

**BOROUGH OF ROCKY HILL  
COUNCIL MINUTES  
June 15, 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, Mr. Mark Pausch-present, Ms. Courtney White

Late attendance: Ms. Julia Hasser (7:50 PM – after Finance & Insurance Report)

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

**MAYOR'S COMMENTS**

- Get well wishes were extended to Rich Bernardi, recently injured by a falling tree limb. Appreciation was extended to the Rocky Hill Rescue Squad and Fire Department for their quick response. A thank you was also extended by the Mayor to Montgomery and Franklin Townships for assistance provided by their police departments.
- Borough meetings are on the summer schedule; one meeting per month for July, August, September
- Proclamation was presented to Stephen Papenberg by the Mayor for his services as the Borough's health officer at the Board of Health meeting (copy entered into the record). The health services agreement with South Brunswick will expire on 8/30/09 after which time contract will begin with the Somerset County Health Department.

**REAPPOINTMENT OF MUNICIPAL CLERK – Donna M. Griffiths – (3 yr. term – 7/1/09-6/30/12)**

Mayor Zimmerman recommended the reappointment of Donna Griffiths as Borough Clerk for an additional three year term. Council was advised that confirmation of the reappointment would entitle Ms. Griffiths tenure status as of 6/30/11 (two years into the reappointed term). Motion was made by Goldman with a second by White confirming the reappointment of Donna Griffiths as Borough Clerk for the three year term (7/1/09-6/30/12). Motion carried on roll call vote – all ayes.

**APPROVAL OF MINUTES**

Regular Meeting Minutes – June 1, 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; Hallman-abstain.

Executive Session Minutes – June 1, 2009 – Motion was made by Banks with a second by White for the approval of the minutes as presented. Motion carried on roll call vote – all ayes; Hallman-abstain.

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

None presented at this time.

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

### **SPECIAL BUSINESS**

**NJ American Water Community Donation** – Representatives from NJ American Water and former Mayor Brian Nolan were in attendance to present donation checks in the amount of \$250.00 to the Rocky Hill First Aid Squad and Rocky Hill Hook and Ladder Company. Mayor Nolan won a drawing at the NJ Conference of Mayors for a \$1,000.00 donation by NJ American Water to be dedicated to a charitable organization. Mayor Nolan divided the \$1,000.00 donation equally amongst four organizations which also included the Trenton Area Soup Kitchen and St. Jude's Research Hospital. Raymond Whitlock Jr., Trustee, of the Rocky Hill Hook and Ladder Company and Johanna Snedeker, Trustee and Secretary, of the Rocky Hill Rescue Squad were present to receive the donations.

*(The regular order of agenda business resumed.)*

### **PUBLIC COMMENT**

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

### **DEPARTMENTAL REPORTS**

Tax Collector – May 2009  
Court Administrator – May 2009

The Court Administrator's report was summarized by Mayor Zimmerman. Motion was made by Goldman with a second by Banks to accept the reports as submitted. Motion carried on roll call vote – all ayes.

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

Bill lists dated 6/15/09 was presented. Motion was made by Banks with a second by Goldman to approve the bill list. Motion carried on roll call vote – all ayes.

### **COMMITTEE REPORTS:**

**Administration & Records** – Council member Goldman presented quote from General Code for the codification of ordinances from Ord. #2, 2008 through Ord. #2, 2009. Motion was made by Goldman with a second by Pausch approving the expenditure of funds not to exceed \$3,700.00 contingent upon certification of funds. Motion carried on roll call vote – all ayes. Ms. Goldman provided follow-up on a problem that had been experienced by a resident accessing the Borough website from Germany. QScend offered that the visitor to the site could use a proxy website or request to be unblocked.

**Buildings & Grounds** – Council member Pausch advised that the sidewalks along Montgomery Ave. have been sprayed with herbicide. Council member Banks advised that the records room should be completed by the end of the week. The County workers will be scheduled to return to Panicaro Park for weeding.

**Finance & Insurance** – Council member Banks related that Bollinger Insurance has evaluated some of the Borough's coverages and has recommended that the Borough cancel the Hartford Steam Boiler coverage whereas the Borough is already covered by Selective. There would be a savings of \$900.00/year. Deputy Clerk Whitlock related that Hartford inspects the boiler and questioned whether this service would still be provided if the Hartford policy is canceled. Motion was made by Banks with a second by Goldman to authorize the cancellation of the policy provided there is no compromise of coverage and inspection by doing so. Motion carried on roll call vote – all ayes. Follow-up will be requested of Bollinger Insurance. It was reported that a Workman's Compensation audit was also conducted by Selective Insurance. Safety procedures are being developed in accordance with recommendations made by Selective Insurance.

