

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
May 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

Late attendance: Ms. Courtney White (8:20 PM – after Mary Jacobs Appeal Hearing)

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

MAYOR'S COMMENTS

- A Memorial Day service is planned for next week. Father John will be requested to attend. The Ceremony will be held at 10:00 AM at Panicaro Park;
- Montgomery Township High School is sponsoring an American Cancer Relay for Life on May 29, 2009;
- The Somerset County Governing Officials' Meeting will be held on June 10th at Van Horne Park. Members of Council were encouraged to attend. Mayor Zimmerman and Montgomery Township Deputy Mayor Birge will be the guest speakers;
- Request was made for participation in the Somerset County Leadership Program. Council member Hasser volunteered to be a participant in the program.
- The Community Group Borough wide garage sale was held. It was noted that it appeared to be a successful event, however, some traffic issues were experienced. Suggestion was made for advance communication with the police and constables for future events of this nature.

APPROVAL OF MINUTES

Regular Meeting Minutes – May 4, 2009 - Motion was made by Goldman with a second by Hasser for the approval of the minutes contingent upon the following clarification:

Page 5 – COAH Discussion – “(\$25,000.00 *per unit* for 10 unit accessory apartment obligation).” Motion carried on roll call vote - all ayes; Banks-abstain.

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

Unfinished Business – Rocky Hill Cycling Classic

PUBLIC COMMENT

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

(The agenda order of business was changed at the direction of the Mayor.)

SPECIAL BUSINESS:

Appeal Hearing – Water/Sewer Billing – Mary Jacobs Library – Brenda Fallon, Trustee, Mary Jacobs Library, 28 Montgomery Ave., and Cindy *Mangel*, Library Director, 64 Washington St., appeared before Mayor and Council to appeal the water/sewer charges for the 4/08 billing quarter (July-September 2008 period). Water Superintendent Tim Lesko was also present. Ms. Fallon related that the average charge for water/sewer usage for the library is approximately \$150.00. However, the library was billed \$2,439.00 (271,000 gallons) for usage for the quarter in question. Ms. Fallon related that the usage was extremely high, there appeared to be no explanation for the high usage, and request was being made for consideration for forgiveness of the charges. She related that there are/were no leaks inside the library.

At the request of the library, the meter was sent out for testing. Results from Sensus Metering Systems dated 3/16/09 were received and distributed. The results of the report reflect that upon testing, the meter accurately recorded the water passing through it and recommendation was made by Sensus for the meter to be returned to service. Ms. Fallon advised that the usage returned to a normal level since the replacement of the meter in question. Also received and distributed was letter dated 4/1/09 from Superintendent Larry Merk noting the satisfactory results of the meter test and therefore support of the charges as billed.

Council questions/comments:

Councilmember Banks questioned whether any projects were done during the time period in question. Ms. Mangel advised that there were some plantings done and soaker hoses were used to water the plantings which were operated with a shut off key. She noted that because of the rainy season, the soaker hoses were rarely on and when they were running, it was for 45 minutes to one hour at a time. It was noted that there is one spicket that is manually operated (without a key). In response to questioning, Ms. Mangel advised that the manual spicket faces the parking lot so a running spicket would have been noticed.

In response to questioning as to whether a running toilet could yield this usage, Water Superintendent Tim Lesko, advised that based on the size of the meter in the library (2" meter) this amount of water could have passed through the meter as the result of a leak (at the rate of 160 gallons/minute). Data information sheet of flow rates for meters of various sizes was distributed by Superintendent Lesko.

Council member Goldman questioned other activities that may have occurred during the time period in question. It was noted that the Eagle Scouts were on the library property around the time period in question and a concrete handicapped ramp was being installed. Question was raised as to the amount of water that could have been used for these activities.

Superintendent Lesko addressed questions pertaining to the meter devices used for reading the meters. He advised that the meter was read with a touch read electronic device and the library has an updated meter. Mr. Lesko further advised that the inside meter reading was consistent with the outside meter reading. He advised that he checked the toilets but did not find any leaks. He did not observe whether a humidifier is installed, but it was noted that a humidifier should not have been running during this time period.

