

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
May 4, 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 Fred Leuper and Kevin Moore.

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, Ms. Julia Hasser-present, Mr. Mark Pausch-present, Ms. Courtney White-present

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

MAYOR'S COMMENTS

- Mayor Zimmerman reported on the anniversary celebrations held over the weekend for the Mary Jacobs Library and Rocky Hill Cooperative Nursery School. The Mayor presented proclamations in honor of these events as well as in honor of the retirement of Library Director MeiMei Morris.
- Resignation from the Borough Constable position was received from Bob Crowe effective May 1, 2009. Recommendations for a replacement are to be forwarded to Council member Hallman.
- Mayor Zimmerman commented on the cooperation being received from Montgomery Township Mayor Wilson regarding news updates on the Swine Flu epidemic. Participation in a training program on breathing apparatus has also been extended by Montgomery to the Borough's fire and rescue personnel.
- The brook behind Borough Hall was cleaned out by the County workers; Council member Pausch and Engineer Tanner were on site to oversee the project;
- Mayor Zimmerman reported on his recent attendance at the NJ Mayor's Conference. The proposed consolidation of school boards by the Governor was a topic of discussion. Assemblywoman Coyle was present and is on board with providing her support to municipalities on this issue. The Mayor noted that former Mayor Brian Nolan who was also present at the conference was the recipient of a \$1,000.00 donation from NJ American Water offered for local charity. Correspondence that was distributed at the conference will be made available in the Clerk's Office for review by Council.

APPROVAL OF MINUTES

Regular Meeting Minutes – April 20, 2009 – Motion was made by Hallman with a second by Hasser for the approval of the minutes as presented. Motion carried on roll call vote - all ayes.

Executive Session Minutes - April 20, 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; White-abstain.

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

Unfinished - Pedestrian Signs/July 4th Event - White
Energy Audit - Hallman

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PUBLIC COMMENT

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

ENGINEER'S REPORT

Report dated 5/4/09 for April 2009 from Engineer Tanner was received and distributed (copy on file in Borough Clerk's Office). The following issues were discussed:

- County Park Project - Montgomery Township is moving forward with providing maintenance for the park. Mayor Zimmerman reiterated that the Borough has not received a cost estimate and, therefore, has not entered into an agreement for this service. Discussions are continuing in regard to security for the park due to some issues that have been experienced.

- Trails Grant for Van Horne Park - The contractor will be completing this work this month. A quote has also been requested to install a new 8" pipe in the pond to replace the existing overflow drain. Montgomery has approved this project.

- Tennis Wall - work on the tennis wall has been completed.

- Soccer Field - Council members Hallman and Pausch will aerate the field and spread some seed on the fields now; the remainder of the work will be done in the fall. The lawn in front of Borough Hall will also be aerated and seeded.

- Water Tower Cell Antennas - It was reported that T-Mobile is moving forward with installing antennas per a contract signed with the Borough some time ago; rental fees (\$1,000.00) will now be collected. The signing of the agreement with Metro PCS is still pending.

- Park/Brook Clean up - Councilman Pausch oversaw this project. The County workers cleaned out the brook and weeded around the Borough Hall grounds playground equipment. Weeding at Panicaro Park was not able to be done due to the weather. Another date will be scheduled for Panicaro and trash clean up at Van Horne Park.

- Sewer Billing - Montgomery Township - meeting is scheduled for next week with Montgomery Township representatives. Borough representatives will be meeting with forensic auditors later this week to discuss a proposal for the Borough.

- NJDOT Local Aid Grants/Resolution 2009-35 - Local Aid Grant Application - Discussion ensued regarding suggestions for the grant application. It was agreed that the following items should be included in the grant application for Washington Street: painting of the bridge, a bridge pedestrian rail, enhancements to the pavement to the intersections, decorative lighting, pedestrian crossing lights, streetscape improvements. Engineer Tanner will confirm that there is enough room on Washington Street to accommodate pedestrian crossing signs and will research the use of solar powered signs. County approval will also be obtained for the improvements as required. Motion was made by Hallman with a second by Banks for the approval of the resolution authorizing the filing of the grant application by the engineer. Motion carried on roll call vote - all ayes.

