

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
October 1, 2007**

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 advertised in the December 16, 2006, edition of the Somerset Messenger Gazette and transmitted to the Courier News and Somerset Spectator. 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. Jim Banks-present, Mr. Brian Griner-present, Mr. William Hallman-present, Ms. Courtney White-present. Mr. Jared Witt-present

Absent: Mr. Dan Harrington

Also present: CFO Ross Bobal; Deputy Clerk Raymond Whitlock;
Borough Attorney Albert Cruz at 8:15 PM.

MAYOR'S COMMENTS

- Mayor Zimmerman advised that on Friday, 9/28/07, Superior Court Judge Accurso upheld the decision of the Rocky Hill Planning Board relative to the pending litigation against the Planning Board in Rocky Hill Citizens for Responsible Growth v. Rocky Hill Planning Board, et al. (case involving the Pulte Homes/Schafer application approval).
- Mayor Zimmerman attended the Somerset County Freeholders' Grant Award Ceremony held on 9/18/07. A \$5,000 grant was awarded to the Rocky Hill/Montgomery Municipal Youth Alliance Program.
- Information received from Freeholder Zaborowski proclaiming October as Breast Cancer Awareness Month and the Women's Health and Counseling Center ceremony to be held on 10/3/07 was received; the information will be posted on the Borough's website.

Letter of resignation dated 9/27/07 effective 9/28/07 was received from Councilman Daniel M. Harrington. Mayor Zimmerman provided an overview of the process for filling the vacancy for Mr. Harrington's position on Council as an independent candidate. It was agreed that the three candidates currently seeking a term on Council (on the next general election ballot in November 2007) should be considered for the filling of this unexpired term through 2008. Those individuals are: Peggy Merritt, Linda Goldman, and Tom Roshetar. Peggy Merritt and Linda Goldman were present at the meeting and expressed interest in being considered for the filling the position at this time. Tom Roshetar will be contacted to ascertain whether he is interested. It was further agreed that any one else that meets the residency requirements that expresses interest in filling the term will also be considered by Council. The nominees will be scheduled for a presentation before Mayor and Council at the October 15, 2007, after which time possible appointment to the vacant position may be made. Motion was made by Witt with a second by Griner authorizing the aforementioned process. Motion carried on roll call vote - all ayes.

Request to silence all pagers, cell phones, electronic devices was made by the Mayor.

MAYORAL APPOINTMENTS

The following appointment as recommended by Mayor Zimmerman was acted on by Council:

Planning Board Member Alt. #2 (unexp. term through 12/31/07) - Motion was made by Griner with a second by Banks for the appointment of Tim Corlis to this position due to the resignation of Board member Gabrielle Dietrich. Motion carried on roll call vote - all ayes.

APPROVAL OF MINUTES

Regular Minutes - September 17, 2007 - Motion was made by White with a second by Banks to approve the minutes with the following corrections:

- Page 2 - Streets and Roads - correction to "Bernardi"
 - Page 3 - Council Rep. to Planning Board - addition of following language, "...historic preservation permit was approved through 9/12/08 by the planning board at the 9/11/07 meeting...".
- Motion carried on roll call vote - all ayes; Griner, Witt-abstain.

Executive Session Minutes - September 17, 2007 - Motion was made by Witt with a second by White for the approval of the minutes as presented. Motion carried on roll call vote - all ayes; Griner-abstain.

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

Councilwoman White - As a follow-up to last month's meeting, Ms. White advised that it is not necessary for a Council member to attend the Shade Tree Federation meeting in order to be awarded the grant monies.

Ms. White will confer with Gabrielle Dietrich of the Shade Tree Commission as to who will be attending the conference. Ms. White also noted the upcoming pancake breakfast being held by the Rocky Hill Fire Company on 10/28/07 and the "Bulbs and Books" sale being held by the Rocky Hill Community Group.

Councilman Hallman - Mr. Hallman advised that the General Mills grant (previously discussed at last meeting) has been filed on behalf of the Borough with the help of the Rocky Hill Community Group whereas application for the grant had to be made via a non-profit organization. It was noted that support of the grant by the community can be made by accessing the following website:

www.myhometownhelper.com. A grant of up to \$12,000 is being applied for and the funds would be utilized for a new flagpole and lights at Panicaro Park. A response to the application should be received by mid-November.

PUBLIC COMMENT

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

Cliff Moore, resident - In response to Mr. Moore's inquiry as to the status of the Skillman Road maintenance issue, Mr. Moore was advised that the matter is scheduled for executive session discussion this evening by Mayor and Council.

STATE POLICE REPORT

No report received; status of the report will be checked on. Councilman Griner advised that the NJSP have been notified of kids doing stunts on bicycles on Young Drive in the area of the Bank of America. Mr. Griner noted the potential for accidents with motor vehicles traveling that road. Mayor Zimmerman will also notify the bank representatives of the occurrence.

