

**BOROUGH OF ROCKY HILL  
COUNCIL MINUTES  
February 18, 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, Borough Engineer Bill Tanner

**MAYOR'S COMMENTS**

- Mayor Zimmerman extended wishes for a speedy recovery to Lillian Durling, the Borough's most senior resident.

**Appointment of Alternate Municipal Prosecutor (term expires 12/31/09)** - Council consent and approval of the appointment of Tangerla Mitchell, Esq., as the Alternate Municipal Prosecutor, was requested by Mayor Zimmerman. Mayor Zimmerman advised that the recommendation for the appointment was received from Municipal Prosecutor Ray Stine. Motion was made by White with a second by Hasser confirming the appointment. Motion carried on roll call vote - all ayes; Hallman-nay.

**APPROVAL OF MINUTES**

Regular Meeting Minutes –February 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; Banks-abstain.

Executive Session Meeting Minutes - February 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; Banks-abstain.

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

New Business - Rocky Hill Cycling Classic - Mayor Zimmerman  
Unfinished Business - Snow Removal Ordinance - 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**

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

**DEPARTMENTAL REPORTS**

Tax Collector - January 2009  
Court Administrator - January 2009

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

**COMMITTEE REPORTS:**

**Administration & Records** – Council member Goldman advised that the ordinance for charitable bins has been drafted and introduced; 758 visits to the Borough's website was noted; we are awaiting the installation of the records shelving by DEPTCOR; a switch for the computer equipment was purchased; Director Cozza of the Somerset County PARIS program was the guest speaker at the recent SCGOA meeting. Work is underway for the digitization of records of Somerset County municipalities. A grant has been filed by the County for funding for the records disaster recovery program to include off-site records management. Request was presented for the purchase of two communications devices (blackberry) for use by the Borough Clerk and Mayor. It was noted that communication needs to be made with the Clerk (outside of regularly scheduled business hours) by outside agencies, i.e. County, and a communications device issued by the Borough would enable the Clerk to receive communications outside of posted hours.

Mayor Zimmerman related that he spends an inordinate amount of time using his personal communications device and suggested that Borough devices be purchased for the positions of Mayor and Borough Clerk. The Borough issued equipment would be relinquished to the newly elected/appointed officials. Motion was made by Goldman with a second by Hallman for the expenditure of funds not to exceed \$2500.00 for the purchase and service of two blackberry devices. Motion carried on roll call vote - all ayes.

**Buildings & Grounds** – Council member Pausch related that the panic bar on the Borough Hall door has been replaced. Mr. Pausch is awaiting a quote for electrical work to be done in the mail room. Council member Banks advised that the Borough "Welcome" signs should be done by the first week in March.

**Finance & Insurance** – Council member Banks advised that a meeting is scheduled with representatives of Bollinger Insurance on 3/2/09.

**Public Safety & Emergency Services** – Council member Hallman advised that the Borough constables have been making their rounds; NJSP report dated 1/31/09 for January was summarized (copy on file in Borough Clerk's Office).

**Streets & Roads** – Council member White advised that there was a tree down on Merritt Lane; PSE&G was called and the fire department cleared the tree off the road. PSE&G cleaned up the dirt mound left on Washington St. Three street lamps were called in. There are four remaining pedestrian signs left out of four. The County advised there is no minimum order required if the Borough wishes to purchase new signs. The County has advised they will not be repainting the cross walk and faux bricks between the crosswalks. Based on complaints received over time about the noise, it has been decided by the County to repave over these areas when they are worn. A Recreation Committee meeting is scheduled for 2/25/09. Request was received from the Community Group to use the Borough Hall grounds for an Egg Hunt on 4/11/09 at 11:00 AM. Ms. White recused herself from action on this matter. Motion was made by Hasser with a second by Goldman authorizing the use of the grounds. Motion carried on roll call vote – all ayes. Ms. White will contact the County in regard to the broken "Hump" sign on Merritt Lane and Cty. Route 518.

**Water, Sewer & Environmental Protection** – Council member Hasser summarized the Water Superintendent's report dated 2/5/09 (copy on file in Borough Clerk's Office). Mayor Zimmerman advised that a letter has been received from Mayor Wilson of Montgomery Township regarding the

sewer agreement with Montgomery alleging that the Borough is not paying their "fair share" for services. Mayor Zimmerman has drafted a response to the letter advising that the Borough is awaiting a response from Montgomery to include an accurate accounting of the Borough's usage. He noted that this information has been requested on several occasions in the past and has not been received to date. It was noted that the Township has changed their process for billing their residents in that they have switched to a meter system in lieu of charging a flat rate. It was agreed that the Borough is amenable to paying their fair share for the usage, however, an accurate number of that usage is needed.

