

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
August 17, 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 Doug Merritt, former Council member and Fire Chief.

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

Ms. Linda Goldman-present, Mr. William Hallman-present, Ms. Julia Hasser-present, Mr. Mark Pausch-present.

Absent: Mr. Jim Banks, Ms. Courtney White

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

MAYOR'S COMMENTS

- Congratulations were extended to residents Carl and Maggie Hintz on the birth of their son;
- Get well wishes were extended for Steve Pappenberg, the Borough's former health officer;
- Mayor Zimmerman advised that an addendum has been added to the complaint filed relative to the school board consolidation suit. A court date is scheduled for September.

APPROVAL OF MINUTES

Regular Meeting Minutes – July 20, 2009 - Motion was made by Hasser with a second by Goldman for the approval of the minutes contingent upon correction of minor typographical errors. Motion carried on roll call vote - all ayes; Pausch-abstain.

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

None presented at this time.

PUBLIC COMMENT

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

STATE POLICE REPORT - Report not received.

ENGINEER'S REPORT - Report dated August 17, 2009 for July 2009 as received from Engineer Tanner was distributed (copy on file in Borough Clerk's office). The following items were discussed:

Parks - Work crews are scheduled to do weeding at Borough Hall, Panicaro Park, and Crescent Point Park. Mayor Zimmerman will oversee the project. Montgomery Township is obtaining a price for the installation of locks on the restroom at Van Horne Park. Engineer Tanner will be obtaining a price from the County for the striping of the hump at the Van Horne Park entrance.

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Hickory Court Road Improvements - The crossing on Princeton Avenue has been completed; paving is scheduled for tomorrow on Hickory Court. In regard to the drainage issues being caused by water run-off on Toth Lane, the contractor has provided a price of \$5.75 a linear foot to install bituminous curb in the area of the pipe/stream crossing in order to help with the run off problem. Motion was made by Hallman with a second by Hasser to approve the expenditure of funds not to exceed \$3,700.00 for the installation of bituminous curbing (approximately 500 ft.) and topsoil. CFO Bobal was present and certified that funds are available from the Streets and Roads O.E. budget line item. Motion carried on roll call vote - all ayes.

Sewer Billing - Mayor Zimmerman related that he and Engineer Tanner met with the forensic auditor and additional information is needed from Montgomery Township. Request will be drafted for the information needed from Montgomery Township.

Leaf Collection/Brush-Limb Pick-Up - Motion was made by Hallman with a second by Goldman authorizing Engineer Tanner to solicit bids and/or quotes for these projects. Motion carried on roll call vote - all ayes.

Trails Grant/Easement - *Engineer Tanner is providing information for Attorney Cruz to prepare the easement.*

2009 Sidewalk Improvement Project/Washington St. - Engineer Tanner advised that the contractor has finished all of the work except the Washington Street sidewalk and walls and the fire house apron. The contractor will be returning at the end of the week to complete the project.

Tax Maps - Engineer Tanner advised that the tax maps have been sent to the Sate for approval.

Council comments/questions:

- Council member Hallman questioned whether consideration should be given to the installation of sidewalks on Toth Lane based on the need for same and the potential cost savings this year as opposed to next year. Engineer Tanner advised that the project would require approximately 50 slabs at an estimated cost of \$5,000.00. In response to questioning, Engineer Tanner advised there would be no damage to the trees on Toth Lane if the sidewalks were installed. Discussion ensued regarding the availability of funds in the Streets and Roads O.E. budget line item since this project was not anticipated this year. CFO Bobal advised that funds were available at this time in the Streets and Roads O.E. budget line item and funds could be transferred from another budget line item at a later date if need be. Motion was made by Hallman with a second by Pausch for the expenditure of funds not to exceed \$5,000.00 for approximately 50 slabs of sidewalk on Toth Lane. Roll call: Goldman-nay, Hallman-aye, Hasser-aye, Pausch-aye. Motion carried. A change order will be drafted by Engineer Tanner.

