

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
November 16, 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. A moment of silence was observed in memory of resident Bob Albahary.

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

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

Absent: Mr. James Banks

Also present: Borough Attorney Albert Cruz, Deputy Clerk Raymond Whitlock, Borough Engineer William Tanner, Interim CFO Joseph Monzo.

MAYOR'S COMMENTS

Certificate of General Election - Certificate of Election for the November 3, 2009, General Election as received and certified by County Clerk Radi was read into the record by Mayor Zimmerman. The Board of Canvassers of Somerset County determined that Robert S. Steen and Jeff Donahue were elected to the two (2), three-year Borough Council seats.

Panicaro Park Design Committee - The following individuals were appointed by Mayor Zimmerman to an ad-hoc committee for Panicaro Park: Peggy Harris, Hope Lovering, Michael Goldman, Sam Panicaro, Mary Germaine, Engineer William Tanner, and Borough Council member Mark Pausch. The committee will be responsible for the design of improvements to be made to Panicaro Park utilizing the 2009 County Youth Athletic Fund Grant monies.

- Mayor Zimmerman advised that he is working on appointments to various boards/committees for 2010. Council members were urged to contact him with any appointment recommendations.
- Well wishes were extended to Alice Querec, resident who was recently struck by a vehicle.
- Joseph Monzo, newly appointed Interim Chief Financial Officer, was introduced to Council.
- The Mayor, Council member Goldman, Clerk Griffiths, and Deputy Clerk Whitlock will be attending the NJLM Conference this week. It was noted that Administrative Assistant Rebecca Newman will be in on Wednesday during regular Borough office hours.
- The Community Group Tree Lighting will be held on 12/6 between 4-6PM. Police coverage will be requested.
- Mayor Zimmerman reported that oral arguments in the case of the school board suit have been postponed once again; there is no information on the newly scheduled date.
- It was noted that the Veteran's Day ceremony held on 11/8/09 was well attended; photographs are on the Borough's website.

APPROVAL OF MINUTES

Regular Meeting Minutes – November 2, 2009 - Motion was made by Goldman with a second by Hasser for the approval of the minutes contingent upon following amendment: Page 1 – Mayor's Comments – Mayor Zimmerman attended a *community outreach event...*” Motion carried on roll call vote - all ayes.

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Executive Session Meeting Minutes – November 2, 2009 – Motion was made by Hasser 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 presented.

PUBLIC COMMENT

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

DEPARTMENTAL REPORTS

Tax Collector – October 2009
Court Administrator – October 2009

The Court Administrator's report was summarized by Mayor Zimmerman. Motion was made by Goldman with a second by White to accept the reports as submitted. Motion carried on roll call vote –all ayes. It was noted that there will be no Court in November and the December Court date has been rescheduled for 12/2/09.

(A change in the regular order of agenda business was made at the direction of the Mayor.)

SPECIAL BUSINESS:

Resolution 2009-71 - Transfer of Funds in the Current Fund - Resolution as prepared by CFO Monzo for the transfer of \$500 from the Emergency Management O.E. line item to Telephone O.E. line item was presented for approval. Motion was made by Goldman with a second by Hasser for the approval of the resolution. Motion carried on roll call vote - all ayes.

(The regular order of business resumed.)

APPROVAL OF VOUCHERS TO BE PAID

Bill list dated 11/16/09 was presented. Motion was made by Hallman with a second by Goldman to approve the bill list. Motion carried on roll call vote – all ayes.

COMMITTEE REPORTS:

Administration & Records – Council member Goldman reported visits to the website are up by 26%. A job description for Borough Constable has been developed by Ms. Goldman (to be discussed under Public Safety report). Ms. Goldman reported that the editing of the land use ordinances is near completion. The final document will be provided to the Planning Board attorney for review and sign off before it is posted on the Borough's website. Reminder was offered for Council members leaving term of office this year to provide contact information and guideline information for the procedures manual. Annual Committee reports are due in writing next month.

Buildings & Grounds – Council member Pausch advised that the lights on the sign in front of Borough Hall have been replaced. Recommendation was made by Mayor Zimmerman for the purchase of a 72" table for the meeting room to accommodate the Borough's professionals at Council and Planning Board meetings. Mr. Pausch will obtain a price quote.

Finance & Insurance – No report at this time. Deputy Clerk Whitlock suggested that a price quote be obtained from Bollinger Insurance for budgeting purposes for 2010. It was also suggested that the Borough may wish to solicit quotations from another insurance carrier who is more local since Bollinger has relocated its offices. The Chief Financial Officer position has been advertised and approximately

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10 resumes have been received. The selection committee is in the process of scheduling interviews.