**Public Safety & Emergency Services** – The NJSP report as submitted by Lt. Skelton for May 2009 was summarized by Council member Hallman (copy on file in Borough Clerk's Office). Discussion ensued

regarding the temporary filling of the constable position, the need for additional constables for the upcoming bicycle race, whether Council members may fill in as constables for the purpose of directing traffic, and any liabilities that may be incurred by the Borough. Borough ordinance was reviewed pertaining to the scope of duties of the Police Chief and Constables/Marshalls. Attorney Cruz advised that while the ordinance in existence does provide that the police chief has the same powers as that of a Constable/Marshall, a resolution should be adopted confirming that Council members have the authority to direct traffic as acting constables for liability purposes. Motion was made by Hasser with a second by Banks authorizing council members to act in the capacity of constables for the purpose of directing traffic. Motion carried on roll call vote – all ayes. A ratifying resolution will be prepared for adoption at the next meeting confirming action by Council.

**Streets & Roads** – Council member White advised that the County has been requested to advise the Borough of future road closures. Traffic signs and barricades for the bike race have been delivered. The pedestrian signs that were ordered will be installed after the bike race. The pothole on Route 518 and dip in road by the Mary Jacobs Library will be followed up on. Report of a loose manhole cover by the Robotti residence on Washington St. will be reported to Water Superintendent Merk. Request will also be made for follow-up on the pothole on Montgomery Ave. It was related that the Princeton Business Park has granted permission for parking for the bike race.

**Recreation Committee** – Council member White advised that request has been received from Sue Albert of Crescent Ave. to have a butterfly project program instituted at Van Horne Park. It was recommended that this request be presented to the Recreation Committee for further review and consideration. Concern was expressed by Ms. White regarding the trash overflowing in the Borough Hall park. Councilman Banks will follow-up with ARC as to whether they will be continuing the trash pick up service in the Borough parks (except for Van Horne Park).

**Water, Sewer & Environmental Protection** – May utility report as prepared by Water Superintendent Merk dated 6/4/09 was summarized by Council member Hasser (copy on file in Borough Clerk's Office).

**Council Representative to Planning Board** – Council member Goldman advised that the Board met, memorialized resolutions, and reviewed Ordinances 6, 7, and 8, 2009 finding same to be consistent with the Borough's Master Plan.

**Council Representative to School Board** – Mayor Zimmerman related that information has been related by the New Jersey School Board Association that the means for shutting down the non operating school districts has not been spelled out or adopted by the legislature to date. There has been no feedback on the report being developed on behalf of the Borough.

**Council Representative to Board of Health** – Ms. Goldman advised that discussions have been held by the Board of Health in regard to the availability of the H1N1 vaccine. Discussion is continuing in regard to the use of the Princeton Regional Health facility for well baby services for the Borough.

**Zoning Officer** - Zoning Official Whitlock advised that the Donato application is still under review by the Planning Board Historic Subcommittee. Request for a fence at 60 Princeton Ave. has been referred to the Planning Board Historic Subcommittee.

**Grants Committee** – Mayor Zimmerman and Council members Hallman and Pausch will be meeting to discuss a grant application for renovations to the fire house.

### **SPECIAL BUSINESS**

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

**Resolution 2009-44 – Annual Renewal of Alcoholic Beverage Control License for 2009/10 – Cajo Enterprises, LLC/One 53** - 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. The floor was opened to the public for any comments/questions. Hearing none, the floor was closed. Motion was made by White with a second by Hasser authorizing the renewal of the license for 2009/10. Motion carried on roll call vote – all ayes.

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**Public Hearing: 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. Proof of publication was received. It was related that the Planning Board reviewed the ordinance and found same to be consistent with the Borough’s Master Plan. 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 Hasser to adopt the ordinance as presented. Motion carried on roll call vote – all ayes.

**Public Hearing: 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. Proof of publication was received. It was related that the Planning Board reviewed the ordinance and found same to be consistent with the Borough’s Master Plan. 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 Banks to adopt the ordinance as presented. Motion carried on roll call vote – all ayes.

**Public Hearing: 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. Proof of publication was received. It was related that the Planning Board reviewed the ordinance and found same to be consistent with the Borough’s Master Plan. 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 as presented. Motion carried on roll call vote – all ayes. As a follow-up to the previous meeting, Council member Goldman advised that Stacey Smith-Bohn has accepted the position of Municipal Housing Liaison and Administrative Agent.

