

**BOROUGH OF ROCKY HILL  
COUNCIL MINUTES  
June 1, 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 resident Audrey Mack and Jason Warden, nephew of Council member Hallman.

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

Absent: Mr. William Hallman

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

**MAYOR'S COMMENTS**

- Reminder of the Somerset County Governing Officials' meeting to be held on June 10, 2009, at Van Horne park was provided;
- Thank you was extended by the Mayor for all who attended the Memorial Day Observance;
- The Relay for Life event was held in Montgomery; several members of the Borough attended the event;
- Mayor Zimmerman reported on a recently attended meeting with the NJ School Boards Association regarding consolidation and regionalization. The meeting was also attended by members of the Rocky Hill School Board. No definitive answers were given as to how and when a shut down may occur. The Mayor is still awaiting a response from the Governor's Office regarding a request for a meeting to discuss this issue.

**APPROVAL OF MINUTES**

Regular Meeting Minutes – May 18, 2009 – Motion was made by Goldman with a second by Hasser for the approval of the minutes contingent upon correction to minor typographical errors. Motion carried on roll call vote - all ayes.

Executive Session Minutes – May 18, 2009 - Motion was made by Goldman with a second by White 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 – Banks – Request for Use of Panicaro Park – First Reformed Church

**PUBLIC COMMENT**

The floor was opened to the public for comments/questions:

Susan Bristol, 104 Washington St. – Ms. Bristol was provided with an update on the status of the 2003 County Design Guidelines grant as requested. Mayor Zimmerman advised that an alternate proposal for the use of the grant was provided to the County. The County is receptive to the proposal, however, a formal outline of what has been suggested needs to be submitted to the County for further review. The matter is before the Planning Board for further action. The Planning Board has been authorized by Council to write the proposal, however, there has been no commitment to match the grant funds at this time.

Ms. Bristol presented copies of design guidelines from various historic towns within and outside of New Jersey as donated by Connie Greiff. The literature will be placed on file in the Mary Jacobs Library. A copy of the original design guidelines for the Borough in complete form was also provided and suggestion was made by Ms. Bristol that this document should be referenced for the new design guidelines proposal.

### **ENGINEER'S REPORT**

Report dated 6/1//09 for May 2009 from Engineer Tanner was received and distributed (copy on file in Borough Clerk's Office). The following issues were discussed:

- County Park Project – The issue of opening and closing the restrooms was discussed; Montgomery is proposing to keep them open all of the time. Concern was expressed by Council with keeping the restrooms open all of the time. Engineer Tanner was requested to obtain a price for a timer and electronic clock. Engineer Tanner provided a comparison of 2008 contractor costs v. Montgomery DPW costs based on information received from Montgomery Township. It was noted that while there would be an estimated increase of cost of \$2,644.84 (Borough share) the increase would cover the costs of additional services to include: grooming softball fields, playground maintenance, irrigation maintenance, dog mits, painting athletic fields. The routine services that would be performed by the Montgomery DPW would include grass cutting and treatments, restroom cleaning and garbage collection which were services that were contracted out in 2008. Question was raised on the price for grooming the baseball fields. More information will be sought as to the man hours and costs associated with this project. Motion was made by Hasser with a second by Goldman to approve the concept presented pending an interlocal services agreement that sets forth all of the conditions and costs associated. Motion carried on roll call vote - all ayes. Council member Banks is awaiting a proposal from ARC for the cleaning of the other Borough parks.

- Trails Grant for Van Horne Park – Engineer Tanner advised that when the mulch path was put in, it encroached upon private property. The property owner of said property has asked for a letter from the Borough indemnifying him. Attorney Cruz advised that the Borough could not indemnify the property owner but suggested that the property owner be added as an additional insured on the Borough's insurance policy. In response to questioning by Council member Goldman as to whether the trail could be restructured in order to avoid the encroachment, Engineer Tanner advised that due to the wetlands, the trail could not be relocated.