**Council Representative to Planning Board** – Council member Goldman advised that the signing of the professional services contracts by the Board was held over. The Rocky Hill Inn application has been carried to the March meeting. The Board is conferring with their Historic Architect on the Guidelines grant.

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

**Council Representative to Board of Health** – Council member Goldman provided an update on the draft agreement for health services with the County. The agreement will need to be reviewed and approved by the County and the State Department of Health prior to execution by the County and the Borough. South Brunswick Health Department is preparing a contract for the animal control and dead deer services that they are willing to continue. Mayor Zimmerman and Council member Hallman thanked Council member Goldman for the extensive time committed in reviewing the draft agreement with the Board of Health.

**Zoning Official's Report** – No report at this time.

**Grants Committee** – Council member Hallman advised that the Energy Audit Application has been filed with the County. Engineer Tanner and Councilman Hallman will follow-up on filing the recreation field grant with the County.

## **SPECIAL BUSINESS**

**Hickory Court Improvements - Receipt of Executed Agreement from NJDOT - Discussion with residents of Hickory Court** – Engineer Tanner sent letters to residents of Hickory Court advising them of tonight's meeting wherein improvements to Hickory Court would be discussed by Mayor and Council. Council member Hasser recused herself from the dais and joined the members of the public. Plan entitled, "Resurfacing of Hickory Court" was distributed by Engineer Tanner and referred to. Engineer Tanner advised that a grant has been received from NJDOT in the amount of \$100,000.00 for this project and Borough funds will not be used. It was noted that while the inclusion of sidewalks was put in the grant application, there is no plan to put sidewalks in on Hickory Ct. Engineer Tanner advised that it is standard procedure to include a request for sidewalks in grant applications. Engineer Tanner provided an overview of the project to include: removal and replacement of two inches of asphalt surface, reevaluation of the base, replacement of deteriorating curbs, 2-4 ft. of driveways to be redone; change to catch basins. The construction of a six feet wide sidewalk will be installed across the street on Princeton Ave. along with a crosswalk to the Park. The curbing on Princeton Ave. (concrete) will also be included in the bid contract.

### **Questions/comments:**

**Mary Elizabeth Roach**, 70 Hickory Ct. – In response to questioning, Engineer Tanner advised that the existing curb line would remain as is.

**Alex Ewing**, 68 Hickory Ct. – In response to questioning about the time frame for the project, Engineer Tanner advised that the contract should be ready for award in April with a project completion time of June/July.

In response to questioning by Council member White, Engineer Tanner advised that residents will be able to park on the street or in their driveways with the exception of the one day needed for repaving. Residents will be able to park on Princeton or Park Aves. or in Van Horne Park on this day. The contractor will notify residents by letter the day before there is a need to move vehicles. The contractor will not be able to block driveways over a weekend and residents will be provided with Engineer Tanner's contact information in the event there are any issues with scheduling.

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Engineer Tanner will follow-up with Water Superintendent Merk on whether there is a need to replace the water main since the construction will be underway in response to recommendation made by Councilman Hallman and Ms. Hasser. It was noted that the grant will not cover the replacement of the water main. Engineer Tanner will check with the State on whether any stimulus funding money is available for the main replacement.

It was agreed to include two alternates in the bid for other projects needing to be addressed in the Borough: resurfacing of Borough Hall parking lot; replacement of four sections of sidewalk in front of the Fire House. Engineer Tanner advised that the alternate bids could be rejected (separately from the award of the Hickory Ct. project) and would not be covered under the grant.

The residents of Hickory Court that were present affirmed that they are not in favor of the installation of sidewalks. Suggestion was made for the use of Belgian block curbing in lieu of concrete. It was the consensus of the residents that Belgian block would be preferred. Engineer Tanner advised that Belgian block should be comparable in price to concrete and could be put in the base bid as an alternate. He noted that Belgian block has a better durability over time. It was agreed by all that the project would be bid with this alternate and the results of the bid would be evaluated. It was noted that the project is being funded through grant monies and any monies unexpended would need to be returned.

Motion was made by Hallman with a second by Banks authorizing Engineer Tanner to put the project out to bid to include pricing for two types of curbing material, two alternates (Borough Hall parking lot/fire house sidewalk), and the sidewalk across the street on Princeton Ave. Motion carried on roll call vote – all ayes.

