

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
October 15, 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. William Hallman

Also present: Borough Attorney Albert Cruz

MAYOR'S COMMENTS

Mayor Zimmerman advised that PSE&G will be coming through town for the purpose of trimming trees. PSE&G was reminded of the agreement that they will make contact with the Borough and a representative of the Shade Tree Commission prior to any trimming.

POSSIBLE APPOINTMENT TO GOVERNING BODY VACANCY/OATH OF OFFICE

Mayor Zimmerman summarized the process being followed to fill the governing body vacancy created by the resignation of Councilman Dan Harrington who served as an independent candidate. Linda Goldman, Peggy Merritt, and Tom Roshetar who are currently seeking office in the impending election were asked if they would be interested in being considered for appointment to the unexpired term at this time. Ms. Goldman and Ms. Merritt expressed their interest in being considered; Mr. Roshetar via communication with Borough Clerk Griffiths declined consideration of appointment to the vacancy via this process. No other residents expressed interest in filling the vacancy.

Linda Goldman appeared before Mayor and Council and provided an overview of her employment history and involvement with the community. Ms. Goldman is retired from the State of New Jersey where she served in various capacities that latest of which was as the Assistant Director of Management and Planning in the Office of Management and Budget prior to retirement. Ms. Goldman currently serves on the Rocky Hill Planning Board and Somerset County Community Development Committee. Ms. Goldman offered her service and experience in the area of budget, planning, and communications.

Peggy Merritt, appeared before Mayor and Council and provided an overview of her employment history and involvement with the community. Ms. Merritt is retired from the New Jersey State Police where she served as a Stenographer. Ms. Merritt was born and raised in the Borough and

promotes open government, maintaining a stable tax rate, and advocating child safety and traffic calming. Ms. Merritt has served as a member of the Rocky Hill School Board, community group, and in other volunteer capacities.

Hearing no questions from the Mayor and Council, the floor was opened to the public for comments/questions. Hearing none, the floor was closed.

Council President Witt expressed appreciation to both individuals noting both to be highly qualified candidates. His sentiments were reaffirmed by Council.

Nomination was made by White for the appointment of Linda Goldman to the vacancy with a second by Witt. Hearing no other nominations, motion carried on the following roll call: Banks-abstain, Griner-aye, White-aye, Witt-aye. Oath of office was administered to Ms. Goldman by Borough Clerk Griffiths.

Mayor Zimmerman recommended the appointment of Ms. Goldman to the Class III position of the planning board for the remainder of the year 2007 (previously filled by Councilman Brian Griner). Motion was made by Griner with a second by Witt confirming the appointment. Motion carried on roll call vote - all ayes.

Mayor Zimmerman recommended the following change of Committee appointments: Administration and Records Chair - Linda Goldman; Buildings and Grounds Chair - Jared Witt. Motion was made by Griner with a second by Witt confirming the recommended appointments by the Mayor. Motion carried on roll call vote - all ayes.

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APPROVAL OF MINUTES

Regular Minutes - October 1, 2007 - Motion was made by White with a second by Banks to approve the minutes with the following amendment: "Arrival of Attorney Cruz at 8:15 PM". Motion carried on roll call vote - all yes; Goldman, Witt - abstain.

Executive Session Minutes - October 1, 2007 - 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; Goldman - abstain.

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

Mayor Zimmerman requested the following agenda item to be added to New Business: Request for funding from Shade Tree Commission.

PUBLIC COMMENT

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

Peggy Harris, resident - Ms. Harris was provided with clarification as to where to find the Borough agendas on the website. .

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

APPROVAL OF VOUCHERS

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

DEPARTMENTAL REPORTS

Motion was made by Goldman with a second by Witt to accept the following reports:

Tax Collector - September 2007

Court Administrator - September 2007

Motion carried on roll call vote - all ayes.

COMMITTEE REPORTS

Administration & Records - No report at this time.