- Discussion ensued regarding the ongoing issue of line of sight (overgrown hedges) at Montgomery and Washington Streets. Constable Al Chini was present and advised that he has been in contact with the property owner who is amenable to resolving the issue. The resident is away until Labor Day but indicated that she would hire a contractor in the meantime to trim the hedges. Constable Chini questioned whether the resident should wait until confirmation is received from the Engineer as to how much trimming needs to be done in order to help with the sight distance issue. Discussion ensued regarding standards that should be set forth for sight line distances/heights and the enforcement of sight line infractions. It was agreed that Engineer Tanner would survey the sight distances at the following locations and report back to Council: Montgomery Ave. and Route 518; Crescent Ave. and Route 518; Merritt Lane and Route 518; Crescent and Reeve Rd. Constable Chini will advise the property owner that the Borough is in the process of researching sight line distances.

Public comments/questions:

None presented at this time.

CHIEF FINANCIAL OFFICER'S REPORT

Cash receipts report, Budget Trial Balances, and Trust Fund Account reports dated 8/14/09 were presented by CFO Bobal. Motion was made by Goldman with a second by Hasser for the acceptance of the reports as submitted. Motion carried on roll call vote - all ayes.

DEPARTMENTAL REPORTS

Tax Collector – July 2009
Court Administrator – July 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 list dated 8/17/09 was presented. Motion was made by Goldman with a second by Pausch to approve the bill list. Motion carried on roll call vote – all ayes.

COMMITTEE REPORTS:

Public Safety & Emergency Services - Per request of Council member Hallman that portable radios be purchased for the constables, Mayor Zimmerman will research the cost of same and report back at the next meeting. Constable Chini was apprised of graffiti in the area of Crescent Ave. and Reeve Rd. Council member Goldman raised concern with the issue of speeding in the area of Crescent Ave. Mayor Zimmerman will request NJSP and South Bound Brook Police Department provide traffic enforcement in this area as well as on Montgomery Ave. and Merritt Ave. Council member Pausch expressed concern with pedestrians crossing on Route 518 in the area of the post office and coffee shop. He related that patrons are not using the pedestrian crosswalks causing a hazardous situation for motorists. Mayor Zimmerman will also relate this information to the law enforcement agencies.

Administration & Records – Council member Goldman advised that the Vicious Dog ordinance has been finalized and can be scheduled for introduction. A Historic District site has been added to the Borough's website at the request of the Planning Board.

Buildings & Grounds – Council member Pausch's recommendation for the weeding of the parks will be addressed. Mr. Pausch will research the costs associated with the work to be done on the soccer fields previously recommended to be done in September. Mayor Zimmerman and Council member Pausch will follow-up on unfinished projects in Borough Hall.

Finance & Insurance – No report at this time.

Recreation - No report at this time.

Streets & Roads – Mayor Zimmerman reported that PSE&G will be trimming trees along Route 518. A representative from PSE&G met with the Mayor to obtain permission for the work to be done. The sinking manhole cover on Route 518 and Princeton Ave. has been reported.

Water, Sewer & Environmental Protection – Council member Hasser provided a summary of the July utility report dated 8/5/09 as provided by Superintendent Merk. Superintendent Merk reported that they will be installing a compound under the manhole cover to absorb the shock caused by the traffic. He indicated that this is a temporary measure but less costly than replacement of the lid and ring.

Council Representative to Planning Board – Council member Goldman reported that a retaining wall was approved by the Board for property located at 12 Montgomery Ave. A demo permit was approved with conditions for property located at 5 Montgomery Ave. The Board discussed the need to provide information to residents in the historic district. In response to request by the Board, Ms. Goldman posted an overlay of the historic district and links for historic district information on the website.

It was suggested by Attorney Cruz that a disclaimer be attached relative to the historic district information provided on the website.

