

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
February 5, 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 notice 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, Mr. Dan Harrington-present, Ms. Courtney White-present, Mr. Jared Witt-present.

Also present: Deputy Borough Clerk Raymond Whitlock, Attorney Joseph Sordillo on behalf of Borough Attorney Albert Cruz, Borough Engineer William Tanner, Chief Financial Officer G. Ross Bobal.

APPROVAL OF MINUTES

Regular Minutes - January 8, 2007 - Motion was made by Witt with a second by Harrington to approve the minutes as presented. Motion carried on roll call vote - all ayes; Banks-abstain.

Executive Session Minutes - January 8, 2007 - Motion was made by Witt with a second by Griner to approve the minutes as presented. Motion carried on roll call vote - all ayes; Banks-abstain.

Special Meeting Minutes - January 17, 2007 - Motion was made by Griner with a second by Hallman for the approval of the minutes contingent upon the action taken on the approval of vouchers being included.
Motion carried on roll call vote - all ayes; Banks-abstain.

Special Meeting Minutes - January 29, 2007 - Motion was made by Witt with a second by Griner to approve the minutes as presented. Motion carried on roll call vote - all ayes; Banks-abstain.

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

Councilman Griner requested that discussion be placed on the agenda regarding recognition of awards/nominations.

PUBLIC COMMENTS

Peggy Harris, resident, stated that she was advised that the NJSP is no longer using the substation established at Borough Hall and requested confirmation. Mayor Zimmerman advised that the NJSP had recently installed new locks on the doors, and he will be scheduling a meeting with them to check on the status of this issue.

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

STATE POLICE REPORT

Report not received; Councilman Hallman will be scheduling a meeting with Lt. Skelton and the Mayor.

ENGINEER'S REPORT

Report dated February 2, 2007, for January 2007 was received and distributed (copy on file in the Borough Clerk's Office). The following items were discussed:

Princeton Gamma Tech - Authorization was given to Engineer Tanner to send a letter to the EPA (draft attached to Engineer's report) on behalf of the Borough outlining the comments and requests discussed at the last meeting.

County Park Project - Update was provided; punch list and maintenance expenses still pending. Suggestion was made for the installation of a speed hump going in to the park based on recent complaints received.

Princeton Ave. Sidewalks and Montgomery Ave. Improvements - Engineer Tanner advised that the contractor will revisit the issue with the top soiling along Montgomery Avenue in the spring; the posted maintenance bond will be held until the issue is resolved.

06/07 Local Aid - Grove St. - The County is agreeable to adding this project to their resurfacing contracts.

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Suggestion by Water Superintendent to include the replacement of the water main on Grove St. will be considered during the budget process. Engineer Tanner will also check with the State as to whether the grant monies may be used for this purpose. Approval of the expenditure of funds not to exceed \$1500.00 for the survey and plan preparation of the resurfacing project was requested by Engineer Tanner. CFO Bobal advised that funds were available in the Streets & Roads O.E. Temporary Budget. Motion to approve the expenditure was made by Witt with a second by Griner. Motion carried on roll call vote - all ayes.

Other:

Councilman Griner requested an approximate cost for the upcoming sidewalk replacement/repair project.

In response to Councilman Harrington's inquiry as to whether some of the sidewalks could be resurfaced, Engineer Tanner advised that he will look into this option. Information on the tot lot mulch will also be provided to Councilman Harrington by Engineer Tanner. Engineer Tanner will call the County in response to Councilwoman White's request regarding the pole in front of Restaurant 153.

Public Comments/Questions: Hearing none, the floor was closed.

CHIEF FINANCIAL OFFICER'S REPORT

CFO Bobal was present and provided a Budget Trial Balance Appropriation Reserve Statement for the 2006 budget.

Resolution 2007-24 - Authorizing Transfer of Funds - Resolution authorizing the transfer of funds from Engineering O.E. to Planning Board O.E. in the amount of \$6,000.00 was presented. Motion to approve the resolution was made by Hallman with a second by Harrington. Motion carried on roll call vote - all ayes. (Appendix 1)

Mayor Zimmerman requested from the CFO whether a process could be established for the billing and tracking of non-tax revenues. Mayor Zimmerman advised that it has been discovered that there has not been an accounting of agreements or revenues received from outside source contracts previously entered into with the Borough, i.e. cellular tower lease agreements. Further research is being done in trying to resolve these issues. Going forward, a process is to be developed to ensure that the CFO is aware of the contract agreements and that the anticipated revenues are received and accounted for. A review of past agreements will be done by Mayor Zimmerman and Councilman Griner and the development of a tracking process will be explored by Councilmen Griner and Harrington.