- Water Tower Cell Antennas – Attorney Cruz advised that the lease agreement documents have been received for signature by the Mayor. Once the agreement is signed by the Mayor (as previously authorized by Council), Metro PCS will be able to move forward with their application to the Planning Board.

- NJDOT 2008 Road Improvements Grant/Hickory Court – Engineer Tanner reported that the NJDOT approved the funding for the missing link of sidewalk from Hickory Ct. side of Princeton Ave. to connect to Van Horne Park through this 2008 Roads grant. This total of \$3,125.00 for this project was awarded by contract at the last Council meeting. An amended resolution will be drafted reallocating the funds. Resident letters will be sent out informing residents of the project start date which is estimated to be within two to three weeks.

- Panicaro Park Clean-up – Engineer Tanner will schedule a date for the clean up of Panicaro Park by the County workers.

- NJDOT Grant Applications – Grant applications are due by June 12, 2009. Recommendation was made for the following projects:

**Resolution 2009-39 – Roads Program Grant** – Motion was made by Hasser with a second by Goldman authorizing the filing of the grant application by Engineer Tanner for the following road projects:

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Montgomery Ave. from Toth to Washington; Crescent Ave (Borough portion); Reeve Rd. Motion carried on roll call vote – all ayes.

**Resolution 2009-40 – Bicycle Path Program and Pedestrian Safety Program Grants** – Suggestion was made to resubmit request for a bike path in the park area behind Borough Hall. It was noted that a path of natural materials should be proposed whereas residents may not be amenable to a paved path. It was also recommended to again request a flashing, pedestrian crosswalk sign. Motion was made by Banks with a second by Goldman authorizing the filing of the grant application by Engineer Tanner for the following projects: Bicycle Path – park area behind Borough Hall; Pedestrian Safety Program – Flashing, pedestrian crosswalk sign. Motion carried on roll call vote – all ayes.

**- Grass Cutting** – Engineer Tanner advised that Maitland VanNostrand has agreed to continue the grass cutting service for the same price as last year. The contract was awarded last year for a two year term.

Council questions/comments:

- In regard to the sidewalk repair/replacement project, Engineer Tanner will confirm the price with the contractor at the pre-construction meeting in order that the information may be disseminated to other area residents wishing to take advantage of the price for their own replacements/repairs.

The floor was opened to the public for comments/questions:

Cliff Moore, Skillman Ave., was provided with information on the lawn mowing contract.

Susan Bristol, Washington St., offered that she agreed with keeping a natural bike path trail in lieu of a paved path in the park area behind Borough Hall.

**CHIEF FINANCIAL OFFICER’S REPORT**

Cash Receipts Report, Budget Trial Balances (Expenditures), and Escrow reports as of 5/26/09 were distributed by CFO Bobal. Motion to accept the reports was made by Goldman with a second by Banks. Motion carried on roll call vote – all ayes.

**APPROVAL OF VOUCHERS TO BE PAID**

Motion was made by Hasser with a second by Goldman for approval of the bill list. Motion carried on roll call vote - all ayes.

**SPECIAL BUSINESS**

**Possible Adoption - Resolution 2009-30– Rocky Hill Municipal Budget** – Adoption pending approval by the State; carried to next meeting.

**Resolution 2009-41 - Administrative Agent Position – Request for Proposals – Possible**

**Award/Appointment** – Requests for proposals were solicited by Attorney Cruz for the COAH Administrative Agent position. Two responses were received from: Community Grants Planning and Housing LLC, of East Windsor, NJ, and Rehabco, Inc. of Brick NJ. The start up fees and per year fee were as follows: Community grants - \$2800.00/3,500.00; Rehabco - \$6000.00/\$6000.00. An interview was also conducted with Stacey Smith-Bohn as a candidate for an in-house position as Municipal Housing Liaison/Administrative Agent. Ms. Smith-Bohn is a licensed Planner, has received COAH certification as a Municipal Housing Liaison and Administrative Agent, and has experience working as a municipal housing liaison and administrative agent with other municipalities. It was estimated that it would take approximately 30 hours to prepare the Borough's plan by Ms. Smith-Bohn at an approximate rate of \$34.00. Once the plan is prepared, an additional two hours per month would be needed for other related duties (July-Dec. 2009). At such time as the accessory apartment program is up and running, the hours