ENGINEER'S REPORT

Engineer's Report dated September 28, 2007, for September 2007 was received and distributed (copy on file in Borough Clerk's Office).

Princeton Gamma Tech - Draft letter as prepared by Engineer Tanner to the Environmental Protection Agency (EPA) requesting a response to our letter to them on 2/1/07 was presented. It was agreed that the letter should be drafted for signature by the Mayor and sent out accordingly.

ARC Janitorial Services - Engineer Tanner advised that ARC will be doing the trash and restroom clean-up for Van Horne Park. It was further noted that ARC has agreed to do trash pick up at the Borough's parks one day per week and they will put the trash in bags for curb pick-up at a rate of \$30.00/week for the three parks.

Leaf Removal Contract - The following dates were authorized by Council for leaf pickup: October 29, November 12, November 26, and December 10, 2007.

Grove St. - Recommendation was made by Engineer Tanner for the replacement of the sidewalks and three concrete driveways and damaged flags on Grove St. during the construction process of Grove St. The extension of the contract to include this work would result in an increase in expenditure of funds of approximately \$2,000.00. Engineer Tanner noted that funds are available in the NJDOT grant award for Grove St. (\$47,000 award minus \$43,315.05 contract previously awarded). Motion was made by Hallman with a second by Griner authorizing the expenditure of funds up to \$2,000.00 for the extension of the contract. Motion carried on roll call vote - all ayes. The project is scheduled to begin in two weeks and will take approximately one week to complete. The residents will be notified in advance by Engineer Tanner and alternative parking arrangements for one day for the residents will be made by Engineer Tanner with area businesses and/or St. Elizabeth's Church.

LUCA Census Update - Endorsement of Registration Form by Mayor - Engineer Tanner noted the need for the Mayor's authorization on the registration form for participation in the Local Update of Census Addresses (LUCA) that he is currently working on. It was agreed that the Borough should participate in the option available that provides for the review and updating of the information by the Borough to ensure the accuracy of the information. This option also provides for the availability of more federal funds. It was agreed that the most recent directory issued by the Rocky Hill Community Group will be obtained to ensure the most accurate resident information is being provided. Engineer Tanner will update the records

based on the directory and will provide copies of the updated resident information spreadsheet. Motion was made by Banks with a second by Hallman authorizing the process to be followed and the signature of the Mayor on the registration form. Motion carried on roll call vote - all ayes.

Park Maintenance - Engineer Tanner advised that the workers are scheduled to spread the mulch in the Borough parks on 10/7/07. Councilman Witt will oversee the project.

Sidewalk Repair/Replacement Project - Engineer Tanner provided spreadsheets (dated Sept. 07) detailing the sidewalks in need of repair/replacement within the Borough. The total repairs estimate provided for all of the sidewalks was \$67,734.89. Spreadsheet detailing repairs to the worst areas of the Borough to include Princeton, Montgomery, Reeve, Park, and Crescent (Boro) was also submitted. Repairs to these five areas total \$36,400.00. It was agreed that the project should be broken out into two phases. The first phase would consist of the five noted worst areas in need of repair. It was agreed that Engineer Tanner would put this project out to bid for award this year in order that the budgeted funds may be encumbered before the end of the year as recommended by CFO Bobal. The first phase of the project could be scheduled to begin approximately in March 2008 and the second phase to follow in the spring. It was noted that work on Washington is not being considered at this time because of the grant application that is pending.

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

CHIEF FINANCIAL OFFICER'S REPORT

CFO Bobal presented Statement of Revenue and Budget Appropriations dated September 30, 2007, and Miscellaneous Receipts not Anticipated as of September 30, 2007. CFO Bobal noted that the budget line items appear to have sufficient balances and miscellaneous revenues as listed are being received on a timely basis. Mayor Zimmerman advised that he is still reviewing contracts with escalators to ensure the monies are collected as due. Motion was made by Griner with a second by Witt to accept the reports as submitted. Motion carried on roll call vote - all ayes.

APPROVAL OF VOUCHERS

Motion was made by Hallman with a second by Griner for the approval of the vouchers/bill list as presented. Motion carried on roll call vote - all ayes.

SPECIAL BUSINESS

Public Hearing - Ordinance #9, 2007 - "AN ORDINANCE AMENDING ORDINANCE 2-82, "AMENDING THE SHADE AND ORNAMENTAL TREE ORDINANCE IN THE BOROUGH OF ROCKY HILL AND PROVIDING FOR ITS ENFORCEMENT" as filed in the Borough Clerk's office was read by title. Mayor Zimmerman provided an overview of the ordinance. The floor was opened to the public for comments/questions. In response to questioning by resident Linda Goldman, it was agreed that Section 7 should be amended for consistency purposes to read in part, "The Borough Constable may issue a summons or complaint to the owner of the property ten (10) days after the initial Notice of Violation...". Additional minor grammatical changes were made as noted by Ms. Goldman. Hearing no other comments/questions, the floor was closed to the public. Attorney Cruz advised that the changes made were non-substantive and, therefore, the ordinance could be adopted as amended. Motion was made by Griner with a second by Banks for the adoption of the ordinance. Motion carried on roll call vote - all ayes.