Public Safety & Emergency Services – Council member Hallman requested that the portable radios that were budgeted this year for the Constables be purchased before year end. Mayor Zimmerman will follow up on getting quotes for the radios. Attorney Cruz will follow-up on whether a constable can be appointed in an "acting" capacity if he/she does not fulfill the requirements for permanent appointment.

Borough Constable Job Description – Job description as prepared by Council member Goldman was distributed. Constable Al Chini was in attendance at the meeting and contributed to the discussion. Copies of the State laws and Borough ordinances regulating the position were also distributed. Discussion ensued pertaining to performance standards, chain of command, supervisory, accountability, and reporting responsibilities. Upon review and discussion of the materials provided, it was confirmed that the Borough Constables report to the Borough Council, Chair of Public Safety. It was agreed that constables should keep a log of duties related to the position to include an approximate accounting of hours expended in order that the constables' activities are documented. This accounting will aid in the completion of performance standards and for consideration of merit raises. Clarification will be made in the specification that the constables serve under the direction of the Council Chair of Public Safety and incident commander as deemed appropriate.

Streets & Roads – Council member White reported that the pedestrian signs have been taken down by the County; there are five good ones remaining out of the six. A stop sign reported to be down on Hickory Court was reported to the County. Communications on playground equipment and traffic calming was referred to Ms. White.

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

Council Representative to Planning Board – Council member Goldman reported that the Board met and memorialized several resolutions. A subcommittee was formed to re-write the 2003 County Grant proposal.

Council Liaison to Education Committee – Discussion under Special Business.

Council Representative to Board of Health – Council member Goldman related that the Board of Health is pleased with the services being provided by the County since they took over for the Borough. There were some issues experienced with the flu clinic wherein non-Medicaid residents were charged at the flu clinic. Unlike South Brunswick, the County did not factor in the cost of the shots for the non-Medicaid residents into the current contract, however, they will reevaluate this cost and factor it into the new contract. There will be no charge for the H1N1 clinic. A copy of the RHBOH H1N1 Plan was received and distributed. The letter provides information on how and when the vaccine will be administered by the County. In response to concern raised for the need to have the vaccine available for fire department personnel, Ms. Goldman will make contact with Fire Chief Harris to provide him with the contact information provided by the County.

Zoning Officer – Zoning Official Whitlock advised that a certified letter has been sent to the Karch residence, 98 Washington St., and he is awaiting a response from that property owner.

Grants Committee – No report at this time.

SPECIAL BUSINESS

Resolution 2009 - 72 - Confirming Appointment of Interim Chief Financial Officer/Treasurer -

Joseph Monzo - Motion was made by Hallman with a second by Hasser to approve the resolution confirming the temporary appointment of Joseph Monzo at the 11/2/09 Council meeting. Motion carried on roll call vote - all ayes.

Chief Financial Officer's Report - Interim CFO Monzo - CFO Monzo provided budget trial balance report. Mr. Monzo expressed his appreciation to Mayor and Council for the appointment. He related that he will be working to bring the financial accounts up-to-date and to ensure the Borough's financial stability. Mr. Monzo will be amending the chart of accounts and creating sub-accounts in the Borough's fund accounting system to aid in the budget planning process for 2010. A detailed expenditure worksheet will also be provided for all departments to aid in the 2010 budget preparation as requested by Council member Goldman.

Resolution 2009-73 - Chapter 159 - Insertion of Special Item of Revenue - NJDOT Grant - \$125,000 - Montgomery Ave. - The purpose for the adoption of this resolution (to amend the budget in order to expend these grant funds) was provided by CFO Monzo. Motion was made by Hallman with a second by Goldman for the adoption of the resolution as presented. Motion carried on roll call vote - all ayes.

Resolution 2009-74 - Chapter 159 - Insertion of Special Item of Revenue - 2009 County Youth Athletic Grant - \$15,000 - Motion was made by Hasser with a second by Hallman to approve the resolution and authorize the execution of the agreement with the County as presented. Motion carried on roll call vote - all ayes.

Introduction: Ordinance #12, 2009 – “An Ordinance Repealing Section 154-45 of the Code of the Borough of Rocky Hill titled, “Connection Charges” and Replacing it with a New Section 154-45 also Titled “Connection Charges.” - The ordinance as filed in the Office of the Borough Clerk was read by title by Mayor Zimmerman. Attorney Cruz provided an overview of the ordinance as introduced. The increase in the fee will only apply to new connections and is consistent with the connection charges imposed by other Somerset County municipalities. Motion was made by Goldman with a second by Hasser for the introduction of the ordinance as presented. Motion carried on roll call vote - all ayes. Public hearing is scheduled for December 7, 2009, at 7:30 PM.

