

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
December 3, 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, Ms. Linda Goldman-present, Mr. Brian Griner-present, Mr. William Hallman-present, Ms. Courtney White-present. Mr. Jared Witt-present

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

MAYOR'S COMMENTS

- Mayor Zimmerman offered condolences to Karen Zimmerman, Director of Recreation, on the loss of her brother.
- Release of Executive Session Minutes – Mayor Zimmerman advised that the Borough Clerk has provided Attorney Cruz with executive session minutes for the period 2004 to present for possible release. It was noted that executive session minutes should be released when it is determined that the topic of discussion may be made available to the public and this process will be done on a regular basis.

APPROVAL OF MINUTES

Regular Minutes – November 19, 2007 – Motion was made by Griner with a second by White to approve the minutes as presented. Motion carried on roll call vote – all ayes.

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

Unfinished Business – Committee Duties to be added at the request of the Mayor.

New Business - Formatting of Minutes and Agenda to be added at the request of Councilmember Hallman
Questions for Deputy Clerk Whitlock to be added at the request of Councilmember White

PUBLIC COMMENT

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

STATE POLICE REPORT

No report to present at this time.

ENGINEER'S REPORT

Letter received from TRM (Sprint) advising they would be adding three additional antennas to the tower was received and referred to Engineer Tanner for follow-up. It was noted that they are allowed to add the antennas according to their contract.

Princeton Gamma Tech - Letter dated 11/27/07 was received from the EPA in response to the Borough's initial letter of 2/1/07 was received. The EPA reaffirmed the response that was given to the Borough in their last letter (11/15/06) to include that the treatment system operation is not impacting water levels in the Rocky Hill monitoring wells, however, they will shut off their operation if the well has a significant level drop. Additionally, they advised that they will continue sending test results on the site wells. Engineer Tanner advised that we have not received the results in the past year, and he will request that they supply back copies of those reports. In regard to the transfer of equipment to the Borough (bubbler system) as previously promised in the 11/15/06 letter, the EPA has now advised that they will need to study this matter to see if it is feasible.

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County Park Project – Photos of the newly delivered restroom were distributed. Engineer Tanner expressed his dissatisfaction with the product that was delivered noting that several add-on features requested were not included with the structure, i.e. exterior finish and security box for exterior water faucet. It was recommended by Council that the \$2400.00 not charged for the extras should be used for landscaping in helping to make the structure more aesthetically pleasing.

Grove St. – This project has been completed to Engineer Tanner's satisfaction and request for final payment has been submitted.

Snow Removal Proposals – Engineer Tanner advised that there had been no response to the request for quotes for the 07/08 snow removal. The project will be re-advertised and proposals will be sent to additional contractors that may be interested.

Sidewalk Repair/Replacement Project – Engineer Tanner advised that there has been a favorable response to the bid specifications for this project. Bid opening is scheduled for 11/5/07.

Other: Engineer Tanner advised that the covers for the trash cans in Van Horne Park will be done.

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

CHIEF FINANCIAL OFFICER'S REPORT

Reports of revenues, expenditures, and miscellaneous revenues unanticipated as of 12/1/07 were distributed. CFO provided a summary of the budget balance and miscellaneous revenues collected. Motion was made by Griner with a second by Witt to accept the reports as submitted. Motion carried on roll call vote – all ayes.

Resolution 2007-70 – Transfer of Funds – Motion was made by Hallman with a second by Griner for the transfer of funds as recommended and outlined in the resolution. Motion carried on roll call vote – all ayes.

APPROVAL OF VOUCHERS

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

SPECIAL BUSINESS

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. Mayor Zimmerman opened the hearing to the public. No comments/questions were presented. It was noted by Borough Clerk Griffiths that due to the holiday, the ordinance could not be advertised in accordance with publication requirements. Mayor Zimmerman advised that the hearing would be continued to the 12/17/07 meeting at 7:30 PM at Borough Hall.

Resolution 2007-71 – Extension of Police Services Contract – South Bound Brook – Mayor Zimmerman advised that South Bound Brook has agreed to the extension of the existing contract for police services through 2/29/08. A new agreement will be negotiated after the first of the year with the newly elected governing body officials of South Bound Brook. Motion was made by Griner with a second by Witt to approve the resolution extending the agreement for police services through 2/29/08. Motion carried on roll call vote – all ayes.

