated 12/12/08 from the Council on Local Mandates, Complaints filed by the Mayors of Shiloh Borough, and the Borough of Rocky Hill, and by Southampton Township, Deerfield Township, Shamong Township, Upper Deerfield Township and Buena Vista Township, Re: Unfunded Mandate – Cost Sharing Agreement for Rural State Police Patrol Services.
- Copy of response letter dated 12/12/08 from Freeholder Director Palmer to Ralph Terragrossa, Re: Concerns expressed regarding the Borough's 2007 Youth Athletic and Recreation Facility Grants.

FINAL PUBLIC COMMENT

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

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ADJOURNMENT:

Mayor Zimmerman extended his appreciation to Councilman Brian Griner for his service to the Borough during his three year term as Council member. Mr. Griner related that it has been a positive experience working with the present Council as well as prior Councils.

Motion was made by Banks with a second by Goldman to adjourn the meeting at 10:30PM.
All voted in favor of adjournment.

Respectfully submitted:

Donna M. Griffiths, RMC
Borough Clerk