Resolution 2009-75 – Authorizing Tax Overpayment Refund - Resolution as presented by the Tax Collector for the refund of funds in the amount of \$2458.00 for the overpayment of fourth quarter taxes for property known as Block 2.01 Lot 22, 27 Montgomery Ave., Owner: Fabian Moerchen was distributed. Motion was made by Hasser with a second by Goldman for approval of the resolution. Motion carried on roll call vote - all ayes.

UNFINISHED BUSINESS:

Engineer Tanner –

Intersection Sight Distances - Intersection Sight Distance Report dated 11/16/09 from Engineer Tanner was distributed. Also distributed were aerials of the three intersections with the worst sight problems: Montgomery Ave. – looking east and west and with a sight line of 100 ft.; Crescent Ave. – looking west; Merritt Lane – looking west. It was noted that the intersection of Princeton Ave. and Crescent Ave. is a four way stop and does not require a large sight distance. The manner in which the sight distances were determined was outlined in Engineer Tanner’s report.

Based on the survey conducted, the following recommendations were made: Montgomery Ave. – view is obscured in both directions; trees to the west need to be headed up to 7 ft.; bushes to the east need to be removed; they can be re-located back in line with the large tree. Mayor Zimmerman and Engineer Tanner will speak to the property owner where the bushes are in need of removal/relocation. Constable Chini, Council members Pausch and Hallman will trim up the branches on the tree to the west.

Crescent Avenue looking west – bushes need to be cut back – property owner (Querecs) will be requested to trim back the bushes.

Merritt Lane – vegetation blocking sight to the west – trimming of the trees beyond the pole will need to be done.

It was noted that there are sight distance problems at Knoll Way/Young Drive, however, the clearing of the sight distance would require the removal of a retaining wall, large tree, and an elevation change. Major reconstruction would be required at this intersection. The obstruction at Hickory Court would require the pruning of hedges on a regular basis by the property owner to the right.

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In response to question raised about a sight distance problem at Reeve and Crescent Aves., Engineer Tanner advised that the road arcs in that area so he's not as concerned with that intersection.

It was agreed that the sight distance measurements should be incorporated into the streets and roads ordinances. Engineer Tanner will provide Council member White with the information.

Waste Disposal Contract Specifications – A copy of these specifications as prepared by Engineer Tanner were distributed to Mayor and Council for review and comment. Recommendations as offered by Attorney Cruz and Council member Goldman will be incorporated into the final draft. Contractors will be requested to bid the contract with the following options: option for two pick-ups in the summer; two clean-up days per year; option for vendor issued carts and no carts.

Discussion - Final Leaf Collection – It was agreed that a fourth collection should be scheduled for December 7, 2009. Motion was made by Goldman with a second by White approving the fourth leaf collection date. Motion carried on roll call vote – all ayes.

Other: The sanitary sewer lid near the Robotti residence was repaved; issue with the water cover by the firehouse in need of milling and repaving to be referred to the contractor working in the area (Castoro); Council member White will make contact with Sam Castoro.

Discussion - Acting Borough Constable - Discussed under Committee Reports/Public Safety

Discussion/Possible Adoption of Resolution - Updated VALIC LOSAP Plan - Resolution to be prepared for adoption at the 12/7/09 meeting.

NEW BUSINESS:

None at this time.

SPECIAL BUSINESS: *(continued)*

Montgomery Township Superintendent of Schools – Earl Kim – Referendum Update –Montgomery Board of Education Superintendent Earl Kim, Board President Dave Pettit, and Vice President Charles Jacey appeared before Mayor and Council to provide an overview of the proposed referendum.

Mr. Kim advised that detailed specifications of the project are available on the Board of Education's website. Projects are proposed for four schools. The goals of the referendum were outlined as follows: correct facility needs identified by architects and included in five year plan submitted to the State; limit scope of the project to the highest priority projects; bring the facilities up to code and improve energy efficiency by replacing ventilation systems; replacing single-pane glass with double-pane glass. It was stressed that the safety needs of the children are the priority of the Board. In terms of measuring the costs and benefits, the benefit of the improvements will last 15-25 years based on the projects to be done. The costs will be allocated over a longer period of time by way of the bond referendum. Mr. Kim advised that the total cost of the project is \$24 million and a \$9.5 million grant has been received from the State for this project. An additional \$14 million needs to be raised via the bond referendum. The tax impact on Rocky Hill residents is estimated at \$94/household and \$164/household for Montgomery Township residents. It was agreed that these projects are warranted and this is the right time to proceed.

