

**BOROUGH OF ROCKY HILL  
COUNCIL MINUTES  
September 21, 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 remembrance of the September 11, 2001, victims.

**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-present.

Absent: Ms. Julia Hasser

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

**MAYOR'S COMMENTS**

- Mayor Zimmerman reported that oral arguments in the case of the school board suit have been postponed until the day after election day. He further related that directive has been issued by the Attorney General's Office to the Commissioner of Education to provide the Borough with official notification of the dissolution of the Rocky Hill School Board. The Montgomery School Board reorganized; referendum is scheduled for 12/8/09 to include capital improvements in the amount of \$24,000,000.00. Request was sent to the Borough's CFO for supplemental debt statement information for the issuance of bonds. The approval of the referendum will result in an increase in taxes of \$100.00/home to Borough residents. Mayor Zimmerman advised that Senator Bateman is drafting new legislation in hopes of helping with the issues being encountered due to the dissolution of the non-operating school districts.

**Appointments:**

Municipal Housing Liaison/Administrative Agent – Recommendation was set forth by Mayor Zimmerman for the appointment of Barbara Walsh to this position. A copy of Ms. Walsh' resume was distributed. Ms. Walsh is a licensed planner and is a recent retiree of the State of New Jersey where she was most recently employed by the Council on Affordable Housing. Ms. Walsh would be compensated at the same rate of pay as Ms. Smith-Bohn who recently resigned from the position (\$34.00/hr.). Mayor Zimmerman reported that Ms. Walsh was interviewed by Council member Goldman, Clerk Griffiths, and himself and all concur that Ms. Walsh is a well qualified candidate for the position.

Planning Board Secretary/Administrative Assistant – Recommendation was set forth by Mayor Zimmerman for the appointment of Rebecca Newman to this joint position. A copy of Ms. Newman's resume was distributed. Ms. Newman is currently employed by the Borough of Millstone and serves as a planning board member in Millstone. Mayor Zimmerman related that Ms. Newman will be handling the administrative tasks of the Planning Board along with serving as an Administrative Assistant in the Borough Clerk's Office. The position was funded in the 2009 budget at \$3,000.00. Mayor Zimmerman and Planning Board Chair Pihokken interviewed Ms. Newman, and the Planning Board recommended appointment of Ms. Newman at the September 15, 2009, meeting of the Board.

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Motion was made by Goldman with a second by Banks confirming the appointments of Ms. Walsh and Ms. Newman. Motion carried on roll call vote – all ayes. Job descriptions as composed by Council member Goldman were distributed. A copy of the job descriptions will also be distributed to the employees for review after which time they will be presented to Council for formal adoption.

**APPROVAL OF MINUTES**

Regular Meeting Minutes – August 17, 2009 - Motion was made by Goldman with a second by Hallman for the approval of the minutes contingent upon the following amendment: Page 2 – Engineer’s Report – Trails Grant/Easement – language to be amended to read, “*Engineer Tanner is providing information for Attorney Cruz to prepare the easement.*” Motion carried on roll call vote - all ayes; Banks, White-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:

Cliff Moore, Skillman Ave. – Mr. Moore complimented the paths that are mowed in the Green Acres Park. It was noted that Raymond Whitlock III has been mowing the paths. Mr. Moore suggested that consideration should be given to refurbishing the footbridge. Suggestion was made that this could be a project for the Eagle Scouts.

**STATE POLICE REPORT** - Report not received.

**ENGINEER'S REPORT** - Report dated September 21, 2009 for August 2009 as received from Engineer Tanner was distributed (copy on file in Borough Clerk's office). The following items were discussed:

County Park – No new information has been received from Montgomery Township on the locks for the restrooms. In response to request for payment from Montgomery Township of outstanding vouchers, Engineer Tanner will again relate to Montgomery Township that we are in need of an interlocal agreement in order to pay the vouchers. Attorney Cruz was requested to follow up with Montgomery counsel on the scheduling of a Van Horne Park meeting in order to resolve some of the outstanding issues.

Toth Lane - The curbing on Toth lane has been completed. The problem with water runoff eroding the road in the area of 13 Toth Lane is being looked into. The County will be asked to place stone in the roadway area to help alleviate the problem.

