

Approved 10/18/10

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
October 4, 2010**

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.

Mayor Zimmerman asked everyone to remain standing for a moment of silence to recognize Rocky Hill's oldest resident, Donald Scozera, who passed away.

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 transmitted to the Courier News and Somerset Spectator on January 6, 2010. Notice remains continuously posted as to required notices under the Statute. 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. Jeff Donahue-present, Ms. Linda Goldman-present, Ms. Julia Hasser-present, Mr. Mark Pausch-present, Mr. Robert Steen-present

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

MAYOR'S COMMENTS

Mayor Zimmerman stated that he attended the meeting with the Freeholders and they presented him and Deputy Mayor Kacey Dyer of Montgomery Township, a check in the amount of \$5,000.00 for the Youth Athletic Grant.

Mayor Zimmerman stated he attended the Mayor's roundtable and commented that there were many positive conversations. It was brought to his attention that there are energy grants available in addition to the \$20,000 that each municipality is already receiving. Mayor Zimmerman asked that Council Member Pausch follow up on this as soon as possible.

Mayor Zimmerman informed the Council a sewer meeting was scheduled for Wednesday, October 6, 2010 with Montgomery.

Mayor Zimmerman informed the Council that Friday afternoon he received an email that all DOT projects had been stopped by the Governor due to funding issues. Mayor Zimmerman stated the issues had been resolved sometime earlier in the day, so it would not affect the bids coming in on October 13th.

Mayor Zimmerman commented that there was a 3-alarm brush fire in Rocky Hill over the weekend. He stated it burned 7.1 acres. Mayor Zimmerman stated that 6 fire companies responded and Montgomery Township EMS responded. Mayor Zimmerman commented that it was extremely well coordinated. Mayor Zimmerman stated that Montgomery Township EMS had a trailer that was equipped with recliners, and many of the fire fighters had their blood pressure monitored. Mayor Zimmerman stated he was very thankful of their presence during the fire.

Mayor Zimmerman updated the Council that the judge rendered a decision in the School Board suit. Mayor Zimmerman stated the judge ruled in the States favor stating there was no constitutional violation. Mayor Zimmerman informed the Council that he has been in contact with Senator Bateman to draft legislation that will hopefully equalize the formula used in determining the cost for Rocky Hill students to attend Montgomery schools and to obtain representation on the School Board. Mayor Zimmerman stated he would be holding a town meeting with Senator Bateman and Trudy Doyle, County Executive Superintendant, on October 12, 2010 at the Mary Jacobs Library.

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Mayor Zimmerman stated he was in receipt of a letter from the Department of Education, at which time Mayor Zimmerman asked Council President Goldman to summarize the letter. Council President Goldman stated the letter was very brief and informed Rocky Hill they would have the opportunity to comment on the items Montgomery was disputing by October 29, 2010. Council President commented that the Commissioner of Education made the final cuts, so she was unsure if the Borough would need to comment on them.

Mayor Zimmerman informed the Council that the next SCGOA meeting would be at Mannions Pub in Somerville.

APPROVAL OF MINUTES

Regular Meeting Minutes- September 20, 2010 - Motion was made by Hasser to approve the minutes as presented. Motion seconded by Donahue. Motion carried on roll call vote. All ayes.

For: Banks, Donahue, Goldman, Hasser, Pausch, Steen
Against: None
Abstain: None

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

Unfinished Business-Clarification on School Item

PUBLIC COMMENT

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

Susan Bristol, 104 Washington Street – Ms. Bristol inquired as to why the crosswalk signs are not out. Mayor Zimmerman stated that would be covered during the Engineer's report.

Hearing no further comments, the floor was closed to the public.

STATE POLICE REPORT

No report received prior to meeting.

ENGINEER'S REPORT

Engineers report dated August 16th was distributed and summarized by Engineer Tanner. A copy is on file in the office of the Municipal Clerk.

Van Horne Park- Montgomery Township did not have funds left over in the grant after the repair of the tennis courts for any additional items. Engineer Tanner stated that there was a minimal cost difference between the residential and the commercial motion detectors, so for the installation in the restrooms at Van Horne Park he recommended utilizing the commercial grade sensor, which is more durable.