Discussion ensued regarding the manner in which capital projects are currently funded in the Montgomery Board of Education budget and how the proposed project will be funded. An overview of the Board's budget and how the monies are allocated was provided by Mr. Kim. It was noted that the Board reduced the capital budget from \$1 million down to zero and have replaced the capital budget with debt service costs. If the referendum is defeated they would need to put the \$1 million back into the capital budget and it will cost more per household.

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The following questions posed by Mayor Zimmerman and Council members were addressed by the Board representatives:

- When will Rocky Hill residents be apprised of their entitlement to vote on this referendum?
- How was the tax impact formula calculated whereas it appears that the Rocky Hill impact is higher percentage than Montgomery Townships? Rocky Hill is paying more per student than Montgomery.
- Does the tax burden increase after the Borough revaluation in 2010?
- How are energy savings returned to the taxpayers?
- What happened to the \$185,000 that was transferred from the Rocky Hill Board of Education surplus to the Montgomery Township Board of Education?
- If the Courts reverse the consolidation, what will the tax impact be on the residents of Rocky Hill?
- What cuts would need to be made if there is a \$1 million reduction?
- School Board member Randie Zimmerman (representative from Rocky Hill) should be added to the Board of Education website.

The tax impact formula was calculated by the Executive County Superintendent and is based on equalized assessed valuation. Mr. Kim will confirm the accuracy of the figures and formula used. The monies raised via the referendum will not affect the historical debt service that Montgomery has and that debt will remain the sole responsibility of Montgomery taxpayers. Excess surplus appropriated by the Board for the next fiscal year is allocated as tax relief on a 60/40 basis and is included in the budget that is voted on in April. Energy savings cannot be used towards debt service relief. Excess monies from the referendum can only be applied to projects within the scope of the initial project. Mr. Kim will follow-up on the question as to where the \$185,000 reserve monies are and when the money will be returned to the Borough.

In response to issue raised that the increase in the number of students in the school district has not been driven by increased population from the Borough, Mr. Kim advised that the proposed projects were not driven by the number of students but were based on repair, replacement, and upgrade needs. The need to upgrade the mechanical systems is based on operational deficiencies.

Mr. Kim related the opinion of their bond counsel that if the Courts overturn the consolidation, the referendum results would stand and the Borough would not have the tax responsibility from the debt. If the referendum fails and the \$1 million needs to be replaced in the capital budget, it is possible that staffing cuts will be necessary as well as cuts to co-curricular programs. A revaluation by the Borough should not have an effect on the formula used to derive the tax impact.

The school board will prepare an informational letter on the referendum and tax impact to be distributed to the Borough's residents with the Community Group newsletter this week. The letter will also contain information on the Board's next meeting in order that Borough residents may attend with any questions they may have concerning the referendum.

Mr. Kim will follow-up on all other questions/issues raised by Mayor and Council.

Open to Public:

Cliff Moore, Skillman Ave. – Mr. Moore raised concern with the lack of information that has been provided to the Borough residents. He noted that the referendum is scheduled for 12/8/09 leaving limited time for feedback by the Borough residents. Mr. Kim offered to prepare an informational newsletter that will be distributed with the Rocky Hill Community Group newsletter at the end of the week. The letter will also include an invitation to the School board's next meeting in order that Rocky Hill residents can attend prior to the referendum date.

Nancy Lucas – Lomore Circle – Ms. Lucas received response to question as whether there will be a public meeting held prior to the referendum date so that residents can be informed.

Tom Bremner, Crescent Ave. – Mr. Bremner received response to question as to the affect on taxpayers if there is a decision reversing the consolidation.

COMMUNICATIONS:

Communications as listed were distributed, disseminated and filed accordingly.

FINAL PUBLIC COMMENT

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

Cliff Moore, Skillman Ave. – Mr. Moore related the need for blinking pedestrian lights on County Route 518. He urged that the County should be requested to install at least one light for the safety of the residents. Mayor Zimmerman will relate the request to the Freeholders emphasizing the need for the safety of the residents.

ADJOURNMENT:

Motion was made by Hallman with a second by White to adjourn the meeting at 11:15 PM. All voted in favor of adjournment.

Respectfully submitted:

Donna M. Griffiths, RMC
Borough Clerk