Council Liaison to Education Committee - Previously discussed under Mayor's Comments. Randie Zimmerman will be sworn in at the Montgomery Township Board of Education meeting on August 25, 2009. Mayor Zimmerman apprised Council of ongoing issue with the transfer of accounts and funds from the Rocky Hill Board of Education to the Montgomery Board of Education. Special Counsel handling the suit is following up these issues.

Council Representative to Board of Health - No meeting held. Council member Goldman reminded Council of the outstanding need for an animal census.

Zoning Officer - Zoning Official Whitlock will follow up with the construction official on report of a porch replacement being done on 98 Washington St.

Grants Committee - Council member Hallman related that the company performing the energy audit on the Borough buildings will be contacting the Borough Clerk.

SPECIAL BUSINESS

Resolution 2009-58 - Group Affidavit - Municipal Audit for Years Ending December 31, 2007 and 2006 - Resolution and Group Affidavit for the 2007 municipal audit were distributed. Motion was made by Goldman with a second by Hasser approving the resolution. Motion carried on roll call vote - all ayes. Council members signed the group affidavit as required.

Resolution 2009-59 - Memorializing Establishment of Mayor's Committee on Education - Motion was made by Hallman with a second by Hasser approving the resolution memorializing establishment of the Mayor's Committee on Education as confirmed at the previous Council meeting.

Introduction: Ordinance #9, 2009 - "An Ordinance Providing for Tax Revaluation Services in and by the Borough of Rocky Hill, County of Somerset, State of New Jersey, Appropriating in Funds" - Attorney Cruz related that requests for proposals for the tax revaluation service have been solicited. The response to the RFP's will be scheduled for discussion at the next Council meeting. It was agreed that the introduction of this ordinance be tabled until the exact amount to be appropriated is determined.

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

NEW BUSINESS:

Letter to Tom Cahill - Fire Hydrants - Mayor Zimmerman will draft a letter thanking Mr. Cahill for the painting of the fire hydrants.

Discussion of 2009 Salary Resolution - Copy of the 2008 salary resolution was distributed. Council was requested to review the resolution and evaluate what percentage increase should be considered for 2009. Mayor Zimmerman will review the 2009 budget with Council member Goldman, CFO Bobal, and Deputy Clerk Whitlock relative to the percentages that were factored into the budget.

Letter of Resignation - Stacey Smith-Bohn - Municipal Housing Liaison/Administrative Agent - Resignation effective 9/4/09 was received from Ms. Bohn. Ms. Bohn has accepted full-time employment with another entity. Council member Goldman related that Ms. Bohn carried out the duties requested during her short tenure with the Borough. She has filed the Borough's operations manual and housing plan with COAH as required. These documents are currently under review by COAH. Mayor Zimmerman, Council member Goldman, and Borough Clerk Griffiths will revisit the selection process for the filling of this position.

COMMUNICATIONS:

Communications as listed were distributed, disseminated and filed accordingly.

FINAL PUBLIC COMMENT

The floor was opened to the public for comments/questions. Hearing no comments/questions, the floor was closed.

UNFINISHED BUSINESS:

Discussion - Parks Ordinance Policy Decisions – Council member Goldman related unresolved issues with the ordinance pertaining to the charging of fees. Discussion ensued regarding the charging of security deposit fees for use of the parks. It was the consensus of Council that any person/entity charging a fee for an event held in the parks would be required to post a security deposit. Ms. Goldman will present the revised ordinance for introduction at the next meeting.

Discussion - Draft Vicious Dog Ordinance – Ordinance to be scheduled for introduction at the next meeting. An editor's note will be included in the ordinance reflecting that the black-lining showing deletions/insertions will be removed by General Code prior to codification.

ADJOURNMENT:

Motion was made by Hallman with a second by Goldman to adjourn the meeting at 9:40 PM. All voted in favor of adjournment.

Respectfully submitted:

Donna M. Griffiths, RMC
Borough Clerk