Contracts – Engineer Tanner stated we would be receiving sealed bids for the resurfacing of Montgomery Avenue on October 13, 2010.

Water Tower Cell Antennas – Engineer Tanner stated an inspection has been completed on the Water Tower and no damage had been done with the installation of the Metro PCS antenna. Engineer Tanner stated that the inspector did see rust where some of the other antennas are mounted so letters would be sent to the owners of the antennas. Engineer Tanner also stated there were sections of the catwalk that were impassable due to cables.

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Crosswalk Signs – Engineer Tanner stated the County has two of the solar powered lights the Council has been discussing and has agreed to loan them to the Borough for a pilot program. The Borough would have to cover the cost of installation, roughly \$150.00. Engineer Tanner stated he was looking for direction as to where the Council would like the signs to be placed. After much discussion it was agreed that the intersection of Washington Street and Montgomery Ave. would be the best place. Engineer Tanner stated that a grant was applied for to be able to place signs at every crosswalk in the Borough.

Motion was made by Goldman to approve the placement of two signs at the intersection of Washington and Montgomery Ave for a pilot program at a cost not to exceed \$150.00. Motion was seconded by Banks. Motion carried on roll call vote. All ayes.

For: Banks, Donahue, Goldman, Hasser, Pausch, Steen

Against: None

Abstain: None

Council President Goldman stated that the bushes around the box need to be replaced at Panicaro Park.

PUBLIC COMMENT

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

Cliff Moore, Skillman Ave. – Mr. Moore informed the Council that there is erosion around the storm drain on Princeton Ave. near Skillman Ave.

Hearing no further comments the floor was closed to the public.

Resolution 2010-67 Resolution to Extend Brush and Limb Contract – Motion was made by Hasser to approve the resolution as presented. Motion was seconded by Steen. Motion carried on roll call vote. All ayes.

For: Banks, Donahue, Goldman, Hasser, Pausch, Steen

Against: None

Abstain: None

CHIEF FINANCIAL OFFICER'S REPORT

Nothing at this time.

APPROVAL OF VOUCHERS

Motion was made by Banks to approve the vouchers as presented. Motion seconded by Pausch. Motion carried on roll call vote. All ayes.

For: Banks, Donahue, Goldman, Hasser, Pausch, Steen

Against: None

Abstain: None

SPECIAL BUSINESS

Montgomery Township EMS- Clarification of Press Comments - Mayor Zimmerman complimented the Montgomery EMS and stated the comments that were written in the Montgomery News were not the feeling of the Council nor the residents of Rocky Hill. The comments were made by the Rocky Hill Rescue Squad in response to why Montgomery is not who is used for mutual aid. Mayor Zimmerman informed the Council that Montgomery's EMS response to calls within 8 minutes was 98.6%, which was extremely notable. Again, Mayor Zimmerman stated he was extremely impressed with Montgomery Township's EMS and would like them to be the mutual aid responder.

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UNFINISHED BUSINESS

Employee Health and Safety Plan – Council President Goldman stated that the Boroughs Insurance carrier suggested that a Plan be in place. Motion was made by Steen to adopt the plan as presented. Motion was seconded by Hasser. Motion carried on roll call vote. All ayes.

For: Banks, Donahue, Goldman, Hasser, Pausch, Steen
Against: None
Abstain: None

School Board Clarification – Council President Goldman clarified that she would like some direction on the response that the Borough has the option to give. Council President Goldman asked if the Council would like to respond at all, respond independently or to reach out to Montgomery Township and respond with the same comments as they do, similar to the identical resolutions both agreed upon. Mayor Zimmerman stated he would meet with Mayor Caliguire and discuss it with him. Council Member Pausch stated he would like to be able to review these comments before they are submitted on behalf of the Council. Council President Goldman stated if the comments were released back to the Borough before the next meeting they would be circulated for discussion.

NEW BUSINESS

Event Proposal, Rocky Hill Preservation Celebration Committee - Peggy Harris informed the Council that the preservation committee would like to celebrate the 30th anniversary of the formation of the Historic District. Ms. Harris went on to describe the event and stated the committee would begin applying for grants to enable the celebration. Ms. Harris stated they are looking at the dates of October 8 & 9, 2011. Mayor Zimmerman thanked Ms. Harris and members of the committee for their presentation and stated he thought it sounded like a great community event.