APPROVAL OF VOUCHERS TO BE PAID

Motion was made by Witt with a second by Griner for the approval of the bill list as presented. Motion carried on roll call vote - all ayes. (Appendix 2)

SPECIAL BUSINESS

Mayoral Committee Changes: The Mayor recommended the following appointments to the Cross Acceptance Committee: Charles Pihokken, Cathy Cann, Brian Griner, Edward Zimmerman. Motion was made by Witt with a second by Banks confirming the appointments. Motion carried on roll call vote - all ayes. Councilman Banks was appointed as the Water, Sewer, Environment Council Liaison Chair. Other Council representative changes were discussed and will be confirmed at the next meeting.

COMMUNICATIONS

Communications as listed on the agenda were disseminated and/or ordered filed. Mayor Zimmerman requested authorization to attend the NJ Conference of Mayors Seminar in April. Motion was made by Griner with a second by Harrington authorizing the expenditure of \$155.00 for the Mayor's attendance at the conference. Motion carried on roll call vote - all ayes.

UNFINISHED BUSINESS

Discussion - T-Mobile Proposal regarding Rent Guarantees - Mayor Zimmerman advised that negotiations are underway with T-Mobile for a renewal of their lease agreement. However, no agreement will be reached until the issue of whether the prior lease payments have been received by the Borough is resolved.

Discussion of Proposed Ordinance - Ordinance to Establish the Fees to be Charged for Inspection and Reproduction of Government Records - It was unclear whether this ordinance had been previously adopted; Clerk Griffiths to research past action taken. Suggestion was made by Clerk/Tax Collector Griffiths that consideration be given to reducing the fee for requests for additional copies of tax bills from \$25.00 to the fee of \$5.00 (same as for a duplicate copy). Mayor and Council concurred with the recommendation. (Action pending - carried to next

meeting).

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NEW BUSINESS:

Discussion of Resolution regarding Hillsborough By-Pass - Mayor Zimmerman advised that request has been made for the Borough's support of a joint resolution opposing the use of Routes 206 and 27 as an expanded truck route. Mayor Zimmerman will attend a summit tomorrow being held in Hillsborough Township to obtain more information.

Resolution 2007-21 - Resolution of Appreciation - Mary Germain
Resolution 2007-22 - Resolution of Appreciation - Randie Zimmerman

Resolutions of recognition were presented by Mayor Zimmerman for Council's consideration. Mayor Zimmerman advised that these individuals are past presidents of the Board of Health and School Board, respectively, and have stepped down from these positions recently due to personal reasons but will remain members of the respective Boards. Motion was made by Witt with a second by Hallman for the adoption of the resolutions. Motion carried on roll call vote - all ayes. (Appendix 3 and 4).

Recognition of Awards/Nominations - Councilman Griner suggested that a process be established in regard to recognizing community residents by Mayor and Council for various achievements. Discussion ensued as to the particulars of a policy on the adoption of resolutions of support as well as policy as to the posting of various acknowledgements on the Borough's website and/or referring individuals to external links for acknowledgments. It was suggested that the Borough Attorney research whether there is any liability/implied endorsement of providing external links to various organizations from the Borough's website. Mayor Zimmerman, Councilman Banks, and Councilman Griner will develop a policy in response to these issues.

PUBLIC COMMENT

Cliff Moore, resident - In response to questioning about the impending Classic Bike Race to be held this year, Mayor Zimmerman advised that this event will be discussed at tomorrow's Recreation Committee meeting. In response to questioning about the recent decision by the Courts on COAH Rules, Mayor Zimmerman advised that this issue will be discussed with the Borough's Planner Susan Kimball and at next week's planning board meeting.

Hearing no comments/questions, the floor was closed.

EXECUTIVE SESSION

(9:08 PM)

Resolution 2007-23 was read into the record by Clerk Griffiths to move into executive session. Motion to approve was made by Witt with a second by Griner. Motion carried on roll call vote - all ayes. The purpose of discussion is as follows: 1) Attorney-Client Privilege - Mayor and Council Personnel; 2) Potential Litigation - John Hedberg v. Borough of Rocky Hill; 3) Litigation - Rocky Hill Citizens for Responsible Growth, et al. v. Borough of Rocky Hill, et al.; 4) Litigation - Constantine v. Bass River Township. (Appendix 5).

RESULTS OF EXECUTIVE SESSION

(9:33 PM)

Results not available for disclosure at this time.

ADJOURNMENT:

Motion to adjourn the meeting at 9:34 PM was made by Witt with a second by Harrington.
Motion carried on voice vote - all ayes.

Respectfully submitted:

Donna M. Griffiths, RMC
Borough Clerk