Resolutions – Change Order/Hickory Court Contract

**Resolution 2009-60 – Change Order – Curbing Toth Lane**– Resolution was presented authorizing a change order for the 2009 Road Improvements contract awarded on 4/20/09 to DeSantis Construction allocating funds not to exceed \$3,700.00.

**Resolution 2009-61 – Change Order – Sidewalks Toth Lane** – Resolution was presented authorizing a change order for the 2009 Sidewalk Improvement contract awarded on 6/15/09 to T. Fiotakis Construction Inc. allocating funds not to exceed \$5,000.00.

Motion was made by Goldman with a second by Pausch to approve change order resolutions #2009-60 and #2009-61. Funds were previously certified for the change orders by the CFO. Motion carried on roll call vote – all ayes.

Water Tower Cell Antennas - Engineer Tanner is awaiting a structural analysis report from Metro PCS.

County Recreational Grant – Mayor Zimmerman advised that resident Brenda Fallon has informed him of the availability of World Trade Center scraps for use in making monuments. It was agreed that a project could be explored for the Borough via a student project through Rutgers University and/or the Mason Gross School of Art. Mayor Zimmerman and Councilman Hallman will follow-up.

Park Clean Up – Discussion ensued regarding the need for a weed barrier and additional mulch in the mulch areas of the parks as recommended by the County workers. A cost summary to do the municipal building playground was provided by Engineer Tanner at a cost of \$3190 for materials only. It was agreed that consideration should be given to budgeting for this project next year. However, due to safety concern raised with the need for more mulch around the playground equipment at Borough Hall, it was agreed that Council member Pausch would evaluate the situation and order mulch at this time if needed. Motion was made by Banks with a second by Goldman authorizing the expenditure of up to \$500.00 for playground mulch for the Borough Hall playground. CFO Bobal certified funds availability from the Recreation O.E. budget line item. Motion carried on roll call vote – a ll ayes. Another weeding session will be scheduled by Engineer Tanner for Point Park and the Borough Hall grounds.

Resolution 2009-62 - Leaf Removal Services – Bids were solicited resulting in the receipt of two bids at the bid opening on 9/16/09 as follows: Mastroianni Landscaping Inc., Hopewell, NJ - \$32,000/\$8,000 per pick up for a total of four pick-ups; Pumpkin Fields LLC, Flemington NJ - \$27,980/\$6995 per pick up for a total of four pickups. Motion was made by Hallman with a second by Goldman authorizing the approval of the resolution and award of contract to Pumpkin Fields LLC in the amount of \$27,980.00. Certification of funds was received from CFO Bobal . Motion carried on roll call vote - all ayes.

Council comments/questions:

- As a follow-up to the previous meeting, it was noted that the property owner at Rt. 518 and Montgomery has trimmed back the bushes, however, it appears that additional trimming will need to be done. It was also related that the corner of Rt. 518 and Merritt Lane has also been trimmed back by the property owner. It was noted that trimming is needed at the intersection of Rt. 518 and Crescent Ave. Engineer Tanner will survey all of the intersections and provide a survey along with photos of the intersections with sight line issues.
- Manhole cover on Route 518 - It was noted that while the manhole cover was temporarily repaired, there appears to be an issue with the paving around the cover. Council member White will follow-up with the County on having the paving area repaired.

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 8/31/09 were presented by CFO Bobal. Motion was made by Goldman with a second by Banks for the acceptance of the reports as submitted. Motion carried on roll call vote - all ayes.

Discussion - Updated VALIC LOSAP Plan - A draft resolution and new plan document for the LOSAP program was distributed. The revised plan would allow for additional distributions of funds by way of in-service distributions and/or unforeseeable emergency withdrawals if endorsed by the Borough. CFO Bobal was requested to review the options presented as the Plan Administrator and report back to Council at the next meeting.

*(A change in the regular order of agenda business was directed by the Mayor.)*

**SPECIAL BUSINESS**

**Corrective Action Plan - Municipal Audit for Years Ending December 31, 2007 and 2006** - Plan as prepared by CFO Bobal was distributed. No recommendations were required to be made. Motion was made by Goldman with a second by Banks to accept the report contingent upon correction of "Township" to "Borough". Motion carried on roll call vote - all ayes.

