

**BOROUGH OF ROCKY HILL  
COUNCIL MINUTES  
February 2, 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 and a moment of silence.

**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 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**

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, Borough Engineer William Tanner, CFO Ross Bobal

**MAYOR'S COMMENTS**

- Mayor Zimmerman extended his appreciation to Council and the residents of the Borough for the expressions of sympathy offered on the passing of his brother.
- Award was presented to the Borough (as well as Montgomery Township) for Van Horne Park at the Somerset County 2008 Land Development and Planning Awards. Council member Banks attended the awards ceremony on behalf of the Borough.
- Budget workshop meeting will be held on 2/17/09 at 7:30 PM. Mayor Zimmerman urged Committee members to meet prior to the budget meeting to review needs. New project requests should be provided to the Mayor by the end of the week. The Clerk will notice the special meeting accordingly.
- Information was received from the NJLM, Re: Louis Bay Scholarship Opportunity for juniors and seniors wishing to become future leaders in municipal government. The information will be posted on the website.

**Appointment of Alternate Prosecutor (term through 12/31/09)** – held over until the next meeting.

**Letter from former Mayor Gurisic** – Thank you letter from Grace Gurisic was received and read into the record by Mayor Zimmerman.

**APPROVAL OF MINUTES**

Regular Meeting Minutes – October 20, 2008 – Motion was made by Hallman with a second by Goldman for the approval of the minutes contingent upon the following modification:

- Page 2 – Administration & Records – change from “tracking monitor” to “tracking counter”. Motion carried on roll call vote – all ayes; Hasser-abstain.

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

Unfinished Business – Crescent Ave. Pond – White

Unfinished Business – Snow Removal - Hallman

**PUBLIC COMMENT**

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

**ENGINEER'S REPORT**

Report dated 1/30/09 for January 2009 from Engineer Tanner was received and distributed (copy on file in Borough Clerk's Office). The following issues were discussed:

Van Horne Park – The contractor has not installed the fencing at the passive side of the park to date despite several requests. It was the consensus of Council that the contractor should be afforded 10 days to finalize the project and if not completed within this allowable time, the project will be re-bid. Engineer Tanner will advise Montgomery Township of the Borough's decision. Engineer Tanner will follow-up on suggestion to put two posts and a chain across in the meantime. The County will be cutting back the brush at the park entrance on Princeton Avenue. Approximately 35 ft. of brush will be removed leaving an approximate two feet hedge as a buffer. All were in agreement that the brush should be cut back as proposed.

A copy of the dog waste and leash law sign was provided. The County has agreed to make and install the signs. It was agreed that the 18x24" signs should be ordered and reference to "Borough Codes 56-1 and 56-12" should be included on the signs. Motion was made by Goldman with a second by Hasser for the expenditure of funds not to exceed \$500.00 for the purchase of six signs (\$50 each) to include labor. Motion carried on roll call vote – all ayes. Three signs will be installed at Van Horne Park; one in Panicaro Park; and two signs to be placed on the Borough Hall/Green Acres property. The signs will be affixed on sign poles. Follow-up will be made by Engineer Tanner with Karen Zimmerman of Montgomery Township on the maintenance and repair of items to be done at the park; Montgomery is proposing to have their public works department provide these services but a cost for same has not been provided to date and is needed for budgetary purposes.

Hickory Court – As a follow-up to suggestion to tie the Hickory Court road work with a crossing to the Park, Engineer Tanner provided copies of maps reflecting the right-of-way to the center of Princeton Ave. from the Bianco property. Also provided was a map of the Pulte plan relative to this area in question. Ms. Goldman offered that Pulte agreed to provide either a bike path or sidewalk along Princeton Ave. It was agreed to ask the Biancos for consideration of an approximate five feet easement at this time to join up the area for a bikeway path. Engineer Tanner will follow up with the Biancos. Notice will be sent to the residents of Hickory Court, the two corner property owners on Princeton Ave. and the Biancos advising that discussion will be held at the 2/18/09 Council meeting on the Hickory Court improvements.

Washington St. Sidewalks – State Historic Preservation Office approval has been received; NJDOT approval is pending. In regard to the need for replacement of several panels of sidewalk in front of the fire house, Engineer Tanner will follow-up on requesting a price to have these sections replaced.

Tennis Wall – The wall has been completed with the exception of painting and the playing surface which will be done in the spring. Engineer Tanner will follow-up on suggestion made for staining the wall (green) in lieu of painting.

3-D Road Appliqués – Engineer Tanner related that contact has been made with the company per Council member Hallman's request, however, the closest application is in Denver.

