

**BOROUGH OF ROCKY HILL  
COUNCIL MINUTES  
April 6, 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 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**

Mr. James Banks-present, Ms. Linda Goldman-present, Mr. William Hallman-present, Mr. Mark Pausch-present, Ms. Courtney White-present

Absent: Ms. Julia Hasser

Also present: Borough Attorney Albert Cruz, Borough Engineer William Tanner, CFO Ross Bobal, Deputy Clerk Raymond Whitlock

**MAYOR'S COMMENTS**

- Congratulations were extended to the Rocky Hill Fire Department on the arrival of the new fire truck. A ceremony was held on Wednesday, April 1, 2009, which was attended by Mayor Zimmerman and several members of Council.
- Mayor Zimmerman offered clarification to a recent article in the Montgomery News wherein it was reported that there would be a \$3,000.00 tax increase. He clarified that there would be an approximate \$65.00 local tax increase. The figure of \$3,000.00 was based on the State's proposal of not allowing property taxes to be deducted combined with the loss of tax rebates.

**APPROVAL OF MINUTES**

Regular Meeting Minutes – March 16, 2009 – Motion was made by Hallman 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)**

New Business - Application for Member - Firefighter - Clerk  
July 4th Picnic/Wetdown - Entertainment - Mayor Zimmerman  
Rabies Clinic - Request for Funding - Goldman

Unfinished Business - Planning Board Discussion - Preservation Guide Grant - Mayor Zimmerman  
Negotiations with Nursery School - Lease - Pausch

**PUBLIC COMMENT**

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

**ENGINEER'S REPORT**

Report dated 4/3/09 for March 2009 from Engineer Tanner was received and distributed (copy on file in Borough Clerk's Office). The following issues were discussed:

Minutes - April 6, 2009

Page 2

- County Park Project - The fence has been installed on the passive side of the park; Engineer Tanner will follow-up on the gap that was left by the contractor for handicapped access. The opening is larger than what was originally planned.

- Trails Grant - Permit has been received from the State; JML contracting will be putting the mulch path in from the pond to Crescent Ave. We will need to submit our voucher for payment to the State for reimbursement.

- Hickory Court and Washington Street Sidewalks - Bids have been sent out with a return date of 4/16/09. Alternates have been requested for the crossover to the park, the Borough parking lot, firehouse apron, and other sidewalks throughout the Borough.

- Tennis Wall - The contractor has committed to having the area cleaned up prior to the Egg Hunt to include fencing off the construction area. It is anticipated that the project should be completed within the next couple of weeks. A price will be requested from the contractor for staining the wall.

- Soccer Fields behind Borough Hall - It was recommended by Engineer Tanner that planning be done in anticipation of the work to be done in the Fall to include, aerating, re-seeding, and fertilization. Mayor Zimmerman suggested that measures be taken to kill the weeds in front of Borough Hall. Engineer Tanner suggested that grass seed be established prior to applying weed killer. Engineer Tanner to follow-up on this project.

- Water Tower Cell Antenna - In response to question raised by Metro PCS, who are doing a title search on the water tower property, Deputy Clerk Whitlock advised that the Borough took the tower via eminent domain in 1935-1936.

- County Recreational Grant - Councilman Hallman recommended against pursuing the grant due to stipulations in the grant, specifically, relative to the park being opened to all residents of the County. Concern was raised with this provision due to the fact that the Borough does not have full-time police coverage.

- Park Clean-Up - The Sheriff's Department will be sending a crew to clean up debris in the park behind Borough Hall which is causing blockage of runoff. Engineer Tanner is coordinating the clean-up with Councilman Pausch. The work is to be done on 5/3/09. Councilmember White offered that the volunteers would attempt to clean up the debris on Earth Day (4/18/09). She will advise Engineer Tanner as to whether the County workers would still be needed after Earth Day cleanup.

- Sewer Billing - Engineer Tanner met with representatives of Montgomery Township to go over the sewer billing. Several questions were raised by Engineer Tanner which are being reviewed by the Township. Mayor Zimmerman advised that a meeting is being scheduled with a forensic auditor as discussed at the last Council meeting.