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

**DEPARTMENTAL REPORTS**

Tax Collector – August 2009  
Court Administrator – August 2009

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

**APPROVAL OF VOUCHERS TO BE PAID**

Bill list dated 9/21/09 was presented. Motion was made by Banks with a second by Goldman to approve the bill list with the exception of check #5707 (made payable to Council member Pausch). Motion carried on roll call vote – all ayes. Motion was made by Banks with a second by Goldman for the approval of check #5707. Motion carried on roll call vote - all ayes; Pausch-abstain.

*(A change in the regular order of agenda business was directed by the Mayor.)*

**SPECIAL BUSINESS (CONTINUED)**

**2009-63 - Salary Resolution** - Salary resolution as prepared by CFO Bobal was distributed. A proposed increase of 3% was included for calendar year 2009 for all employees with the exception of the Municipal Housing Liaison and Planning Board Secretary/Administrative Assistant positions. Council member Goldman noted that this percentage of increase was factored into the 2009 budget. Ms. Goldman offered support of the adoption of the resolution noting that all employees are part-time and thus not afforded fringe benefits, i.e. health benefits which must be obtained through other sources. The positions of Court Prosecutor and Public Defender will be deleted from the salary resolution due to the fact that these positions are awarded via a professional services contract. Motion was made by Goldman with a second by Banks for the approval of the resolution contingent upon the deletion of the aforementioned positions. Motion carried on roll call vote - all ayes.

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

**COMMITTEE REPORTS:**

**Administration & Records** – - Council member Goldman reported that a link has been posted on the website for the application for nomination to the NJ Register of Historic Places; website visits are down by 9%; job specifications have been drafted by Ms. Goldman for the positions of Planning Board Secretary, Municipal Housing Liaison/Administrative Agent, and Administrative Assistant. Specifications will be drafted for the other Borough positions. Ms. Goldman and Mayor Zimmerman will draft a resolution regarding the school board representation issue for submission to the NJLM.

**Buildings & Grounds** – Council member Pausch reported that enclosures have been built in the records room; playground maintenance previously discussed. Mr. Pausch will follow up with the cleaning service in regard to issues being experienced by the nursery school. Areas of the Borough Hall will be evaluated for touch up painting. It was noted that a tree behind the tennis courts may be in need of removal. Mr. Pausch is soliciting quotes. Council member Banks will check with the Shade Tree Commission to see if they have received a quote. Mayor Zimmerman related that there is a vacancy on the Shade Tree

Commission and suggestions for appointment should be forwarded to him.

**Finance & Insurance** – No report at this time.

**Recreation** - No report at this time.

**Public Safety & Emergency Services** - Candidate for the constable's position will be discussed between Mayor Zimmerman and Council man Hallman. Mr. Hallman advised that a portable radio has been given to Constable Chini. Mayor Zimmerman will contact the County regarding the purchase of additional radios.

**Streets & Roads** – Council member White advised that the *two pedestrian signs that were knocked down* have been removed; the pole on Princeton Ave. has been reported to the County. Ms. White is awaiting a response from the County regarding the need for clean up of the crosswalk graffiti. "School's Open" signs have been posted throughout town by Ms. White. It was suggested that this project should be reassigned to the constables in the future. Ms. White will follow up on issues with fire hydrants on Rt. 518 and Toth Lane with Water Superintendent Larry Merk.

**Water, Sewer & Environmental Protection** – No report at this time.

**Council Representative to Planning Board** – Council member Goldman advised that the Board hired Rebecca Newman as the Planning Board Secretary at the September meeting. Charles Pihokken requested a leave from the Board for the remainder of the year; Mark Blasch was appointed as Chair of the Board. Mayor Zimmerman will follow up on the status of the removal of the sign in front of the Community Group building which was a contingency of the approval given when the new sign was installed by the library.

**Council Liaison to Education Committee** - Previously discussed.

**Council Representative to Board of Health** – Council member Goldman reported that representatives from the Somerset County Board of Health came to the Board meeting. The County is coordinating the issuance of food handling licenses with the Borough Clerk. The flu shot clinic is scheduled for 10/29/09 between 9-11 AM at the First Reformed Church; fliers will be distributed. Discussion of a swine flu clinic are ongoing. Ms. Goldman advised that there may be funds available through the County Health Department for Hepatitis B shots for emergency services personnel.