**Resolution 2009-26 - Water Tower Cell Antennas - Confirming Authorization for Bids** - This resolution was presented to ratify action taken by Council at the 2/2/09 meeting. Motion was made by Goldman with a second by Pausch to approve the resolution with modification to the minimum bid amount to "\$2,500.00/month". Motion carried on roll call vote – all ayes. In response to question raised by Council member Goldman, Engineer Tanner advised that the bid specifications contain a provision that this project is subject to review and approval by the Planning Board.

**Public Hearing: Ordinance #1, 2009 - "An Ordinance of the Borough of Rocky Hill establishing Regulations and Permit requirements and use of Charitable Bins throughout the Borough"** – The ordinance as filed in the Borough Clerk's Office was read by title by Mayor Zimmerman. The floor was opened to the public for comments/questions. Hearing none, the floor was closed. Proof of publication was received. Motion was made by Goldman with a second by White for the adoption of the ordinance. Motion carried on roll call vote –all ayes; Hasser-nay.

**UNFINISHED BUSINESS:**

**Draft Parks and Recreation Ordinance Discussion** – Pending comments from Montgomery Township.

**Discussion - NJ American Water Contract** - Draft Emergency Interconnection Agreement between NJ American Water and the Borough was distributed along with review letter dated 12/15/08 from Attorney Cruz. Discussion ensued regarding language contained in the agreement requiring the Borough to indemnify and save NJ American Water harmless for failure to provide water to the Borough at a flow rate or pressure sufficient to afford adequate service within the the Rocky Hill system, or arising out of claims wherein contamination or degradation in water quality occurring on the Borough's side of the interconnection. Attorney Cruz advised that he has consulted with NJ American Water's counsel regarding this provision, however, they are unwilling to make a change to the agreement to guarantee the service. It was noted that the Borough is required by the NJDEP to have an agreement in place for an alternate source of water as needed and this is the Borough's only alternative. Attorney Cruz offered that he does not believe that the NJDEP would have an issue with the terms of the agreement as written due to the fact that

American Water is agreeing to provide water unless there are extreme circumstances which would prevent them from doing so. In response to question raised about the rates being charged, Attorney Cruz advised that the rates are set by tariff and are not negotiable. Motion was made by Hallman with a second by Banks authorizing the execution of the agreement by the Mayor. Motion carried on roll call vote - all ayes.

**Snow Removal Ordinance** - Council member White advised that changes have been drafted to the ordinance. A copy of the draft will be forwarded to the Borough Clerk for distribution to Council. Discussion carried to next meeting.

**NEW BUSINESS:**

**Rocky Hill Cycling Classic** - Tom Licker of Event Management Group, Burlington, NJ, appeared before Mayor and Council to request permission to hold the race in the Borough on June 20, 2009. Mr. Licker advised that this year's event has been expanded to a five day event which will begin in Flemington NJ and end in Princeton NJ. He related that due to the current economic situation, 50% of the entry fees will be given back to the recipient community organizations. Request was made for new ideas in helping to bring more spectators into the Borough to raise monies. In response to questioning by Council member White, Mr. Licker advised that the other municipalities are on board and the County permit has been received. Mr. Licker will notify affected residents/business owners well in advance of the race via mail. A plan of the event will be presented by Mr. Licker in April to Council. Motion was made by Hasser with a second by Pausch granting permission for the race to be held in the Borough on 6/20/09. Motion carried on roll call vote -all ayes.

**COMMUNICATIONS:**

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

- Letter dated 1/30/09 from Dept. of Community Affairs granting exemption from the requirement to appoint a Principal Public Works Manager. The approval is valid for five years through 9/18/12.
- Copy of transmittal letter dated 2/11/09 from the Borough Clerk to the County along with the Energy Audit Program application;
- Letter dated 2/9/09 from COAH, Re: Acknowledgment of receipt of Third Round Plan and determination of completeness of submission. The Borough is instructed in the letter to publish notice of petition which will commence a 45 day comment period. Upon completion of the public comment period, COAH will review the Borough's plan for substance and compliance. Borough Clerk Griffiths advised that the notice has been published accordingly.
- Stony Brook Watershed Association 60th Anniversary newsletter dated 2/10/09.

**FINAL PUBLIC COMMENT**

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

**ADJOURNMENT:**

Motion was made by Hasser with a second by Hallman to adjourn the meeting at 9:05 PM. All voted in favor of adjournment.

Respectfully submitted:

Donna M. Griffiths, RMC  
Borough Clerk