Resolution 2009-36/Possible Award of Contract - 2009 Road Improvements/Hickory Court

Bids were opened for this project on 4/29/09 and four bids were received. The project consists of the following: Base bid - resurfacing of Hickory Court (\$100,000.00 2008 NJDOT Grant); Alt. No. 1 and 2 - concrete curbing vs. Belgian block curbing for Hickory Court; Alt. No. 3 - construction of missing section of sidewalk from Hickory Court side of Princeton Ave. to connect to Van Horne Park on the opposite side of the street; Alt. No. 4 - repair, overlay, and restriping of Borough parking lot to include relocation of basketball hoops. Based on review of the bids submitted, Engineer Tanner recommended the award of the contract to DeSantis Construction of Somerset NJ contingent upon approval of the contractor by the NJDOT. The bid submitted is as follows: \$52,621.50 base bid; Concrete curbs - \$20,970.00 Alt. #1 - Belgian block - \$20,970.00 - Alt. #2; Alt. #3 - \$3,125.00; Alt. #4 - \$20,277.50. It was agreed to award the contract for Belgian block curbing since it was the same price as concrete curbing. The funds for the project will be allocated as follows: Base bid, Alt. 2 - funded by NJDOT grant; Alt. #3 and 4 - to be funded from the Sidewalk/Facility Maintenance 2009 line item and Streets and Roads line item. Motion was made by

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Hallman with a second by Goldman for the approval of the resolution and award of contract contingent upon approval of the contractor by the NJDOT. Motion carried on roll call vote - all ayes; Hasser-abstain. CFO Bobal was present and certified the availability of funds for the project. The project should be completed by June 30, 2009.

-Lawn Mowing - John Kessler has agreed to extend his contract for the same price for this year as last for lawn mowing services. The contract was awarded in 2008 for a two year term.

Council questions/comments:

- Engineer Tanner will follow-up on the painting of yellow lines on the hump in Van Horne Park.
- Council member Hasser questioned why the services of ARC for the clean up at Van Horne Park have been terminated. Engineer Tanner advised that Montgomery Township is moving forward with the clean up and has advised that it would be more cost effective. It was noted that the Borough is pleased with the service provided by ARC and will be retaining the agency for clean up on the Borough properties. It was noted again that the pet waste bag dispensers need to be refilled. Engineer Tanner will refer this to Montgomery.
- Council member White relayed concern expressed by residents of Knoll way of trespassers on their property in the area of the park. Engineer Tanner related that it would be the responsibility of the Knoll Way residents to put up "no trespassing" signage.
- Engineer Tanner will ask Montgomery Township to pick up the "no trespassing" sign down at Princeton Ave.
- Council member White expressed concern with the installation of the mulch path being constructed at Van Horne Park and the amount of water that lies in the area. Concern was raised that the wood chips would be washed away. Engineer Tanner advised that the path is being constructed in an area designated as wetlands and there is no other place to put the path. He also advised that only natural material may be used as directed by the State. No trees will be taken down during the construction of the path.

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

(Councilman Banks left the meeting at 8:30 PM)

CHIEF FINANCIAL OFFICER'S REPORT

Cash Receipts Report, Budget Trial Balances (Expenditures), and Escrow reports as of 4/28/09 were distributed by CFO Bobal. Correction will be made to the Expenditures Report to reflect \$100,000.00 budgeted (\$170,000.00 incorrectly noted) for Hickory Court. Motion to accept the reports was made by Hasser with a second by Goldman. Motion carried on roll call vote – all ayes.

APPROVAL OF VOUCHERS TO BE PAID

Motion was made by Goldman with a second by Pausch for approval of the bill list with the exception of check #5568 (payable to Mr. Pausch). Motion carried on roll call vote - all ayes. Motion was made by Hallman with a second by Goldman for the approval of check #5568. Motion carried on roll call vote – all ayes; Pausch-abstain.