Council member Pausch suggested that consideration be given to sending meters to another testing agency in the future due to the fact that the current testing agency is the manufacturer of the meters.

Borough Code provisions #197-12 – Water meter testing and #197-44 – Appeals were read into the record by Attorney Cruz. A breakdown of the charges (\$2,439.00) as to the water portion and sewer portion of the bill was provided by Borough Clerk/Utilities Collector Griffiths. A copy of the usage and billing account for the library dating back to quarter 3/06 was distributed.

Based on the information presented, it was the consensus of Council that the water charge portion as billed should remain (\$607.50). Discussion ensued regarding the sewer charges levied given the information provided and uncertainty of the usage of same. It was the consensus to forgive a portion of the sewer charge given the extreme amount of usage incurred, the fact that a contractor was on site doing outside

work, there were no confirmed leaks inside, and the library is a public institution. It was agreed to charge the sewer portion of the bill based on the 4/07 quarter usage of 25,000 gallons (\$168.75). The bill would be adjusted to reflect a total charge of \$778.50. Motion was made by Goldman with a second by Hasser recommending an amendment to the bill to reflect a total charge of \$778.50(thus removing the overage of sewer billing), to waive interest of \$67.07 to date, and to uphold the charge for the meter testing. Motion carried on roll call vote – all ayes.

(Council member White present at 8:20 PM – The regular order of agenda business resumed.)

DEPARTMENTAL REPORTS

Tax Collector – April 2009

Court Administrator – April 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 lists dated 5/18/09 was presented. Motion was made by Goldman with a second by Banks to approve the bill list exclusive of check #5582 (made payable to Council member Pausch). Motion carried on roll call vote – all ayes. Motion was made by Goldman with a second by Hasser for the approval of check #5582. Motion carried on roll call vote – all ayes; Pausch-abstain.

COMMITTEE REPORTS:

Administration & Records – Council member Goldman advised that the vicious dog ordinance is in the process of being amended. A higher percentage of unique visitors to the website was noted. Issue was raised from a resident regarding the inability to access the Borough's website from Germany. The problem will be further investigated with QScend.

Buildings & Grounds – Council members Pausch and Hallman aerated, seeded, and fertilized the soccer fields. The creek has been cleaned out. Contact will be made with the County for the return of the workers to mulch and weed the other parks. Council member Banks advised that work on the records room should be completed soon. Mayor Zimmerman will distribute photos taken of a rose garden located in a park in Syracuse. Discussion to be continued on whether this would be a feasible project for Panicaro Park.

Finance & Insurance – Council member Banks advised that he is awaiting updated insurance coverage information from Bollinger Insurance. A meeting was held with representatives of ARC and they have agreed to move forward with their project. They are putting a crew together to work on their area as well as the water tower area to take care of the sight problem for the neighbors. They plan to present their project at the next two meetings of the Planning Board.

Public Safety & Emergency Services – Council member Hallman summarized the NJSP report from Lt. Skelton dated 5/5/09. Candidates are being sought for the Constable position. Requirements to fill the position were provided by Ms. Goldman one of which is the requirement for being a resident for three years. Discussion ensued regarding whether consideration should be made to amending the requirement if it not governed by State statute. In response to questioning, Attorney Cruz advised that an Acting Constable could be appointed for a short time.

Streets & Roads – Council member White reported that she ordered the four pedestrian signs. The County has agreed to provide the Borough with signs necessary for the upcoming Cycling Classic. Letter has been sent to the County requesting approval to hang the banner for the Cycling Classic across Route 518. Request was made of the County for information pertaining to the road closure this past weekend. An update on the sidewalk replacement program was provided in response to an inquiry to Ms. White from a resident.

Water, Sewer & Environmental Protection – Council member Hasser summarized the April Utility Department report from Larry Merk dated 5/14/09.

Council Representative to Planning Board – Council member Goldman reported on issues addressed at the last Planning Board meeting: extension of a historic preservation permit was granted for the Bristol

residence, Washington St.; approval was granted for the wall and light for the Rocky Hill Inn; fence replacement approval was granted for the Mitchell residence at 74 Crescent Ave.; fence approval was granted for the Donahue residence, Washington St.; historic preservation permit was granted for the Leonard residence, Washington St; Modified plan for the Donato residence, Washington St., was approved; minor detail issues were referred to the Historic Preservation Committee for further review and approval.

