

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
December 17, 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. Brian Griner-present, Mr. William Hallman-present, Ms. Courtney White-present. Mr. Jared Witt-present

Absent: Mr. Jim Banks, Ms. Linda Goldman

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

MAYOR'S COMMENTS

- As a follow-up to the last meeting, Mayor Zimmerman provided the qualifications needed to run for Council person.
- Mayor Zimmerman recognized the services provided to the Borough by the following individuals:
 - Council Member Jared Witt – expiration of Council term of three years;
 - Tony Bianculli – retirement from serving on the Grants Committee;
 - John Yuchmow – retirement from serving on the Planning Board for 10 years.
 - Larry Raffaelli – retirement from serving as Zoning Official for approximately 30 yrs; recognition plaque was presented to Mr. Raffaelli.
- Cliff Moore presented the Borough with a photograph of the Green Acres Park which will be hung in the Council Meeting Room.

APPROVAL OF MINUTES

Regular Minutes – December 3, 2007 – Motion was made by Witt with a second by White to approve the minutes contingent upon the following corrections: Page number 2 to be corrected; Page 3, “Process for Filling Governing Body Vacancy” – sentence to read, “A nomination *may* be made...” Motion carried on roll call vote – all ayes.

Executive Session Minutes (period 1/5/04-10/1/07 – Motion was made by Hallman with a second by White to release the following executive session minutes into open session as recommended by Attorney Cruz:

12/20/04, 1/18/05, 2/7/05, 9/26/05, 10/17/05, 11/7/05, 1/17/06, 2/6/06, 3/20/06, 1/8/07, 10/1/07

Motion carried on roll call vote – all ayes.

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

Special Business – Cancellation of Funds Resolution to be added

PUBLIC COMMENT

The floor was opened to the public for comments/questions. Hearing none, 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. It was recommended by Deputy Clerk Whitlock that the dog/cat license fee ordinance be reviewed for possible increase in fees to cover expenses incurred by the Borough.

DEPARTMENTAL REPORTS

Motion was made by Witt with a second by White for the acceptance of the following reports as submitted: Tax Collector's Report, November 2007; Court Administrator's Report, November 2007
Motion carried on roll call vote – all ayes.

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

SPECIAL BUSINESS

Resolution 2007-74 – Snow Removal – Engineer Tanner advised that quotes were solicited (for a second time) resulting in receipt of quote from Severiano Berrios at a rate of \$40.00 per hour. Engineer Tanner estimated the snow removal work should not exceed \$2,000.00 for the year. Motion was made by Witt with a second by White awarding the contract to Severiano Berrios for the period January 1, 2008 through December 31, 2008 in the amount of \$40.00/hr. (not to exceed \$2,000.00) by way of approval of Resolution 2007-74. Motion carried on roll call vote – all ayes.

Van Horne Park Restrooms – Appropriation of Funds - Engineer Tanner advised that payment of the Borough's 20% obligation to the contractor, Kalogridis Contracting LLC, for the restrooms (\$27,567.40) is recommended. This number reflects withholding for a 2% retainage (\$562.60). He advised that Montgomery Township has fulfilled their 80% obligation for this project. Deputy Clerk Whitlock advised that the charge has been encumbered and payment is included on today's bill list.

Resolution 2007-73 – Award of Contract – Sidewalk Replacement/Repairs – Engineer Tanner advised that six bids were received for this project (spreadsheet of bidders and totals distributed). Upon review of the bids submitted, Engineer Tanner recommends the award of the contract to the lowest bidder, Diamond Construction in the amount of \$37,888.00. Motion was made by Hallman with a second by Witt for the award of the contract to Diamond Construction in the amount of \$37,888.00 by way of approval of Resolution 2007-73. Motion carried on roll call vote – all ayes.

(The regular order of agenda business resumed)

COMMITTEE REPORTS

Administration & Records – Report dated 12/17/07 from Councilmember Goldman was distributed. In regard to the emergency listing information, Deputy Clerk Whitlock will ascertain whether Superintendent Lesko's cell phone number may be included for emergency purposes. Mayor Zimmerman reminded councilmembers to apprise Ms. Goldman of activities/processes followed for inclusion in the procedures manual being developed.

Buildings & Grounds – Mayor Zimmerman provided an update on the installation of the carpet and painting for the Court/Council meeting room. It was agreed to utilize the remaining funds in the buildings and grounds line item to purchase new chairs for the dais and to replace the ceiling tiles. Motion was made by Witt with a second by Griner authorizing the expenditure of funds not to exceed \$2500.00. Motion carried on roll call vote – all ayes.

Finance & Insurance – No report at this time.

Public Safety & Emergency Services – Councilmember Hallman provided an overview of the constables' report; request was made for follow-up on the towing ordinance that was previously adopted. Request was made by Councilman Hallman for the purchase of equipment and all weather gear for the constables. It was also recommended that two additional sets of gear be purchased for Council liaisons. It was agreed that jackets, pants, vests, gloves, badges, and traffic control batons should be purchased. Councilman Hallman also recommended that the jackets and vests be lettered "Borough of Rocky Hill" so that they may be interchanged by individuals if necessary. Deputy Clerk Whitlock advised that funds are available as follows: \$1900.00 Emergency Management O.E.; \$900.00 Police O.E. Motion was made by Hallman with a second by Griner for the expenditure of funds not to exceed a total of \$2800.00 for the above referenced items. Motion carried on roll call vote – all ayes. Question was also raised as to whether the constables are enrolled in the pension system. The CFO will be contacted in response to this matter.