SPECIAL BUSINESS

Public Hearing: 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. Auditor Morrison was present and offered his

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recommendation for the adoption of the ordinance. 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 Hallman with a second by Goldman for the adoption of the ordinance. Motion carried on roll call vote – all ayes. .

Public Hearing: Resolution 2009-30– Rocky Hill Municipal Budget – The budget as prepared by Auditor Morrison and as filed in the Office of the Borough Clerk was presented. Auditor Morrison read the budget resolution into the record noting that \$449,083.00 is to be raised by taxation. Proof of publication was received and Borough Clerk Griffiths advised that a copy of the budget was placed on file in the Mary Jacobs Library thus allowing for the reading of the budget by title only. Auditor Morrison advised that approval of the budget has not been received by the State, however, the hearing could be held as scheduled.

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

Cliff Moore, Skillman St., was provided with clarification on the amount to be raised by taxation.

Hearing no other comments/questions, the floor was closed. Motion was made by Goldman with a second by Hasser to close the public hearing on the budget. Motion carried on roll call vote – all ayes. Formal action on the adoption of the budget to be carried pending approval by the State.

Introduction: 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 Borough Clerk’s Office was read by title by Mayor Zimmerman. The lease agreement will be effective as of June 1, 2009. Motion was made by Hasser with a second by Goldman for the introduction of the ordinance. Motion carried on roll call vote – all ayes; White-abstain. Public hearing is scheduled for May 18, 2009, at 7:30 PM.

Resolution 2009 – Resolution enabling the Borough to file for New Jersey Department of Environmental Protection Tonnage Grants – Deputy Clerk Whitlock advised that approval of this resolution is necessary for the filing of the tonnage grant. Motion was made by Hallman with a second by Goldman for the approval of the resolution. Motion carried on roll call vote – all ayes.

UNFINISHED BUSINESS:

Draft Parks and Recreation Ordinance Update – Mayor Zimmerman advised that a meeting is scheduled for next week with representatives from Montgomery Township.

Update - School Board Consolidation – Mayor Zimmerman advised that as previously noted, Assemblywoman Coyle will be providing her support to the municipalities affected by the proposed shut down/consolidation of school districts. Mayor Zimmerman offered that voters of K-8 districts are not being offered the opportunity to vote on this issue. Local officials are pressing the Governor for answers as to why these school districts are being shut down. Mayor Zimmerman stated that he would also be pushing for a non-binding referendum to be placed on the ballot in the general election for the voters to decide.

Pedestrian Signs – Council member White requested the expenditure of funds for the purchase of pedestrian signs. It was noted that there are two signs on hand. The cost of the signs is approximately \$275.00 each with a \$70.00 charge for installation. It was agreed that four additional signs should be purchased. Motion was made by White with a second by Hasser for the expenditure of funds not to exceed \$1500.00 for the purchase and installation of four signs contingent upon certification of funds. Motion carried on roll call vote – all ayes. Council member White will check with the County to ensure that the Borough does not have to pay for the removal of the signs for the 5/31/09 Franklin Bike Race.

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July 4th Picnic/Wet down Event – Chief Harris of the Rocky Hill Fire Department presented a price quote for the catering for this event for a total of \$2390.00 for approximately 250-300 people. The fire department will be raising money for the event. However, they are requesting that the Borough pay for the catering up front and they will reimburse the Borough. Council member Hasser requested clarification on the cost to the residents for this event. It was noted that the Borough has paid for the music and ice cream for the July 4th celebrations in the past. Motion was made by Goldman with a second by Pausch authorizing the expenditure of funds not to exceed \$4,500.00 from the Recreation O.E. line item to cover the cost of the rides, DJ, catering, and ice cream with the understanding that the fire department will reimburse the Borough for the catering. Roll call: Goldman-aye, Hallman-aye, Hasser-nay, Pausch-aye, White-aye. Motion carried.