Public Hearing: Ordinance # 6-2010, Ordinance to Amend Chapter 103 Titled “Food Handling Establishments” of the Code of the Borough of Rocky Hill

Mayor Zimmerman read the Ordinance by Title. Acting Borough Clerk stated publication was in order and the Ordinance was posted.

PUBLIC COMMENT

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

Motion was made by Goldman to adopt the Ordinance as presented. Motion was seconded by Hasser. Motion carried on roll call vote.

For: Donahue, Goldman, Hasser, Pausch, Steen
Against: None
Abstain: Banks

Public Hearing: Ordinance #7-2010, An Ordinance to Repeal in its entirety Chapter 133 Titled “Peace of Good Order” of the Code of the Borough of Rocky Hill

Mayor Zimmerman read the Ordinance by Title. Acting Borough Clerk stated publication was in order and the Ordinance was posted.

PUBLIC COMMENT

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

Motion was made by Hasser to adopt the Ordinance as presented. Motion was seconded by Goldman. Motion carried on roll call vote.

Approved 10/18/10

For: Banks, Donahue, Goldman, Pausch, Hasser
Against: Steen

Abstain: None

Ordinance # 8, 2010. An Ordinance REPEALING AND REPLACING Chapter 167, Streets and Sidewalks, of the Code of the Borough of Rocky Hill, Introduction

Council President Goldman informed the Council she and Attorney Cruz had refined this chapter to amend contradictory items. After a discussion, a few minor words were modified.

A motion to introduce the Ordinance with the changes discussed with a public hearing date of October 18, 2010, was made by Steen. Motion seconded by Hasser. Motion carried on roll call vote. All ayes.

For: Banks, Donahue, Goldman, Hasser, Pausch, Steen
Against: None
Abstain: None

COMMUNICATIONS

Council Member Hasser added an email from Judy Singleton regarding traffic blocking Washington and Merrit Ave. to the list.

Communications as listed were distributed, disseminated and filed accordingly.

FINAL PUBLIC COMMENT

Connie Hallman, 26 Montgomery Ave – Ms. Hallman inquired as to what the laws and rules pertaining to downed trees were. Ms. Hallman stated there was a tree down on Montgomery Ave. that needed to be cleaned up, but there appeared to be a dispute between whose responsibility it was. Mayor Zimmerman responded he would have the Borough Constables go out and look at the issue. Ms. Hallman also stated she has concerns with the piling of leaves in the streets for clean up. Ms. Hallman stated this narrowed the roads, making some of them passable by one vehicle at a time, as well as making the roads very hazardous. Ms. Hallman stated the leaves get wet and become very slippery. Ms. Hallman asked if there could be some education made to the homeowners that are the offenders.

Hearing no further comments the floor was closed to the public.

ADJORNMENT

Motion was made by Goldman with a second by Hasser to adjourn the meeting at 9:13 PM. All voted in favor of adjournment.

Respectfully Submitted:



Rebecca P. Newman
Acting Borough Clerk

RESOLUTION 2010 - 67

**BOROUGH OF ROCKY HILL
SOMERSET COUNTY**

WHEREAS, the Borough of Rocky Hill desired to enter into a contract for brush and limb removal service; and

WHEREAS, the Borough solicited quotes for this work because it is below the bid threshold; and

WHEREAS, the following quotes were received:

- JML Landscaping Inc., Neshanic Station, NJ - \$185.00/hour;
- Mastroianni Landscaping Inc., Hopewell, NJ - \$180.00/hour;
- G&T Landscaping Inc., Hillsborough, NJ - \$300.00/hour; and

WHEREAS, the quote that was most advantageous to the Borough is that of Mastroianni Landscaping Inc. at a price of \$180.00/hour; and

WHEREAS, on April 5, 2010, the Borough of Rocky Hill awarded a one (1) year contract to Mastroianni Landscaping, Inc., ending on April 5, 2011; and