Water Tower Cell Antennas – Engineer Tanner advised that the bid specifications are completed. The specifications have been reviewed by Mayor Zimmerman and Attorney Cruz. A copy of the bid specifications will be forwarded to Council. Motion was made by Hasser with a second by Goldman authorizing the Engineer to further prepare the specifications and solicit bids for same to include the following conditions: minimum bid of \$2,500.00; minimum escalator of 3% per annum; advertisement as required for two consecutive weeks; lease to be authorized by ordinance. Motion carried on roll call vote – all ayes.

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A resolution ratifying Council's action will be presented at the next Council meeting. Mayor Zimmerman related the receipt of a renewal option request by T-Mobile as referenced under "Communications". In response to questioning by Council member Hallman regarding whether there is a need for repainting of the tower, Engineer Tanner advised that this issue can be addressed in the bid submissions whereas two structural reports need to be provided by interested bidders.

County Recreation Grant – Mayor Zimmerman, Councilman Hallman, and Engineer Tanner will further explore whether Panicaro Park can be a consideration for this grant.

Other:

Copy of NJLM Municipal Stimulus Package Survey was provided by Attorney Cruz. It was agreed that the remainder of sidewalks on Route 518 will be included in this survey.

A crack in the center line of Princeton Ave. by Hickory Ave. will be followed up on with the County by Engineer Tanner.

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

#### **CHIEF FINANCIAL OFFICER'S REPORT**

Cash Receipts Report, Budget Trial Balances, and Escrow reports as of 2/2/09 were distributed by CFO Bobal. Attorney Cruz offered to contact owners of the Rocky Hill Inn advising them of the need to replenish their Planning Board escrow account due to the negative balance as reflected on the escrow account spreadsheet. CFO Bobal was requested to e-mail 2008 line item budgets preferably in spreadsheet format to Council as soon as possible due to the 2/17/09 budget workshop meeting scheduled. Run rate numbers will be requested of Auditor Morrison by Mayor Zimmerman. Council members were requested to provide proposed projects by the end of the week to the Mayor. Motion to accept the reports as submitted was made by Hasser with a second by Pausch. Motion carried on roll call vote – all ayes.

#### **APPROVAL OF VOUCHERS TO BE PAID**

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

#### **SPECIAL BUSINESS**

**Introduction: 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 was read by title by Mayor Zimmerman. Council member Goldman related that the law regulating this use became effective 1/1/09 and adoption of the ordinance is recommended by the NJLM. The Zoning Official is the enforcement officer and the fee associated with the permitting is State mandated. Motion was made by Hallman with a second by Goldman for the introduction of the ordinance. Public hearing is scheduled for February 18, 2009, at 7:30 PM.

**Mary Jacobs Library Grant Application Assistance** - Ed Metcalf, Advisory Board Member of the Mary Jacobs Library, appeared before Mayor and Council on behalf of the Library. The library is applying for a 2009 Community Development Block Grant. A condition of the application is the need to appear at a local public meeting to present the project and attain the signature of the Mayor and Clerk on the application. Mr. Metcalf related that the Library is applying for a \$12,000.00 grant from the CDBG for the installation of ADA door openers for the main and second floor ramp entrances. It was the consensus of Council that this is a worthy project. The floor was opened to the public for any comments or questions relative to the application.

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Cliff Moore, Skillman Ave., questioned the time frame for completion of the project. Mr. Metcalf advised of the process to be followed advising the project should be finalized by the end of the year. Motion was made by Hasser with a second by Hallman authorizing the Mayor and Clerk's signature on the application. Motion carried on roll call vote – all ayes; Goldman-abstain.

**Resolution 2009-23 – Continued Support and Participation with Somerset County – PARIS Grant –**

Request was received from Somerset County for the adoption of a Resolution for continued support and participation in the 2009/10 PARIS Grants Program with the County. Motion was made by Goldman with a second by Hasser for the adoption of said resolution. Motion carried on roll call vote – all ayes.

**UNFINISHED BUSINESS:**

**Draft Parks and Recreation Ordinance Discussion** – Mayor Zimmerman related that Karen Zimmerman of the Montgomery Township Recreation Committee will review the ordinance. An electronic version of the draft ordinance will be provided to Ms. Zimmerman. Introduction pending review by Montgomery Township.

**Recreation Agreement with Montgomery Township – Update** – Mayor Zimmerman and Karen Zimmerman of Montgomery Township have discussed the status of the recreation agreement between the two municipalities. The agreement will remain in effect and the Borough's fee of \$2,000.00 will also be held, however, a record will be kept of the amount of users of the recreation services. In the event the \$2,000.00 is exceeded, the Borough will pay for the overage. An out-of-town fee (\$25.00) will also be imposed by Montgomery Township, however, due to the interlocal agreement, the rate will be discounted for Borough residents. It was noted that the Borough has never exceeded the \$2,000.00 allotted for services in the past.