**Zoning Officer** - Zoning Official Whitlock advised that a certified letter has been sent to 98 Washington St. regarding renovations made to a porch. The resident received a permit to repair the porch but the repair of the porch and railings does not appear to be in-kind replacement. The resident has been requested to contact the Zoning Official. Resident at 105 Washington St. is doing repair on a roof (no permit required). The property owner was provided with information regarding the installation of railings on a porch. Question was raised regarding repair work being done on stairs at a residence on Princeton Ave.; Zoning Official Whitlock advised that he had not received any information on this project.

**Grants Committee** – Councilman Hallman related that an energy audit survey was done of the Borough Hall, Fire House, and Rescue Squad by the Engineer appointed by the County for this program. Deputy Clerk Whitlock advised that copies of utility bills have been provided as requested. It was noted that the grant filed for Washington Street improvements was denied by the NJ State Department of Transportation.

### **SPECIAL BUSINESS (CONTINUED)**

**Receipt of Requests for Proposals - Tax Revaluation Services - Discussion** - Response has been received to the solicitation of requests for proposals. The Evaluation Team will review the response. Action carried to the October 5, 2009, 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 \$30,155.00 in Funds"** – The ordinance as filed in the Borough Clerk's Office was read by title by Mayor Zimmerman. Motion was made by Goldman with a second by Banks for the introduction of the ordinance as presented. Motion carried on roll call vote - all ayes. Public hearing scheduled for 10/5/09 at 7:30 PM.

**Introduction: Ordinance #10, 2009 – "An Ordinance Repealing Chapter 131 of the Code of the Borough of Rocky Hill titled, "Parks and Recreation Areas" and Replacing it with a New Chapter 131 with the Same Title"** – The ordinance as filed in the Borough Clerk's Office was read by title by Mayor Zimmerman. The ordinance as presented was reviewed by Attorney Cruz and found to be in order

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for introduction. Motion was made by Goldman with a second by Hallman for the introduction of the ordinance as presented. Motion carried on roll call vote - all ayes. Public hearing scheduled for 10/5/09 at 7:30 PM.

**Introduction: Ordinance #11, 2009 – “An Ordinance Amending Articles I and III of Chapter 56 of the Code of the Borough of Rocky Hill, titled “Animals”** – The ordinance as filed in the Borough Clerk’s Office was read by title by Mayor Zimmerman. The ordinance as presented was reviewed by Attorney Cruz and found to be in order for introduction. Motion was made by Goldman with a second by Hallman for the introduction of the ordinance as presented. Motion carried on roll call vote - all ayes. Public hearing scheduled for 10/5/09 at 7:30 PM.

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

**Veteran’s Day Service** - Discussion ensued regarding the holding of a veterans' day service in November. Input from residents will be solicited as to whether to hold the service on the day of observance (which is a weekday) or on a weekend which may be better attended. Discussion carried to next meeting.

**Approval of Membership Applications – Rocky Hill Hook and Ladder Co.** - Motion was made by Hallman with a second by Goldman to approve the membership applications submitted to the Rocky Hill Hook and Ladder Company as follows: Sydney Schaeer, Montgomery Township; Ryan O’Shea, Kendall Park. Motion carried on roll call vote - all ayes.

**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.

**RESOLUTION 2009-64 - RESOLUTION TO RETIRE INTO EXECUTIVE SESSION**

Resolution to enter into executive session for the purpose of: Contract Discussions – Montgomery Township Sewer – Forensic Audit was read into the record by Borough Clerk Griffiths. Motion was made by Hallman with a second by White for the approval of the resolution. Motion carried on roll call vote - all ayes. (9:25PM)

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

(9:52PM) - Results not available to the public at this time.

**ADJOURNMENT:**

Motion was made by Goldman with a second by Pausch to adjourn the meeting at 9:52 PM. All voted in favor of adjournment.

Respectfully submitted:

Donna M. Griffiths, RMC  
Borough Clerk