- NJDOT Local Aid Applications - Letter dated 3/16/09 from the NJDOT was received. Applications are due by 6/12/09. Suggestions were made for the following projects: small portion of roadway on Montgomery Ave.; Reeve Rd., portion of Montgomery Ave. by the cemetery. It was noted that the Borough received the contract from the State for the Park Bikeway, however, this project was completed under the Trails Grant Program. Engineer Tanner recommended that the Mayor and Council explore whether the State would allow its use on another project.

- County Road Striping - List of roadways recommended for striping was provided by Engineer Tanner (copy attached to Engineer's Report). It was also suggested that the hump at Van Horne Park be placed on the list. Construction of another speed hump on Montgomery Ave. (in the area of the cemetery) was also recommended. Engineer Tanner questioned whether the County would allow another hump in that area (given the proximity to the others) and noted the expense of same. Suggestion was made for the painting of caution lines in lieu of the hump if the request could not be accommodated. Engineer Tanner will follow-up on the request. Public comment: Peggy Harris, Crescent Ave. - Ms. Harris advised that this project was addressed while she was a Council member. She recalled that there was supposed to be one there but the Council at the time voted against it. There was also approval granted for an additional hump on Princeton Ave.

Engineer Tanner will address the following issues relative to questioning by Council:

- hand-outs will be provided for distribution at the Earth Day event;
- follow-up will be made on issue raised with the potential run off issue with the pond and mulch

Minutes – April 6, 2009

Page 3

- trail;
- follow-up will be done with the County on whether the curb lines can be repainted (yellow) on Crescent Ave. and Reeve Rd.;
- The "Park under Construction" sign is down on Princeton Ave.;
- VanHorne Park Committee meeting will be scheduled.
- run-off issue on Toth Ave.; it was suggested that this repair work could be incorporated into the Borough parking lot project.

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 3/31/09 were distributed by CFO Bobal. Motion to accept the reports as submitted was made by Banks with a second by Goldman. Motion carried on roll call vote – all ayes. An emergency temporary budget resolution will be prepared by CFO Bobal for the next meeting.

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

Motion was made by Goldman with a second by Banks for approval of the bill list with the exception of check #5522 (payable to Ms. Goldman). Motion carried on roll call vote - all ayes. Motion was made by Hallman with a second by Banks for the approval of check #5522. Motion carried on roll call vote – all ayes; Goldman-abstain.

#### **SPECIAL BUSINESS**

**Public Hearing: Ordinance #2, 2009 - "An Ordinance Repealing Section 133-1E of the Code of the Borough of Rocky Hill, Somerset County, New Jersey"** - The ordinance was read by title by Mayor Zimmerman. Letter dated 3/25/09 from John Paff of the NJ Libertarian Party was received and distributed. Mr. Paff agrees with the repeal of the ordinance and also requests the Borough repeal the remainder of Chapter 133. Draft response letter to Mr. Paff was distributed. It was the consensus of Council that the letter be sent to Mr. Paff thanking him for his comments and advising him that the Borough is in the process of reviewing Chapter 133. Proof of publication was received. The floor was opened to the public for comments/questions. Hearing none, the floor was closed. Motion was made by Goldman with a second by Pausch to adopt the ordinance. Motion carried on roll call vote – all ayes.

**Public Hearing: Ordinance #3, 2009 – "An Ordinance authorizing the execution of a Lease Agreement with Metro PCS New York, LLC, for a portion of Lot 1, Block 5 as shown on the Borough of Rocky Hill Tax Map"** – The ordinance was read by title by Mayor Zimmerman. The ordinance allows for the execution of a lease agreement with Metro PCS, the sole bidder. The agreement provides for lease payments of \$2600.00 per month with an initial term of five years with renewal options and escalators. Proof of publication was received. The floor was opened to the public for comments/questions.

Public comment: Cliff Moore, Skillman Ave., was provided with the terms of the agreement.

Hearing no other questions/comments, the floor was closed. Motion was made by Pausch with a second by Goldman for the adoption of the ordinance. Motion carried on roll call vote – all ayes.

