

**BOROUGH OF ROCKY HILL  
COUNCIL MINUTES  
October 19, 2009**

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 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. William Hallman-present, Ms. Julia Hasser-present, Mr. Mark Pausch-present, Ms. Courtney White-present.

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

**MAYOR'S COMMENTS**

- Council President Hallman will be handling calls/issues while Mayor Zimmerman is out of town for a few days this upcoming week.
- Letter dated 10/13/09 from Senator Christopher "Kip" Bateman advising of the award of a \$125,000 NJDOT Municipal Aid Grant for improvements to Montgomery Avenue was entered into the record by Mayor Zimmerman. Mayor Zimmerman related that this grant will be dedicated to improvements to include resurfacing, curbing, and plantings on Montgomery Ave. from Route 518 to Toth Lane.
- Letter dated 10/1/09 from NJ Department of Education Commissioner Lucille Davy was entered into the record. The letter served to provide direction that the financial accounts and assets of the Rocky Hill Board of Education should be provided to the Montgomery Board of Education as a result of the eliminated and newly merged districts.
- Reminder was provided of the Pancake Breakfast being held this weekend by the Rocky Hill Hook and Ladder Company;
- Reminder was provided of the Borough-wide clean up day scheduled for tomorrow, 10/20/09.

**APPROVAL OF MINUTES**

Regular Meeting Minutes – October 5, 2009 - Motion was made by Hasser with a second by Goldman for the approval of the minutes contingent upon following correction: Page 4 – Veteran's Day Service – date to be corrected to "Sunday, 11/8/09". Motion carried on roll call vote - all ayes.

Executive Session Meeting Minutes – October 5, 2009 – Motion was made by Hallman with a second by Hasser 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)**

Council member Goldman advised of members of a public interest group going door-to-door to Borough residences. Question was raised as to whether a permit is needed under the Borough's regulations pertaining to soliciting and peddling. Attorney Cruz advised that public interest groups are given leeway under the First Amendment provided they do not create a nuisance.

**PUBLIC COMMENT**

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

**DEPARTMENTAL REPORTS**

Tax Collector – September 2009  
Court Administrator – September 2009

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

**APPROVAL OF VOUCHERS TO BE PAID**

Bill list dated 10/19/09 was presented. Motion was made by Goldman with a second by Hasser to approve the bill list with the exception of check #5748 and 5750 (payable to Pausch and Goldman). Motion carried on roll call vote – all ayes. Motion was made by Banks with a second by Hallman for approval of check #5748 and 5750. Motion carried on roll call vote – all ayes; Goldman, Pausch – abstain.

**COMMITTEE REPORTS:**

**Administration & Records** – Council member Goldman reported visits to the website are up by 14%. Reminder was provided that annual Committee reports are due at the first meeting in December. Reminder was also provided of ordinances that need to be updated per the stage two schedule.

**Buildings & Grounds** – Council member Pausch advised that the County workers weeded at Borough Hall this past Saturday. Due to inclement weather, clean up at Point Park was not able to be done. The stairway and records room have been painted. Mayor Zimmerman offered assistance with applying a wall covering in the meeting room. It was noted that the tree in the Borough parking lot may be in need of trimming whereas it is blocking the light to the parking lot. The need to trim the tree will be evaluated once the leaves are down. The bulbs at the back door are in need of replacement. Mr. Pausch will follow-up on the lights in front of the sign in front of Borough Hall.

**Finance & Insurance** – No report at this time.

**Public Safety & Emergency Services** – Council member Hallman will contact the NJSP, South Bound Brook Police, and the Borough Constable to request additional patrol on Halloween.

**Streets & Roads** – Council member White advised that the County is not in possession of the two, knocked down signs that were on *Washington St.* Ms. White contacted the County regarding the hole at the hump on Princeton Ave. Concern was related to the County relative to the costs being incurred by the repeated temporary fixes being done by the County. Ms. White will follow-up on the issue with the manhole cover on Route 518 with Engineer Tanner. Appreciation was extended to members of the Rocky Hill Hook and Ladder Company, specifically Toby Whitlock, for assistance with the removal of a limb in front of the Community Group building. Ms. White related inquiry received from a resident interested in the formation of a community garden; request was referred to Councilman Hallman for follow-up.

**Water, Sewer & Environmental Protection** – Report dated 10/9/09 from Superintendent Larry Merk was summarized by Council member Hasser.

**Council Representative to Planning Board** – The Planning Board meeting for October was cancelled. Letter of incompleteness dated 10/6/09 relative to the Borough's Affirmative Marketing Plan submission was received. A copy of the letter will be provided to the Planning Board and MHL/AA Barbara Walsh for follow-up.

**Council Liaison to Education Committee** – Mayor Zimmerman reported on the recently attended meeting held by the Montgomery Township Board of Education relative to the proposed referendum. He related that while the referendum is a good idea at this time, and the school is in need of the improvements, it will result in a tax increase to the Borough's residents. Oral arguments are still scheduled for 11/4/09 for the suit filed against the State of New Jersey relative to the abolishment of the non-operating school districts.