Council Representative to School Board – Contract has been signed with the consulting firm to do the consolidation feasibility study. A meeting has been scheduled between the School Board Association and County Superintendent for 5/27/09. Mayor Zimmerman has been asked to attend. Request has been made by Mayor Zimmerman for a meeting with the Governor but has remained unanswered. Reorganization meeting of the school board was held. Janine Lacava was appointed as President and Michele Falcey as Vice President.

Council Representative to Board of Health – Council member Goldman related that the agreement for health services with the County has been reviewed by Attorney Cruz and County Counsel and has been found to be acceptable. Approval of the agreement was also received from Board of Health President Lisbeth Haines along with a request for the signature of the Mayor on the agreement. The cost of the current contract with South Brunswick is \$23,000.00, and the cost of the contract with the County will be approximately \$11,000.00. The new contract will be effective September 1, 2009, however, the cost savings will not be realized until 2010. Motion was made by Goldman with a second by Hallman authorizing the Mayor's signature on the County agreement. Motion carried on roll call vote – all ayes.

Zoning Officer - Zoning Official Whitlock related that request for a replacement of signs at the Princeton Business Park has been forwarded to the Planning Board subcommittee for review; approval was granted for the Leonard project (previously noted under Planning Board report). However, there are outstanding items on the plan that need to be addressed and approved by the Zoning Official; request was received for replacement of windows at residence on Reeve and Crescent. The request was referred to the Planning Board subcommittee.

Grants Committee - Two proposals were received and distributed regarding the County Energy Audit Program: Metro Energy Solutions and Dome-Tech Inc. It was agreed that Council members Hallman and Pausch would make a recommendation to the County as to which firm should be retained. Councilman Hallman reported that the Transportation Enhancement grant application for Washington Street has been filed. Mayor Zimmerman related that the County Recreation Grant of \$15,000.00 is forthcoming.

Recreation Committee - An update on the enrollment for the Tennis Program was related at the request of Melissa Bernardi. A total of 19 children have been registered (which is the maximum enrollment that can be accommodated under the \$1200.00 budget that was allotted). The total cost for the 19 children is \$1153.00 based on the \$100/student charge and the user fee of \$25.00 that was imposed. Ms. Bernardi wanted to make Council aware that the registration is higher than the 12 slots originally allotted but the program is still within budget.

SPECIAL BUSINESS

Possible Adoption of Resolution 2009 – Rocky Hill Municipal Budget - Adoption pending approval of the Borough's budget by the State.

Receipt of Third Round Substantive Certification Approval by COAH - Letter dated 5/14/09 was received from Council on Affordable Housing Director Lucy Vandenberg granting Third Round Substantive Certification to the Borough through 2018. The Borough was amongst the first 10 towns to receive third round approval.

Public Hearing: Ordinance #5, 2009 – “An Ordinance Authorizing the Lease Renewal of Certain Municipal Lands and Buildings, being the South Room on the First Floor of Borough Hall, 15 Montgomery Ave., in the Borough of Rocky Hill, to the Rocky Hill

Cooperative Nursery School” – The ordinance as filed in the Office of the Borough Clerk was read by title by Mayor Zimmerman. Proof of insertion was received. The floor was opened to the public for comments/questions. Hearing none, the floor was closed. Motion was made by Hasser with a second by Goldman for the adoption of the ordinance. Motion carried on roll call vote – all ayes; White-abstain.

Minutes – May 18, 2009

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Introduction: Ordinance #6, 2009 – “An Ordinance Repealing Article 9 of the Borough of Rocky Hill Development Regulations Ordinance Titled, “Development Fees Section” and Adopting an Affordable Housing Development Fee Ordinance for the Borough of Rocky Hill” - The ordinance as filed in the Office of the Borough Clerk was read by title by Mayor Zimmerman. Motion was made by Hallman with a second by White for the introduction of the ordinance. Motion carried on roll call vote – all ayes. Public hearing scheduled for 6/15/09 at 7:30 PM. Ordinance to be referred to the Planning Board for Master Plan consistency review.