Minutes – April 6, 2009  
Page 4

**Introduction: Ordinance #4, 2009 – “An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank”** – Ordinance as filed in the office of the Borough Clerk was read by title by Mayor Zimmerman. The ordinance provides for the increase in the budget to 3.5% over the previous year’s final appropriations. Motion was made by Hallman with a second by Banks for the introduction of the ordinance. Motion carried on roll call vote – all ayes. Public hearing scheduled for May 4, 2009, at 7:30 PM.

**Introduction: Resolution 2009-30– Rocky Hill Municipal Budget** – The budget as prepared by Auditor Morrison was presented for introduction. Borough Clerk Griffiths read the budget resolution into the record. Changes to Sheet 2 were noted: budget to be published in the Courier News in the April 20, 2009 issue. Additional changes in response to discussion at the previous Council meeting and outlined in e-mail dated 4/2/09 from Auditor Morrison were incorporated into the budget. Mayor Zimmerman noted that the local tax is only 20% of the entire tax bill; 58% school tax; 22% county tax; 1% open space tax. He noted that the proposed tax increase is below the revenue cap and the appropriations are below the appropriations cap. The floor was opened to the public for comments/questions. Hearing none, the floor was closed. Motion was made by Goldman with a second by Banks for the introduction of the budget contingent upon the correction of the officials’ list (correction to Council President). Motion carried on roll call vote – all ayes. Public hearing scheduled for May 4, 2009 at 7:30 PM.

**UNFINISHED BUSINESS:**

**Draft Parks and Recreation Ordinance Update** – Mayor Zimmerman advised that a meeting is scheduled with representatives from Montgomery Township for Wednesday at which time the ordinance will be discussed.

**Planning Board Discussion – 2003 Design Guidelines Grant** – Planning Board Chairman Charles Pihokken appeared before Mayor and Council. Chairman Pihokken related that it was brought to the Planning Board’s attention that the grant was received but was not used. The Planning Board looked at the grant specifications again and discussed whether a design guideline should be developed. They also discussed whether it was worthwhile to appropriate the funds to match the grant at this time (50% match /\$6750.00). He related that also discussed by the Board was a suggestion to have the Board provide an informal concept review to assist residents. The Board would meet informally with residents prior to the filing of formal applications to provide insight into what is required prior to residents hiring professionals. Mr. Pihokken offered his opinion that this service would be beneficial to residents. He also offered his personal opinion that consideration be given to either returning the grant money, or ascertaining from the County whether the grant monies could be utilized for something with more of a planning nature. He offered that as a taxpayer he’s not sure that to pursue the intent of the grant is the best course of action to take at this time. Council member/Planning Board member Goldman offered *that the matching funds had not been allocated* in the Borough’s budget. She also questioned whether this was the best use of funds at this time given the tight budget. It was agreed that the offer of an informal concept review to residents would be a good alternative.

It was the consensus of Council that Mr. Pihokken relate to the Planning Board that Council would support their decision not to pursue the grant for design guidelines if that was their decision. However, Chairman Pihokken was requested that prior to making a decision, contact be made with the County to advise them that the Borough’s priorities have changed, ascertain whether there is another alternative for the funds, and question if there would be any repercussions by giving the grant monies back.

**Negotiations with Rocky Hill Cooperative Nursery School – Lease** – Councilman Pausch advised that he has been discussing the renewal of the Nursery School’s lease with the school’s director. Discussion will continue with Council when a formal proposal is received.

Minutes – April 6, 2009

Page 5

**NEW BUSINESS:**

**Discussion - COAH Comments on Third Round Petition -** E-mail correspondence from COAH staff dated 3/30/09 offering comments to the Borough's third round plan was distributed. Attorney Cruz advised that supplemental information is being requested, to include revised development fee and accessory apartment ordinances. He advised that these items will be prepared by him and Planner Kimball. Question raised by COAH relative to the Borough's rehabilitation program will also be addressed by Ms. Kimball. In regard to the request made by the Borough for the correction of the erroneous employment projection utilized by COAH in determining the Borough's growth share obligation, COAH has advised that a formal request would need to be filed by the Borough. Attorney Cruz related that COAH has advised that the analysis would be costly, the Borough would most likely be no better off than it is now, and the projections could even be higher. Based on COAH's comments, Attorney Cruz and Planner Kimball provided their opinion that the analysis not be considered by the Borough.