**Council Representative to Board of Health** – Council member Goldman advised that County Environmental Health Specialist Dawn Prandi will be touring the Borough's well facility. A report will be prepared and forwarded to the Board of Health. The flu clinic is scheduled for 10/29/09 between 9-11 AM at the First Reformed Church. It was related that the Health Department does not schedule appointments for the clinic. A date is still being discussed for the H1N1 clinic. Suggestion was offered that the clinic be

scheduled during after school hours in the future in order to allow more opportunity for attendance by students.

**Zoning Officer** – No report at this time.

**Grants Committee** – Council member Hallman reported on another fire fighters grant opportunity being followed up on. It was related by Mayor Zimmerman that the Borough has been the recipient of over \$600,000 in grant monies over the past three years.

- **2003 Somerset County Municipal Planning Partnership Grant** - Letter dated 10/14/09 from Somerset County Planner James Ruggieri, Re: Somerset County Municipal Planning Partnership (MPP) Grant 2003, Historic Preservation Guidelines was received. As stated in Mr. Ruggieri's letter, the County granted approval of the Borough's alternative proposal for the grant, as suggested by Council member Hallman and presented to the County by Mayor Zimmerman. The proposal is for the creation of a map of the historic district to be placed on the borough's website showing the location of properties within the district to include a hyper link directing property owners within the historic district to various internet based sources of historical preservation information. The information would be available for property owners wishing to renovate or modify their dwellings/structures while preserving the historical and architectural integrity of their structures. Request was made by the County that the Borough provide specific instructions on the website for website visitors and that a list of website resources be forwarded to the County. The County is in agreement that this would be an innovative approach to accomplishing the objective of creating historic preservation guidelines utilizing modern technology and saving printing costs on publications. A copy of this letter will be provided to the Planning Board for follow-up on the project.

- Letter dated 10/2/09 from the Somerset County Freeholders', Re: Sustainable Jersey Program was received. The certification process relative to the program was summarized. To date, 11 Somerset County municipalities have entered into the program. Copy of the letter was provided to Energy Committee members Hallman and Pausch.

### **SPECIAL BUSINESS**

**Presentation from VALIC – LOSAP** – Deputy Clerk Whitlock reported on follow-up made with representative, Mr. Fee, from VALIC regarding the proposed changes to the LOSAP Plan. Mr. Fee offered his opinion that the option of allowing members to borrow from the fund should be considered for approval by the Borough. He related that the In-service Distributions option pertains to fully vested funds (five years) and there are specific needs that are specified in order to borrow. Mr. Fee does not recommend the approval of the Unforeseeable Emergency Withdrawals option whereas any member can withdraw the money, the vesting period would stop, and if the member is not eligible for retirement, they would need to be re-vested. Discussion carried to the next meeting.

**Resolution 2009-68 – Award of Contract – 2009 Brush and Tree Limb Removal Service** - Quotes were solicited resulting in the receipt of one quote from JML Landscaping of Neshanic Station, NJ in the amount of \$185.00/hr.. Memorandum was received from Engineer Tanner recommending the award of the contract to JML Landscaping. Borough Clerk Griffiths advised that the contract was awarded last year for \$180.00/hr. Engineer Tanner advised that if the contract is awarded, the service would be provided on Friday, 10/23/09. Certification of funds was received from CFO Bobal for the award of the contract. Motion was made by Goldman with a second by Hasser for approval of the resolution and award of the contract to JML landscaping in the amount of \$185.00/hr. (not to exceed \$3,500.00). Motion carried on roll call vote – all ayes.

### **UNFINISHED BUSINESS:**

None discussed at this time.

### **COMMUNICATIONS:**

Communications as listed were distributed, disseminated and filed accordingly.

**FINAL PUBLIC COMMENT**

The floor was opened to the public for comments/questions. Hearing no comments/questions, the floor was closed.

**EXECUTIVE SESSION – RESOLUTION 2009-69 TO RETIRE INTO EXECUTIVE SESSION**

Resolution to retire into executive session was read into the record by Borough Clerk Griffiths for the purpose of: Contract Discussions – Montgomery Township Sewer Negotiations/Forensic Accountant Contract. Motion was made by Hasser with a second by Goldman approving the resolution. Motion carried on roll call vote – all ayes. (8:20 PM)

**RESULTS OF EXECUTIVE SESSION (IF ANY):**

Results of executive session not available to the public at this time. (9:25PM)

**NEW BUSINESS:** *(change in order in agenda business)*

**PSE&G Billing** - Deputy Clerk Whitlock reported on a recent bill received from PSE&G reflecting actual usage amounts for the water plant. Deputy Clerk Whitlock advised that PSE&G had been estimating the usage for the past two years and the new bill has resulted in a considerable cost increase. Mayor Zimmerman will make contact with a PSE&G representative to discuss payment options for the bill. Deputy Clerk Whitlock will confirm the readings reflected on the bill.

**ADJOURNMENT:**

Motion was made by Hallman with a second by Goldman to adjourn the meeting at 9:35 PM. All voted in favor of adjournment.

Respectfully submitted:

Donna M. Griffiths, RMC  
Borough Clerk