WHEREAS, the Borough of Rocky Hill entered into an initial round of brush and limb clean up on April 5, 2010, not to exceed \$5,000; and

WHEREAS, the Borough of Rocky Hill entered into a second round of brush and limb clean up on June 7, 2010, not to exceed \$7,500.00; and

WHEREAS, the Borough of Rocky Hill desires to enter into a third round of brush and tree limb removal service not to exceed \$2,600.00; and

WHEREAS, all three (3) rounds of brush and limb clean up are below the bid threshold and will not exceed \$15,100.00 pursuant to N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, there are sufficient funds in the Borough's budget to pay for these service.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rocky Hill, County of Somerset, State of New Jersey, as follows:

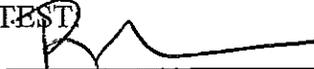
1. That the Borough of Rocky Hill awards a contract extension to Mastroianni Landscaping, Inc., to perform the following services: a third round brush and tree limb removal at \$180.00 per hour, not to exceed \$2,600.00 for this third round.

2. That there are sufficient funds in the Borough of Rocky Hill budget for this purchase as certified by the Chief Financial Officer.

3. This Resolution shall take effect immediately.

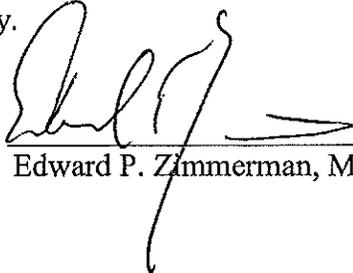
ATTEST

By:



Rebecca P. Newman
Acting Borough Clerk

By:



Edward P. Zimmerman, Mayor

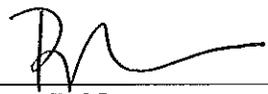
I, Joseph P. Monzo, Chief Financial Officer of the Borough of Rocky Hill do hereby certify that funds for this contract are available from: 01-201-26-306-602



Joseph P. Monzo, Chief Financial Officer

CERTIFICATION

I, Rebecca P. Newman, Acting Borough Clerk of the Borough of Rocky Hill do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Borough Council on October 4, 2010.



Rebecca P. Newman
Borough Clerk

Bill List 10.18.2010

**List of Bills - (0110101001) CASH
Current Fund**

Check#	Vendor	Description	Payment	Check Total
6188	4 - ROCKY HILL 76ERS	PO 2927 2010 ANNUAL CONTRIBUTION ROCKY HILL	600.00	600.00
6189	29 - BOLLINGER INC	PO 2937 griffiths bond 4th qtr s1246809 inv	2,880.00	2,880.00
6190	60 - COURIER NEWS	PO 2933 Ords 6,7, & 8 2010	40.48	40.48
6191	71 - DIFRANCESCO BATEMAN PC	PO 2934 sept 2010 legal fees	1,500.00	1,500.00
6192	86 - GENERAL CODE PUBLISHERS	PO 2929 2011 annual maint fee	1,195.00	1,195.00
6193	354 - IKON Office Solutions Inc	PO 2936 copy machine rental oct 2010	116.35	116.35
6194	463 - MASON, GRIFFIN & PIERSON	PO 2938 plan bd legal fees sept 2010	336.00	336.00
6195	210 - PSE&G	PO 2925 street lights to 9-30-2010	716.63	716.63
6196	210 - PSE&G	PO 2930 boro hall electric	329.06	329.06
6197	210 - PSE&G	PO 2931 crescent pt park electric	19.20	19.20
6198	210 - PSE&G	PO 2932 panicaro park electric	7.42	7.42
6199	319 - RARITAN VALLEY DISPOSAL INC	PO 2702 solid waste collection 6-01 to 12-3	3,808.49	3,808.49
6200	247 - SOMERSET COUNTY TREASURER	PO 2926 snow removal 1-28-2010 & 2-26-2010	3,999.56	3,999.56
6201	253 - SPRINT COMMUNICATIONS	PO 2924 mayor & clerk's blackberries	182.35	182.35
6202	286 - VAN CLEEF ENGINEERING	PO 2935 engineering exp sept 2010	4,157.53	4,157.53
6203	293 - ROCKY HILL WATER & SEWER DEPARTMENT	PO 2928 3rd qtr water & Sewer & Hydrant fee	754.00	754.00
TOTAL				20,642.07