Attorney Cruz was authorized to consult with Planner Kimball and move forward with providing the information as requested by COAH. New proposals will also be developed for the solicitation of proposals for an Affordable Housing Administrative Agent.

Letter dated 4/6/09 from the Fair Share Housing Center regarding comments to the Borough's plan was received and distributed. Attorney Cruz will discuss the comments provided with Planner Kimball.

**Somerset County Notification for Right of Way Vegetation Control and Mosquito Control - Authorization of Mayor's Signature -** Motion was made by Goldman with a second by Banks for the authorization of the Mayor's signature on the notification form. Ground applications will be applied by the County from 4/1-12/31/09.

**Discussion of Request from School Board** – Letter dated 4/2/09 from Rocky Hill Board of Education School Business Administrator Chilson was received. The School Board is requesting the Council's support in conducting a feasibility study to determine if there would be a cost savings in regionalization or consolidation. Given the threats of shut down and consolidation coming down from the Governor, the School Board would like to have a feasibility study done. The Board estimates the cost of the study to be \$3,000.00. Mayor Zimmerman advised that the County Superintendent would not approve the School Board's budget with the cost of the study included in same. The Mayor offered his opinion that we are responsible to the taxpayers and the tax impact of a merger should be looked at. He related that the Borough Auditor and Attorney concur that the authorization of the study by the Borough would be within its purview. It was also suggested that once the study is completed, a non-binding referendum be placed on the General Election ballot to gain further feedback from the residents on the issue. It was the consensus of Council that a resolution of intent be drafted for consideration of approval at the next meeting. Mayor Zimmerman and Councilman Hallman will obtain the specifics from the School Board in regard to the specifics of the study and the contracting agency's information. Mayor Zimmerman also reported that the 2009 school board tax increase would be in the range of 15 cents; down two cents from what was originally projected.

**Approval of Firefighter Application** – Application was received from Zach Zorochin, Montgomery Township resident, for membership with the Rocky Hill Fire Department. Motion was made by Hallman with a second by Goldman for approval of the application. Motion carried on roll call vote – all ayes.

**July 4th Picnic/Wetdown – Entertainment** – Request was presented by Mayor Zimmerman to reserve a DJ and moonwalk for this event. The estimated cost of these items is approximately \$1,000.00 same of which has been appropriated in the budget. Council concurred with the proposal to move ahead with reserving these items at this time (expenditure of funds not needed at this time).

Minutes – April 6, 2009  
Page 6

**Rabies Clinic** – Council member Goldman requested authorization for the expenditure of funds in the amount of \$100.00 for payment of the veterinarian for the Clinic to be held on 4/18/09. Motion was made by Hallman with a second by Banks authorizing the expenditure contingent upon certification of funds. Motion carried on roll call vote – all ayes.

**COMMUNICATIONS:**

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

- Letter dated 4/2/09 from Rocky Hill Board of Education.

**FINAL PUBLIC COMMENT**

Peggy Harris, Crescent Ave. - Ms. Harris suggested that consideration be given to placing a fence in Panicaro Park (lower section) in the area of the playground equipment and the driveway to the new dwelling under construction for safety purposes. Mayor Zimmerman concurred with the concern offered and advised it would be followed-up on. Ms. Harris advised that the County had agreed to repaint the traffic calming grid areas as they wore down which is now in need. Ms. Harris was advised that the County has recently advised that due to issues raised with noise, the County will not be providing upkeep on the traffic calming areas. Ms. Harris offered that repainting the areas would help with decreasing the noise. Council member White will re-contact the County on this issue. In response to question raised regarding two trees damaged by an auto accident on Reeve and Washington Sts., Councilman Banks advised that the First Reformed Church has offered to replace the trees.

**ADJOURNMENT:**

Motion to adjourn the meeting at 9:20 PM was made by Goldman with a second by Pausch. All voted in favor of adjournment.

Respectfully submitted:

Donna M. Griffiths, RMC  
Borough Clerk