Streets & Roads – Councilmember White advised that contact is being made with PSE&G to discuss a tree in question.

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

Council Representative to Planning Board – E-mail report dated 12/12/07 from Councilmember Goldman summarizing the planning board meeting of 12/11/07 was read into the record.

Council Representative to School Board – No report at this time.

Council Representative to Board of Health – Councilman Hallman advised that a renewal contract for local public health services with South Brunswick Township was received by the Board of Health. It was noted that there will be a 3% increase in the fee for 2008 for a total cost of \$22,950.00. It was noted that animal control/kennel services are not included in the contract. It was recommended that an interlocal agreement for this specific service with Montgomery Township should be considered. Motion was made by Hallman with a second by Witt authorizing the execution of the contract contingent upon review and approval of the

contract as submitted by Attorney Cruz. Motion carried on roll call vote – all ayes. Councilman Hallman advised that the Board of Health is recommending that the fees for restaurants should be reexamined and question was raised as to whether there are registrar services provided by the County for emergency situations. Borough Clerk Griffiths advised that the County does not provide registrar services; only the State.

Zoning Official – Report dated 12/17/07 was distributed and summarized by Zoning Official Raffaelli. Appreciation was expressed by Mr. Raffaelli to his wife for her help in the typing of the reports over the years.

Grants Official – Councilmember Hallman suggested that consideration be given again to retaining a grant writer. Mayor Zimmerman advised that consideration may be given to forming an ad hoc committee to research a grant writer and grant availability. Request was made of Council for recommendations of individuals interested in filling vacancies on the Grants and Recreation Committees.

Public Hearing: Ordinance #12, 2007 – “AN ORDINANCE AMENDING ORDINANCE #7-87, ENTITLED, AN ORDINANCE REPEALING ORDINANCE NOS. 7-86 AND 7-87 AND ADOPTING A NEW ORDINANCE WHICH COMBINES THESE TWO (2) ORDINANCES INTO ONE (1) UNIFIED ORDINANCE ESTABLISHING A MANDATORY PROGRAM FOR THE SEPARATION AND COLLECTION OF RECYCLABLES, AND FIXING PENALTIES FOR THE VIOLATION THEREOF IN THE BOROUGH OF ROCKY HILL, SOMERSET COUNTY, NEW JERSEY” - as filed in the Borough Clerk’s office was read by title.

Public hearing continued from 12/3/07 meeting. Mayor Zimmerman re-opened the hearing to the public. No comments/questions were presented. Proof of publication was received. Motion to adopt the ordinance was made by Witt with a second by Griner. Motion carried on roll call vote – all ayes.

2008 Recycling Agreement with Somerset County – It was noted that the price of pickup for 2008 will remain the same as 2007, \$23.85 per household. Motion was made by White with a second by Hallman authorizing execution of the agreement by the Mayor. Motion carried on roll call vote – all ayes.

Resolution 2007-76 – Cancellation of Funds – Resolution was presented canceling unexpended funds from the 2007 budget in the amount of \$35,711.00. Motion was made by Hallman with a second by Witt for the approval of the resolution. Motion carried on roll call vote – all ayes.

Resolution 2007-75 – Transfer of Funds – Motion was made by Griner with a second by White approving the resolution for transfer of funds as presented. Motion carried on roll call vote – all ayes.

COMMUNICATIONS:

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

UNFINISHED BUSINESS:

Discussion – COAH – Affordable Housing Administrative Agent – Attorney Cruz advised that he has solicited quotes for this position and two proposals have been circulated. In light of the new third round rules released by COAH today, Attorney Cruz advised that he would write to COAH informing them that the Borough has gone through this process. However, in light of the new rules and potential need for a revised third round plan by the Borough, this selection process would be put on hold. Attorney Cruz will be working with Planner Kimball in developing an anticipated modified plan based on the new ruling.

Rescheduling of Special Meeting – Cancellation of Balances – Action taken on this matter (Resolution 2007-76); special meeting cancelled.

NEW BUSINESS:

Update on County Route 518 Work Group – Mayor Zimmerman provided an update on the County Route 518 Work Group meetings that he has attended led by the Delaware Valley Regional Planning Commission. The group is working towards preparing a presentation to the Central Jersey Transportation Forum. Representatives from municipalities from Franklin Township to Hopewell Township are involved in this project. The report will focus on traffic calming (reference to be made to the measures taken by the Borough of Rocky Hill) and improved conditions for pedestrians on Route 206. Mayor Zimmerman advised that he and Montgomery Deputy Mayor Wilson offered a suggestion to the group for a one-way road into the Shop-Rite to help improve traffic congestion in that area. Suggestion will also be made for an extension of public transportation from Franklin Township to Hopewell Township whereas there are currently no bus routes running in that direction. It was also noted that consideration is also being sought for involvement of the Borough with the Montgomery Traffic Advisory Committee. Mayor Zimmerman will provide an update on the presentation scheduled for February.

Receipt of Annual Audit 2006/05 – Copies of the audit were distributed to Mayor and Council. Resolution and group affidavit follow-up will be scheduled for January 2008.

NJ Deer Control Program – Mayor Zimmerman advised that the Borough has received an offer for a free deer repellent spray (approximately one acre of coverage) offered through the NJ Deer Control Program. The information will be made available to Council for further review and possible interest.

PUBLIC COMMENT

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

ADJOURNMENT:

Motion to adjourn the meeting at 8:48 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