COMMUNICATIONS:

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

- Notice of meeting to be held on 12/6 was received from NJ Transit regarding possible restoration of passenger rail line;
- Letter dated 11/28/07 from Director Jacobucci of the Division of Local Government Services advising that the Borough's 2006 audit has not been filed with them was received. Mayor Zimmerman noted that Auditor Morrison was copied on the correspondence.

- Correspondence was received from Comcast advising of new channel line-up and increased prices;
- Information regarding the Martin Luther King Jr. scholarship application was received.

UNFINISHED BUSINESS:

Committee Duties – Mayor Zimmerman apprised Council of the recent change to the duties of the Administration and Records and Finance Committees. Technology has been moved from Finance to Adm. & Records along with responsibility for the website. It was noted that the duties of Buildings and Grounds and Streets and Roads are heavy and suggestions for the re-alignment of duties will be considered by the Mayor.

NEW BUSINESS:

Resolution 2007-72 - 2008 Meeting Dates – Resolution outlining the proposed meeting dates for 2008 was distributed. In response to holidays falling on the first Mondays in January and February, it was agreed to amend the schedule as follows: second meeting in January to be held on Wednesday, 1/23/08; second meeting in February to be held on Wednesday, 2/20/08. The remainder of the meetings will be held on the first and third Monday of the month with the exception of the months July, August, and September wherein there will be one meeting on the third Monday of the month. The 2009 reorganization/regular meeting is scheduled for 1/5/09. Discussion ensued regarding whether Council was interested in holding work sessions at the first Monday meeting of the month. It was agreed that this option could be considered on an as-needed basis. Motion was made by Witt with a second by Griner to adopt the resolution with the amended dates for the months of January and February. Motion carried on roll call vote – all ayes.

Process for Filling Governing Body Vacancy – Letter of resignation effective 12/31/07 was received from Linda Goldman for the unexpired council position (through 12/31/09) currently being filled by Ms. Goldman. Ms. Goldman was elected to fill a three year term (to be vacated by Council member Jared Witt on 12/31/07) for the period 1/1/08-12/31/10 effective January 1, 2008. The process for filling the unexpired vacancy effective 1/1/08 (through November 08) was discussed. It was agreed that the process for filling the non-partisan seat would be similar to the process followed by Council in the past in this circumstance (non-partisan seat). A nomination *will may* be made by each Council member to include the Mayor at the January 7, 2008, meeting of the Council after which time consideration of appointment will be made. It was agreed that resumes of prospective nominees may be forwarded to the Borough Clerk for dissemination to the Mayor and Council prior to the January 7 meeting. Notice will be posted on the Borough website that candidates are being sought for the position and as requested by Council member Hallman, the qualifications for candidacy will also be posted.

Formatting of Agenda and Minutes – Councilmember Hallman suggested that the agenda and minutes be reformatted to 8 1/2 x 11” paper size in lieu of the currently used 8 1/2 x 14” size to make the downloading of the documents easier for all to review. Borough Clerk Griffiths will make the change effective January 1, 2008.

Miscellaneous Questions for Deputy Clerk Whitlock - In response to questioning by Council member White, Deputy Clerk Whitlock advised that accident scenes (glass in the roadway) are generally cleaned up by tow truck operators. However, the County would respond to the Borough’s request for clean-up via our shared services agreement. Additionally, limbs in the roadway that are a public safety concern can either be removed via request through the fire department or the County. As a follow-up to a problem with the need for an emergency water shut-off for a resident over the weekend, Deputy Clerk Whitlock advised that the fire company should be contacted for assistance in the event the water superintendent can not be contacted.

(Councilmember Griner left the meeting at 8:55 PM)

Special Meeting – It was agreed to hold a special meeting for the purpose of canceling unexpended balances for the year on December 31, 2007, at 9:00 AM. Borough Clerk Griffiths will prepare proper notice for the meeting.

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 9:00 PM was made by Witt with a second by Banks. Motion carried on voice vote – all ayes.

Respectfully submitted:

Donna M. Griffiths, RMC
Borough Clerk