**Discussion on Expansion of Recreation Committee** – Mayor Zimmerman advised that in lieu of expanding the membership of the Recreation Committee, Ad Hoc Committees will be appointed. It was noted that in addition to the parade, tennis, and soccer programs already established, consideration needs to be given to affording programs to the seniors of the community.

**County Energy Audit Program – Appointments/Resolution 2009-24** – As a follow-up to the last meeting, the following individuals were appointed by the Mayor to serve on the Energy Audit Committee: Mayor Edward Zimmerman, Council Member William Hallman, Council Member Mark Pausch, former Mayor George Morren, and resident Ed Seliga. Councilman Hallman related that this project involves an interlocal agreement to voluntarily participate in and assist in implementing the energy audit program. An energy audit will be performed by the Energy Audit Firm assigned by the County on one high priority building in each municipality and the municipality will be expected to budget for the recommended capital improvement (in 2010) based on the audit. It was also related by Councilman Hallman that this application could also aid the Borough in attaining federal grants in the future. It was the consensus of Council to file the application and include the Borough Hall, Fire House, and Rescue Squad as buildings for consideration. It was noted that the Borough could withdraw its interest in the event the cost for making the repairs is not viable. Motion was made by Goldman with a second by Pausch for the submission of the application and resolution of support and participation. Motion carried on roll call vote – all ayes.

**Discussion – Request for Proposals – Revaluation Project** – A model revaluation agreement was received from Attorney Cruz. The agreement and proposed bid specifications will be reviewed and tailored to the Borough's needs.

**Crescent Ave. Pond** – Council member White noted for the record that a plot plan has been viewed which shows that one half of the pond is privately owned. Discussion continued regarding liability issues based on the joint ownership. It was reiterated that the Borough is at risk if measures are not taken to put people on notice that skating is not permitted on the pond regardless of the joint ownership. It was suggested that

the private owners of the pond should be present at the public hearing that will be scheduled on the amended Parks and Recreation Ordinance.

**Snow Removal** – Council member Hallman related that there are time discrepancies in the snow removal ordinance as to when removal of snow is required. Question was raised by one of the constables as to what constitutes “the end of storm”. It was the consensus that this would be interpreted as to when the precipitation stops. The ordinance is under review by Council member White.

**NEW BUSINESS:**

**Request for Purchase of Tow Sheets – South Bound Brook Police Department** – Motion was made by Goldman with a second by Hallman for the expenditure of funds not to exceed \$200.00 for the purchase of tow sheets needed by the South Bound Brook Police Department in order to follow through with the Borough’s towing regulations. Motion carried on roll call vote – all ayes. South Bound Brook will be requested to submit a voucher for reimbursement.

**Municipal Stimulus Package Survey – NJ League of Municipalities** – Motion was made by Goldman with a second by Hasser authorizing the completion of the survey to include the following projects: remainder of sidewalks on Route 518, painting of the water tower, water main repairs on Hickory Court as well as other water main replacement as recommended by Water Superintendent Merk. Mayor Zimmerman will follow-up with Superintendent Merk and provide this information for the survey. Motion carried on roll call vote – all ayes.

**COMMUNICATIONS:**

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

- Information on Women in Government Brunch to be held on 3/13/09;
- Information from the Public Advocate’s Office, Re: Protecting legal rights of tenants in Foreclosure situations.

**FINAL PUBLIC COMMENT**

Cliff Moore, Skillman Ave., was advised by Attorney Cruz that in regard to the executive session relating to Christopher Obchinetz v. Maple Shade Township et als., the suit is being defended by the Borough’s Insurance Company and the case is in the organizational stage.

Hearing no other comments/questions, the floor was closed.

**EXECUTIVE SESSION RESOLUTION 2009-25 – Attorney-Client Privilege – Mayor and Council Personnel /Christopher Obchinetz et als. v. Maple Shade Township and Various New Jersey Municipal Entities Named as Party Defendants Herein/Personnel**

Borough Clerk Griffiths read into the record the executive session resolution nature of discussion as referenced above. Motion was made by Hasser with a second by Goldman for the approval of the resolution to enter into executive session. Motion carried on roll call vote – all ayes. (9:25PM)

**Results of Executive Session (if any)**

(11:10PM)

Results not available to the public at this time.

**ADJOURNMENT:**

Motion to adjourn the meeting at 11:10 PM was made by Goldman with a second by Hasser.  
All voted in favor of adjournment.

Respectfully submitted:

Donna M. Griffiths, RMC  
Borough Clerk