Somerset County Public Works Commodities and Services Agreement/Resolution 2007-66 -

Agreement for continued services with Somerset County for the period January 1, 2008 through December 31, 2012 was received from the County. Motion was made by White with a second by Griner approving the resolution to continue services and authorizing the endorsement of the agreement by the Mayor. Motion carried on roll call vote - all ayes.

COMMUNICATIONS:

Communications as listed on the agenda were disseminated and/or ordered filed.

- Copy of letter dated 9/26/07 from Attorney Cruz to the Somerset County Coalition on Affordable Housing, Re: Affordable Housing Administrator was received.
- Channel line-up information was received from Comcast dated 9/29/07
- Correspondence dated 9/25/07 from Verizon regarding FIOS TV being offered in the community was received.

UNFINISHED BUSINESS:

Brush and Limb Pickup - The date of Thursday, October 25, 2007 has been confirmed with the contractor.
COAH Affordable Housing Administrator Update - Attorney Cruz advised that correspondence has been mailed (as referenced in communications) to interested parties for the filling of the Affordable Housing Administrator position with the Borough. Attorney Cruz will follow-up with Planner Kimball.
Update on Young Drive Plantings - Councilman Banks advised that the ARC planning board submission process is still underway. He is awaiting a response from ARC.

NEW BUSINESS:

None at this time.

PUBLIC COMMENT

Peggy Harris, resident, questioned the communications listed under #3 - 2008 Safe Routes to School Applications, specifically as to whether application can be made for the library sidewalk. Copy will be provided to Councilman Hallman for review.

Connie Hallman, resident, questioned whether there is a status update on the work at the intersection of Routes 518 and 206 relative to the proposed shops by the airport. No information has been provided to the Borough to date.

In response to update provided by Councilwoman White regarding the oil spills at the telephone pole near the Merritt residence on Washington St., Peggy Merritt advised that workers were there last Friday to replace/repair the problem, however, it is leaking again. Councilwoman White will follow-up on the problem.

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

EXECUTIVE SESSION

Resolution 2007-67 authorizing Mayor and Council to convene into Executive Session for the following purpose was read into record: Attorney/Client Privilege - Maintenance of Private Easement over Public Land. The public was advised that no action would be taken at the conclusion of the Executive Session. Motion was made for approval by Witt with a second by Griner. Motion carried on roll call vote - all ayes. (8:50 PM).

RESULTS OF EXECUTIVE SESSION (if any):

Results of Executive Session not available to the public at this time.

ADJOURNMENT:

Motion to adjourn the meeting at 9:15PM was made by Witt with a second by Banks.
Motion carried on voice vote - all ayes.

Respectfully submitted:

Donna M. Griffiths, RMC
Borough Clerk

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
EXECUTIVE SESSION**

October 1, 2007

(8:50 PM)

In the matter of:

Attorney/Client Privilege – Maintenance of Private Easement over Public Land

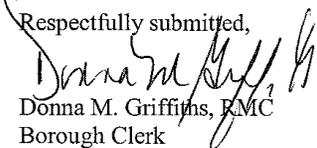
The meeting was attended by Mayor Edward Zimmerman, Council members Jim Banks, Brian Griner, William Hallman, Courtney White, Jared Witt.

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

Letter dated 9/25/07 from Attorney Cruz, Re: Clifford Moore, Block 4 Lot 28 was distributed to include copy of tax map depicting the property in question (Skillman Ave.) and the private easement owned by Mr. Moore. Question was raised by Mr. Moore as to whether the Borough would be willing to maintain the road and associated easement. Attorney Cruz's letter indicates that the Borough vacated Skillman Ave. via ordinance adopted in 1984 and provided a private right of access to the Moore property in allowing public access to the nearest public road, Princeton Ave. Attorney Cruz provided his opinion that public funds should not be used to maintain this private easement. It was agreed that consideration should not be given for the expenditure of public monies for private purposes, however, if it was found that a public purpose could be served, i.e. parking, Green Acres, in the future the matter could be reconsidered.

No formal action to be taken by Mayor and Council at this time.

Motion to return to open session was made by Witt with a second by Banks.
Motion carried on roll call vote – all ayes. (9:15 PM)

Respectfully submitted,

Donna M. Griffiths, FMC
Borough Clerk