would be reevaluated. Based on a comparison of the costs, it was agreed that it would be a considerable cost savings to the Borough to hire Ms. Smith-Bohn as an in-house employee at the rate of \$34.00/hr. Motion was made by Goldman with a second by Banks to approve the resolution appointing Stacey Smith-Bohn as the Borough's Municipal Housing Liaison and Affordable Housing Administrative Agent at the rate of \$34.00 per hour. Motion carried on roll call vote - all ayes. An offer of employment will be extended to Ms. Smith-Bohn. It was noted that funds were appropriated in the 2009 budget for the position of Municipal Housing Liaison and 20% of the COAH Affordable Housing Trust Fund fees may be used for administrative purposes.

**Resolution 2009-42- Annual Renewal of Alcoholic Beverage Control License for 2009/10 – Copper Bottom LLC/Rocky Hill Inn -** Borough Clerk Griffiths reported that the application, applicable fees, and tax clearance certificate from the Division of Taxation has been received. No written objections to the renewal have been received. Motion was made by Hasser with a second by Goldman authorizing the renewal of the license for 2009/10. Motion carried on roll call vote – all ayes.

**Resolution 2009- Annual Renewal of Alcoholic Beverage Control License for 2009/10 – Cajo Enterprises, LLC/One 53 –** Tax clearance certificate was not received, therefore, no action could be taken; carried to 6/15/09 meeting.

**UNFINISHED BUSINESS:**

**Draft Parks and Recreation Ordinance Update –** pending response from Montgomery Township.

**PSE&G Request to Change Certain Street Lights** – As a follow-up to the last meeting, some research has been done on the request by PSE&G to replace 10 mercury vapor cobra head fixtures throughout town with induction cobra head fixtures. The new lights will be green, the lumens are about the same, and the cost savings to the Borough will be \$45.00/year. There will be no additional cost to the Borough for the transition. Motion was made by Banks with a second by Hasser authorizing the Mayor's signature on the agreement from PSE&G to do the transition. Motion carried on roll call vote - all ayes.

**NEW BUSINESS:**

**Request for Use of Panicaro Park – First Reformed Church** – Request was made for the use of Panicaro Park for the church picnic to be held on June 14, 2009. A certificate of insurance was submitted. Motion was made by Hasser with a second by White approving the request. Motion carried on roll call vote – all ayes; Banks-abstain.

**COMMUNICATIONS:**

Communications as listed was distributed, disseminated and filed accordingly.

**FINAL PUBLIC COMMENT**

Cliff Moore, Skillman Ave., was provided with the name of the Municipal Housing Liaison/Administrative Agent.

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**EXECUTIVE SESSION – RESOLUTION 2009-43 -TO RETIRE INTO EXECUTIVE SESSION –  
CONTRACT DISCUSSIONS – MONTGOMERY TOWNSHIP SEWER  
NEGOTATIONS/FORENSIC ACCOUNTANT PROPOSAL**

Borough Clerk Griffiths read the executive session resolution into the record noting the purpose of discussion as referenced above. Motion was made by Banks with a second by Goldman approving the resolution. All members voted in favor of the resolution. (8:40 PM)

*(Council member White left the meeting at 8:50 PM)*

**RESULTS OF EXECUTIVE SESSION (IF ANY)**

(9:26 PM)

Results not available to the public at this time.

**ADJOURNMENT:**

Motion to adjourn the meeting at 9:26 PM was made by Goldman with a second by Banks. All voted in favor of adjournment.

Respectfully submitted:

Donna M. Griffiths, RMC  
Borough Clerk