Introduction: Ordinance #7, 2009 – “An Ordinance Modifying Article 8 (Affordable Housing) of the Development Regulations of the Borough of Rocky Hill so as to be in compliance with the rules of the New Jersey Council on Affordable Housing and State of New Jersey Uniform Housing Affordability Controls” – The ordinance as filed in the Office of the Borough Clerk was read by title by Mayor Zimmerman. Motion was made by Hasser with a second by Pausch for the introduction of the ordinance. Motion carried on roll call vote – all ayes. Public hearing scheduled for 6/15/09 at 7:30 PM. Ordinance to be referred to the Planning Board for Master Plan consistency review.

Introduction: Ordinance #8, 2009 – “An Ordinance Amending the Development Regulations of the Borough of Rocky Hill to permit Accessory Apartments in Fulfillment of the Borough’s Third Round Housing Element and Fair Share Plan” – The ordinance as filed in the Office of the Borough Clerk was read by title by Mayor Zimmerman. Motion was made by Pausch with a second by Banks for the introduction of the ordinance. Motion carried on roll call vote – all ayes. Public hearing scheduled for 6/15/09 at 7:30 PM. Ordinance to be referred to the Planning Board for Master Plan consistency review.

UNFINISHED BUSINESS:

Draft Parks and Recreation Ordinance Update - Pending discussion with Montgomery Township.

Affordable Housing Agent Position Update – An interview was conducted for the filling of this position via an in-house employee. Requests for proposals were sent out with a return date of 5/29/09. Discussion carried to the next meeting.

Energy Audit Proposals – Discussed under Grant Reports.

Rocky Hill Cycling Classic – Tom Licker, Event Coordinator, was present and provided an update on the event. Letter of approval from the Borough for the holding of the event will be forwarded to Mr. Licker per his request. Resident notification letters will be sent out this week. Mayor Zimmerman advised that Restaurant One53 will not be pursuing the Strawberry Festival event previously requested to coincide with the bike event due to time constraints. The main stage will be placed in front of Salon Azurro this year as opposed to being in front of the post office last year. The relocation of the stage has been approved by the salon owner. Council member White has notified the business owners in town of the event. Mayor Zimmerman will touch base with the Postmaster regarding the postal trucks in the area at the time of the event. Website link for the event was provided to Ms. Goldman for posting on the website. Mr. Licker advised that all other municipal approvals have been received and Lt. Skelton of the NJSP has been made aware of the event.

NEW BUSINESS:

PSE&G Request to Change Certain Street Lights – Mayor Zimmerman related that PSE&G is requesting to replace 10 mercury vapor cobra head fixtures throughout town with induction cobra head fixtures. The replacement is being made via stimulus funding and a total savings of \$45.00 per year should be realized by the Borough. A copy of the communications from PSE&G regarding the project will be forwarded to Council for further review. The information will also be provided to Engineer Tanner for his review. Mayor Zimmerman will contact Dave Hollenbeck of PSE&G to ascertain more information on the replacement since it was related that the Borough would be amongst the first in the area involved in this project. Discussion carried to next meeting.

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., requested whether there was website information available relative to the PSE&G light changeover.

EXECUTIVE SESSION – RESOLUTION 2009-38 -TO RETIRE INTO EXECUTIVE SESSION – CONTRACT DISCUSSIONS – MONTGOMERY TOWNSHIP

Borough Clerk Griffiths read the executive session resolution into the record noting the purpose of discussion: Contract Discussions – Montgomery Township. Motion was made by Hasser with a second by Goldman approving the resolution. All members voted in favor of the resolution. (9:20 PM)

RESULTS OF EXECUTIVE SESSION (IF ANY)

(9:38PM)

Results not available to the public at this time.

ADJOURNMENT:

Motion was made by Hallman with a second by Pausch to adjourn the meeting at 9:38 PM. All voted in favor of adjournment.

Respectfully submitted:

Donna M. Griffiths, RMC
Borough Clerk