

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
January 21, 2009**

The regular meeting of the Borough Council of the Borough of Rocky Hill was called to order by Council President William Hallman at 7:30 PM followed by the salute to the Flag. A moment of silence was observed in memory of Richard Zimmerman, the Mayor's brother. Council President Hallman presided over the meeting due to the absence of Mayor Zimmerman.

NOTICE OF COMPLIANCE WITH OPEN PUBLIC MEETINGS ACT

The following statement was read into the record by Council President Hallman: This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting was included in a list of meetings transmitted to the Courier News and Somerset Spectator on January 8, 2009. Notice remains continuously posted as to required notices under the Statute. 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. Mark Pausch-present, Ms. Courtney White-present, Mr. William Hallman-present.

Absent: Ms. Julia Hasser

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

APPROVAL OF MINUTES

Regular Meeting Minutes –January 5, 2009 – Motion was made by Goldman with a second by White 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)

New Business – Crescent Ave. Pond - White

PUBLIC COMMENT

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

APPROVAL OF VOUCHERS TO BE PAID

It was noted that Council member Hasser will be attending a seminar for local officials offered through the NJLM in February. Check for payment for her attendance is listed on the bill list. Motion was made by Banks 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 - December 2008

Court Administrator - December 2008

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

Minutes - January 21, 2009

Page 2

COMMITTEE REPORTS:

Administration & Records – As a follow-up to questions raised at the last Council meeting, Ms. Goldman advised that she researched the ordinances and there is not an ordinance requiring housing numbers. A sample ordinance was provided to Councilman Hallman for consideration of follow-up. The snow removal ordinance was reviewed, and it was found that the ordinance does not distinguish areas of removal such as between sidewalks and driveways. Referral was made to the Streets and Roads Chair for follow-up. It was also noted that there is a discrepancy in the ordinance pertaining to the timing of snow removal which will also need to be reviewed. A tracking *counter* of visitors has been placed on the Borough's website.

Buildings & Grounds – Council member Pausch related that he is consulting with Council member Banks (former Chair) on pending projects to include the repair of the door lock to the building and painting. It was suggested that the cleaning services manager be consulted with to obtain the list of duties to be done by their agency. The Nursery School will coordinate their impending clean-up day with the cleaning agency.

Finance & Insurance – Council member Banks advised that he is currently reviewing the insurance documentation provided by former Chair Hasser. A meeting will be scheduled with the Borough's insurance representatives.

Public Safety & Emergency Services – Council member Hallman reported that the Constables are following up with enforcement. NJSP report dated 1/7/09 for the period December 2008 was received from Lt. Skelton and summarized (copy on file in Borough Clerk's Office).

Streets & Roads – Council member White will follow up with the County on the status of the "parking hours" signs for Washington St. Pot holes have been reported; coordination will be made for the repair of same with the County. Ms. White will follow-up on the report by Mr. Hallman of the street light working intermittently on Merritt and Montgomery Avenues. In response to questioning from Mr. Banks on the status of the PSE&G wire replacement, Ms. White advised that this project is still ongoing.

Water, Sewer & Environmental Protection – No report at this time.

Council Representative to Planning Board – Ms. Goldman advised that the Planning Board held their reorganization meeting and re-appointed Charlie Pihokken as Chair and Cathy Cann as Vice Chair. Application from the Rocky Hill Inn was carried to February.

Council Representative to School Board – No report.

Council Representative to Board of Health – Ms. Goldman reported that the Board of Health held their reorganization meeting and re-appointed Betsy Haines as the President and Beverly Poelstra as Vice President. The Board of Health is exploring an agreement for services with Somerset County. A copy of the agreement has been reviewed by Attorney Cruz. It was noted that several services offered by South Brunswick Health Department may not be offered through the County, i.e. housing inspections, food handling licensing. Other options may need to be explored for the handling of these services.

Zoning Official's Report – Zoning Official Whitlock reported that he followed up on question raised by a planning board member relative to the approved application for the Donato residence. Subsequent to their approval, the Donatos made changes to the dwelling by removing a window on the side of the garage and installing double, entrance doors. Zoning Official Whitlock discussed the changes with the property owner and it was found that these changes were not substantive in nature.

Grants Committee – Council member Hallman reported on an Energy Audit Grant opportunity through the County. Messrs. Hallman and Pausch will be working on filing the grant with the assistance of the Borough Engineer and Clerk. The grant requires that an energy team be appointed and a resolution in support of this application be adopted. Councilman Hallman will follow-up with the Mayor and request this action be added to the next Council agenda. Attorney Cruz will provide information on a stimulus projects grant opportunity being offered through the NJLM. Discussion ensued regarding the number of assets owned by the Borough that could be considered in these grant opportunities, i.e. fire house building, pump house, water tower. It was suggested by Councilmember Goldman that an inventory be made to ensure that as many grant opportunities as possible can be secured.