Buildings and Grounds - Councilman Witt advised that the mulch was delivered and spread in the three Borough parks. Mayor Zimmerman advised that carpet samples for the Court/Meeting room are available for review by Council; it was noted there is an additional 100 sq. ft. of area that was not taken into consideration on the original estimate. Mayor Zimmerman expressed appreciation to Health Officer Bob Uhrik for taking care of the poison ivy issue in the area of the Crescent Ave. pond.

Finance & Insurance - No report at this time.

Public Safety & Emergency Services - Mayor Zimmerman expressed his appreciation to the fire department for their assistance with a power line down; Councilwoman White stated that she received an advisory from the schools regarding an attempted child abduction in Hillsborough Township; Ms. White will forward the information to interested parties. NJSP is aware of the incident. NJSP will also be following up on the issue of vehicles passing school buses in the Borough. Mayor Zimmerman advised that NJSP investigated the graffiti in VanHorne Park and determined that it was not gang related.

Streets & Roads - Councilwoman White advised that PSE&G will be replacing two street lamps and will also be following up with the continued problem of the lead cables leaking in front of the Merritt residence on Washington St. Concern was expressed by a resident for the wires coming down on Montgomery Ave. to Stonebridge on more than one occasion. Mayor Zimmerman will follow-up on these continued issues with PSE&G. Ms. White is following up with the County on a request from a resident on Washington St. as to whether they will take care of the tree trimming.

Water, Sewer & Environmental Protection - Water report from Superintendent Larry Merk for September 2007 was received and summarized by Councilman Banks.

Council Representative to Planning Board - It was noted that the planning board reviewed Ordinance #10, 2007 at the 10/9/07 meeting finding same consistent with the Master Plan and further recommending approval of same by Council.

Council Representative to School Board - Encouraged participation and help in the search for a new superintendent is requested by the school board.

Council Representative to Board of Health - Susan Fisher was sworn in at the last Board of Health meeting.

Zoning Official - Report dated 10/15/07 was distributed and summarized by Zoning Official Raffaelli.

Grants Official - Councilman Griner reported that we are still awaiting response from the General Mills grant application.

SPECIAL BUSINESS

Public Hearing - Ordinance #10, 2007 - "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" as filed in the Borough Clerk's office was read by title. It was noted that the planning board reviewed the ordinance at their 10/9/07 meeting finding same to be consistent with the master plan and subsequently recommending approval by Council. The floor was opened to the public for comments/questions. Hearing none, the floor was closed. Motion to adopt was made by Witt with a second by Goldman. Motion carried on roll call vote - all ayes.

Resolution 2007-68 - Reaffirming Appointment of Municipal Housing Liaison - Borough Clerk Griffiths provided a summary of the changes to the resolution as recommended by Attorney Cruz. Said resolution reaffirms the appointment of the Borough Clerk as the municipal housing liaison (appointment previously made on 11/6/06) based on the adoption of Ordinance #10, 2007, which creates in part the position of the municipal housing liaison. It was noted that Borough Clerk Griffiths has received MHL certification and consideration will be given to affixing compensation for the position as referenced in the ordinance at a future date. Reference to Ordinance #10 - 2007 in the body of the resolution to be made consistent with the title of the ordinance (Ordinance #10, 2007) as recommended by Council member Goldman. Motion was made by Griner with a second by Banks for the adoption of the resolution with the aforementioned correction. Motion carried on roll call vote - all ayes.