**Resolution 2009-45 – Amendment to Resolution 2009-36 – 2009 Road Improvements (Hickory Court) – Funding Amendment** – Amended resolution was presented reflecting subsequent authorization of funding for the Alt. #3 work (sidewalk connection from Hickory side of Princeton Ave. to connect to Van Horne Park on opposite side of street) in the amount of \$3,125.00 by the NJDOT. Total amount to be funded via the NJDOT 2008 grant is \$76,716.50 with the remainder of the contract (\$20,277.50 – Alt. #4 – repair of municipal parking lot) to be funded through the Sidewalk/Facility Maintenance 2009 account and Streets and Roads 2009 account. Motion was made by Banks with a second by Hallman approving the resolution as provided. Motion carried on roll call vote – all ayes; Hasser-abstain.

**Resolution 2009-46 – Volunteer Tuition Credit Program -** Request was received for the adoption of a resolution supporting the Volunteer Tuition Credit Program for volunteer firefighters and emergency medical volunteers in the municipality at no cost to municipal government. Motion was made by Hallman with a second by White approving the resolution and appointing the Deputy Clerk as the administrator of the program. Motion carried on roll call vote – all ayes.

**Resolutions 2009-47-50 – NJ DOT Local Aid Applications –** Request was received by the NJDOT for the adoption of Resolutions 2009-47 through 50 reaffirming prior action by Council authorizing the filing of 2009 Local Aid Applications. The amended resolutions include the project number of the grant applications filed. Motion was made by Hasser with a second by Hallman approving the adoption of the amended resolutions. Motion carried on roll call vote – all ayes.

**UNFINISHED BUSINESS:**

**Draft Parks and Recreation Ordinance Update** – discussed in Executive Session.

**Authorization to Solicit Request for Proposals – Tax Revaluation** – Request for proposals as prepared by Attorney Cruz was distributed. Changes were recommended as follows: reference to township changed to borough; commencement of work language to be made consistent with approval from State Division of Taxation language; Evaluation Team to be changed as recommended by Mayor Zimmerman to: Mayor Zimmerman, Finance and Insurance Chair James Banks, Zoning Official/Deputy Clerk Raymond Whitlock. Attorney Cruz advised that the responses to the requests for proposals would also be reviewed by his firm in addition to the evaluation team. It was agreed that notice of the requests for proposals will be provided to the following three firms: Appraisal Systems, Inc., Glen Rock, NJ; Certified Valuations, Inc., Randolph, NJ; and Realty Appraisal Co., West New York, NJ. Additionally, notice will be posted on the Borough's website, in the official newspaper, and on the NJ League of Municipalities website. Attorney Cruz will obtain approval of the proposals from the NJ Division of Taxation. An August return date for proposals will be requested. Attorney Cruz and Clerk Griffiths will make the changes to the specifications as recommended. Motion was made by Goldman with a second by Hallman authorizing the solicitation of proposals as discussed. Motion carried on roll call vote – all ayes.

**NEW BUSINESS:**

**Request for Use of Van Horne Park for Pony Rides** - Request was received via Montgomery Township for the use of Van Horne Park for a party to include pony rides to be held on Saturday, 6/20/09. A certificate of insurance was provided from the pony vendor along with e-mail confirmation from the Montgomery Township Clerk that the Township gave their approval for the event contingent upon approval by the Borough and clean up as required. Request was approved by Council via voice vote with all members voting in the affirmative contingent upon clean up being done and provided that no other members of the public (outside of party attendees) are allowed to participate.

**COMMUNICATIONS:**

Communications as listed were distributed, disseminated and filed accordingly. Additional communications were entered into the record as follows:

- Letter dated 6/10/09 from Senator Pennacchio, Re: Request for Support of S-445 "Transparency in Government Act".
- Email correspondence from Robert Uhrick offering assistance to any Borough resident who may experience problems during the digital changeover. Approval to post Mr. Uhrick's e-mail address on the Borough's website will be obtained.

**FINAL PUBLIC COMMENT**

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

Cliff Moore, Montgomery News, was provided with information on the Volunteer Tuition Aid Program.

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

**EXECUTIVE SESSION – RESOLUTION 2009-51 -TO RETIRE INTO EXECUTIVE SESSION –  
CONTRACT DISCUSSIONS – MONTGOMERY TOWNSHIP SEWER  
NEGOTIATIONS/FORENSIC ACCOUNTANT PROPOSAL; RECREATION SERVICES  
AGREEMENT/PARKS ORDINANCE; PROPERTY ACQUISITION - CRESCENT AVE.**

Borough Clerk Griffiths read the executive session resolution into the record noting the purpose of discussion as referenced above. Motion was made by Goldman with a second by Pausch approving the resolution. Motion approved on voice vote - all votes cast in the affirmative. (9:00 PM)

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

(10:25PM)

Results not available to the public at this time.

**ADJOURNMENT:**

Motion was made by Hasser with a second by Pausch to adjourn the meeting at 10:25 PM. All voted in favor of adjournment.

Respectfully submitted:

Donna M. Griffiths, RMC  
Borough Clerk