Energy Audit Program – Councilman Hallman presented letter dated 4/30/09 from Planning Director Bzik. The County has advised that the Borough will be receiving two proposals from consulting firms that will be doing the energy audits. Once the proposals are received, the Borough will need to notify the County within 10 days of receipt of same as to the Borough's preference of which firm should be considered. The County will then take the recommendation into consideration.

NEW BUSINESS:

Discussion - COAH Comments on Third Round Petition – Notice dated 4/24/09 from COAH, Re: Compliance Report and recommendation for approval of third round substantive certification was received and distributed. The Borough's plan is scheduled on the COAH's agenda for certification on May 14, 2009. Copy of letter dated 4/23/09 from Attorney Cruz to COAH, Re: Response for additional information, was also distributed. Attorney Cruz advised that assuming the Borough's petition is approved on 5/14/09, there is a 45 day requirement that the Borough adopt an accessory apartment, affordable housing, and development fee ordinance from that approval date. Additionally, an administrative agent to administer the program must be appointed within the same time period.

In regard to the draft development fee ordinance previously provided to COAH, Attorney Cruz advised that requirements pertaining to exemptions of demolitions have been changed. The Borough's ordinance provided for an exemption of fees for all demolitions. The newly adopted COAH regulations permit the exemption of fees for demos provided it is as a result of a natural act. Demolitions of any other nature that are not assessed a development fee will now count as an unfulfilled obligation. Based on the new regulation, it was the consensus of Council that the ordinance should be amended to include the imposition of a development fee for demolitions with the exception of situations caused by natural disaster. Attorney Cruz will make the change to the ordinance prior to introduction.

Discussion also ensued regarding the appointment and funding source for an Administrative Agent and the implementation of the accessory apartment program (\$25,000.00/*unit* for 10 unit accessory apartment obligation). Recommendation was made for consideration of hiring an in-house employee to implement and monitor the program for a cost savings to the Borough. It was agreed to interview a candidate for an in-house position as well as to solicit requests for proposals for the position. Attorney Cruz will prepare the requests for proposals.

Funding for this project was discussed with Auditor Morrison. It was offered that the Administrative Agent position and costs associated with the implementation of the marketing plan for the program could be funded through the Planning Board O.E. It was also offered that a capital ordinance could be adopted to fund the costs associated with the implementation of the accessory apartment program in the event there is a shortfall in developer fee funds.

The three ordinances will be prepared by Attorney Cruz for introduction at the next meeting.

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Request for Appeal Hearing - Wtr/Swr Billing - Mary Jacobs Library – Letter dated 4/22/09 from Mei Morris and Brenda Fallon of the Mary Jacobs Library was received and distributed. Request for an appeal hearing for the 10/6/08 billing charges was granted. The hearing will be scheduled for May 18, 2009, at 7:30 PM. Water Superintendent Lesko will be requested to attend the hearing; Superintendent Merk is unavailable on this date.

COMMUNICATIONS:

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

- E-mail notice of resignation from the position of Borough Constable was received from Bob Crowe effective May 1, 2009.
- Copy of letter dated 5/3/09 from Council member White to Somerset County Public Works, Re: Request for signage for Rocky Hill Classic;
- Letter dated 4/29/09 from Somerset County Planner James Ruggieri, Re: 2003 Municipal Planning Partnership Grant – Historic Preservation Design Guidelines was received (c: Planning Board). Mayor Zimmeman related that the letter references his conversation with Mr. Ruggieri regarding the possibility of a change in use of the grant. An internet based inventory resource of homes within the Borough as proposed by Council member Hallman was discussed with Mr. Ruggieri. Mr. Ruggieri was receptive to the idea offered. However, a formal proposal will need to be forwarded to the County for formal consideration. This information will be presented by the Mayor to the Planning Board at their meeting next week.

FINAL PUBLIC COMMENT

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

ADJOURNMENT:

Motion to adjourn the meeting at 9:33 PM was made by Hasser with a second by White. All voted in favor of adjournment.

Respectfully submitted:

Donna M. Griffiths, RMC
Borough Clerk