Public Hearing - Ordinance #11, 2007 - AN ORDINANCE AMENDING AND SUPPLEMENTING SECTIONS OF ORDINANCE #7-1992, TITLED, "AN ORDINANCE REQUIRING SELLERS OF OWNER OCCUPIED ONE OR TWO FAMILING DWELLING UNITS TO OBTAIN MUNICIPAL CERTIFICATION OF COMPLIANCE WITH N.J. S.A. 52:27D-192, ET SEQ., FOR DWELLINGS IN THE BOROUGH OF ROCKY HILL, SOMERSET COUNTY, NEW JERSEY" as filed in the Borough Clerk's office was read by title. It

was noted that the graduated fees as referenced in the ordinance are State standard fees as confirmed by the State Fire Marshall and the Borough's Fire Prevention Official. Recommendation was made by Council member Goldman that reference to the fees should be consistent, i.e., dollar amount referenced should be spelled out also and open parenthesis should be closed or deleted. Clarification was provided by Attorney Cruz to Ms. Goldman as to the compliance process that is followed when houses are sold. The floor was opened to the public for comments/questions.

Constance Grieff, 60 Princeton Ave. - Ms. Grief was advised that clarification is made in the ordinance as to the enforcement officer (Fire Prevention Official). Hearing no other comments/questions the floor was closed.

Attorney Cruz stated that the recommended changes to the ordinance are non-substantive and, therefore, the ordinance may be adopted. Motion was made by Witt with a second by Griner for the adoption of the ordinance. Motion carried on roll call vote - all ayes.

COMMUNICATIONS:

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

- Letter dated 10/11/07 addressed to Mayor Zimmerman from the Board of Freeholders, Re: Feasibility

Study for consolidation of police services within the County was received. A report is expected to be

done by the end of the year.

- Letter dated 10/1/07 addressed to Mayor Zimmerman from the Board of Freeholders, Re: Capital

Improvement Program was referred to Councilwoman White.

UNFINISHED BUSINESS:

None at this time.

NEW BUSINESS:

Resolution 2007-69 - Award of State Contract - W.B. Mason, Inc. - Resolution of approval was presented for the award of contract to W.B. Mason, Inc. for the purpose of purchasing office supplies and equipment. Borough Clerk Griffiths advised that retaining the services of this company will aid in a more economical and efficient manner in which the Borough purchases office supplies and equipment. Motion was made by Witt with a second by Goldman for the approval of the resolution and award of contract. Motion carried on roll call vote - all ayes.

Request for Funding from Shade Tree Commission (STC) - Request was made for the release of funds by the Shade Tree Commission for the purchase of 1-2 trees. Mayor Zimmerman advised that Gabrielle Dietrich has made the request on behalf of the STC to replace two trees that died one on Washington St. in front of the Banks residence and the other on Washington St. in the area of Restaurant One 53. A type of cherry tree which is salt resistant and which will grow to a satisfactory height (for the power lines) is being considered. Motion was made by Griner with a second by Witt for the release of funds up to \$450.00. Motion carried on roll call vote - all ayes; Banks-abstain.

PUBLIC COMMENT

Peggy Harris, resident, offered that there is a landscape plan that was provided to the Borough for Route 518 that should be referred to by Ms. Dietrich prior to the plantings to ensure uniformity of the plantings; Question was raised as to the disbursement of the Somerset County Recreation grant monies. Mayor Zimmerman advised that this not been decided yet but various options are being considered to include a tennis back board. He stated that the recreation committee is contemplating sending out a survey to the residents for feedback.

Peggy Merritt, resident, provided an update on the continued problem with the lead cable line leaks in the area of her residence. The DEP has been notified as well as the Board of Health. Discussion ensued about the ongoing problem with the oil leaks along a good portion of Route 518. Mayor Zimmerman will follow-up with JCP&L PSE&G and consideration will be given to contacting the board of Public Utilities. Councilwoman White will follow up with the Mayor as to the affected areas.

Eileen Uhrig, resident, inquired on behalf of Mark German as to the means of having the Freon removed from appliances that are being discarded. It was suggested that information may be available on the DEP website.

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

ADJOURNMENT:

Motion to adjourn the meeting at 8:50 PM was made by Witt with a second by Griner. Motion carried on voice vote - all ayes.

Respectfully submitted:

Donna M. Griffiths, RMC
Borough Clerk