SPECIAL BUSINESS

Transfer Resolution 2009-22 - Motion was made by Goldman with a second by Pausch for the approval of the transfer resolution in the amount of \$3000.00. Motion carried on roll call vote - all ayes.

UNFINISHED BUSINESS:

Draft Parks and Recreation Ordinance Discussion – Council member Goldman related that this ordinance has been drafted and is now in introduction form. Mayor Zimmerman will be discussing the ordinance with Montgomery Township for their feedback prior to introduction. Carried to the next meeting.

Update on Recreation Agreement with Montgomery Township – carried to next meeting due to the absence of the Mayor.

Discussion on Expansion of Recreation Committee - carried to next meeting due to the absence of the Mayor.

NEW BUSINESS:

Approval of Towing Operator Licenses – Towing operator applications were received from the following agencies: Dependable Motors, Somerset NJ; Stewart's Towing Inc., Belle Mead, NJ. Background investigations were conducted by the South Bound Brook Police Department and the required fees and insurance documentation have been received. Motion was made by Goldman with a second by Pausch authorizing the issuance of a towing license to both of these agencies by the Borough Clerk. Motion carried on roll call vote – all ayes. Notice of the approval will be forwarded to the South Bound Brook Police Department in order that these agencies may be placed on the towing list.

Agreement for Participation in the Somerset County Community Development 2009 Housing Rehabilitation Program – Deputy Clerk Whitlock (Liaison to the CDBG Program) recommended that the Borough continue its participation in this program. The program provides financial assistance to property owners, and there is no cost to the Borough. Council member Goldman offered that the funds offered may also help with the refurbishment of units which may help with satisfying some of our COAH obligation. Motion was made by Goldman with a second by Banks authorizing the continued support of the program. Motion carried on roll call vote – all ayes.

2009 Renewal of Municipal Recycling Agreement with Somerset County – Motion was made by Goldman with a second by Banks authorizing the renewal agreement with the County for continued recycling services for 2009. Motion carried on roll call vote – all ayes. It was noted that the rate will remain the same as last year.

2009 Schedule of Spring/Fall Clean Up Days – Request was received from the contractor for consideration of a change to the clean-up days to the second Tuesday of the month. It was the consensus of Council that the third Tuesday is beneficial to the residents and the days should remain as previously designated, the third Tuesday of May and October. The dates will be posted on the Borough's website.

Discussion – Regulation of Charitable Clothing Bins – Attorney Cruz provided information on newly enacted legislation requiring the regulation of charitable clothing bins to include licensing of same through municipalities. Also provided were sample ordinances. Discussion ensued regarding whether an ordinance should be drafted or whether the existing zoning ordinance should be amended to strictly prohibit these bins. It was discussed that while there are no bins currently within the Borough, provisions may be needed for future interest. Council member Goldman offered to review the regulations and make a recommendation as to whether an ordinance should be considered by the Borough.

Minutes – January 21, 2009

Page 4

Crescent Avenue Pond - Council member White questioned whether a sign should be erected at the pond indicating that skating is prohibited in light of the fact that this activity is currently taking place. It was noted that ice skating is a prohibited activity under the regulations contained in the draft Parks and Recreation ordinance which is pending introduction and adoption.

Discussion ensued relative to whether this should be a permissible activity, the potential liability to the Borough, enforcement of the activity, and preventative measures that could be taken in the meantime. Attorney Cruz offered that the installation of a “no skating” sign, although not enforceable until the adoption of the ordinance, would place the public on notice that the activity is prohibited and thus help with any defense that may be needed on behalf of the Borough.

COMMUNICATIONS:

Communications as listed were distributed, disseminated and filed accordingly. No additional correspondence was received.

- Copy of the Walter J. Kavanaugh scholarship letter (listed under communications) will be provided to the Fire Department and Rescue Squad due to the nature of the scholarship.

FINAL PUBLIC COMMENT

Cliff Moore, Skillman Ave. – Mr. Moore related his experiences with skating on nearby public ponds and offered his support of this activity at the Crescent Ave. pond.

EXECUTIVE SESSION – RESOLUTION TO RETIRE INTO EXECUTIVE SESSION – Attorney Client Privilege – Council Personnel – Executive session not held; carried to the next meeting.

ADJOURNMENT:

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

Respectfully submitted:

Donna M. Griffiths, RMC
Borough Clerk