Total to be paid from Fund 01 Current Fund

20,642.07

20,642.07

**List of Bills - (0810101001) CASH
UTILITY OPERATING**

Check#	Vendor	Description	Payment	Check Total
5911	415 - AQUA PRO TECH LABS	PO 2945 water test sept 1-2010	9.00	9.00
5912	364 - BRIAN RICHTER	PO 2940 meter readings 3rd qtr 2010	200.00	200.00
5913	98 - HESCO ELECTRIC SUPPLY	PO 2944 s&d bolt breaker	23.40	23.40
5914	321 - MIRACLE CHEMICAL CO	PO 2942 25 gals chlorine	71.75	71.75
5915	450 - ONE CALL CONCEPTS INC	PO 2943 one calls sept 2010	7.49	7.49
5916	210 - PSE&G	PO 2946 water dept electric	6,410.54	6,410.54
5917	259 - NEW JERSEY STATE TREASURER	PO 2941 3rd qtr water use tax	77.51	77.51
5918	286 - VAN CLEEF ENGINEERING	PO 2939 water sewer eng. sept 2010	752.95	752.95
TOTAL				7,552.64

Total to be paid from Fund 08 UTILITY OPERATING

7,552.64

7,552.64

Explanation: This Ordinance amends Chapter 103, Food-handling Establishments, of the Code of the Borough of Rocky Hill by adding a subsection D to §103-2, License Fees, to fix a fee for non-profit, religious, and emergency services organizations that on occasion function as retail food establishments.

Borough of Rocky Hill

Ordinance # 6, 2010

AN ORDINANCE AMENDING CHAPTER 103, FOOD-HANDLING ESTABLISHMENTS, OF THE CODE OF THE BOROUGH OF ROCKY HILL BY ADDING A SUBSECTION D TO §103-2, LICENSE FEES, TO FIX A FEE FOR NON-PROFIT, RELIGIOUS, AND EMERGENCY SERVICES ORGANIZATIONS THAT ON OCCASION FUNCTION AS RETAIL FOOD ESTABLISHMENTS.

BE IT ORDAINED, by the Mayor and Council of the Borough of Rocky Hill, County of Somerset, State of New Jersey, that Chapter 103 of the Code of the Borough of Rocky Hill, entitled “Food-handling Establishments” is hereby amended as follows:

Section 1. Amend Chapter 103, Food-handling Establishments, by adding a subsection D to §103-2, License Fees, to fix a fee for non-profit, religious, and emergency services organizations that on occasion function as retail food establishments.

Section 2. Amend §103-2, License Fees, to read as follows:¹

§ 103-2. License fees.

The annual fees for ~~Heening~~ licensing of retail food establishments are hereby fixed as follows:

¹ **Editor’s Note:** The portions to be deleted are shown with strike-outs and will be deleted from the codified version of this Ordinance and the underlined portions will remain in the codified version of this Ordinance.

A. Retail food establishment, permanent locale.

- (1) Restaurant, taverns, luncheonettes, soda fountains and other establishments serving food on the premises:

Number of Seats on Single Premises	Annual Fee
1 to 50	<u>\$50.00</u>
51 to 200	<u>\$100.00</u>
Over 200	<u>\$150.00</u>

- (2) The "seating capacity of each restaurant" shall mean the total of each chair, stool, or other individual unit. Where benches are used or standing space is offered at a bar or counter, each twenty (20) inches of linear length of such bench, counter or bar shall constitute a unit of serving capacity.

B. Retail food-handling establishments, other than those provided for in Subsection A above:

Number of Square feet on Single Premises	Fee
0 to 2,500	<u>\$50.00</u>
3,501 to 5,000	<u>\$75.00</u>
5,001 to 10,000	<u>\$150.00</u>
More than 10,000	<u>\$250.00</u>

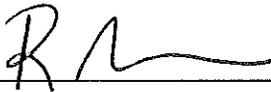
C. Temporary or itinerant retail food establishments: \$50.00

D. Non-profit, religious, or emergency services organizations that on occasion function as retail food establishments: \$25.00

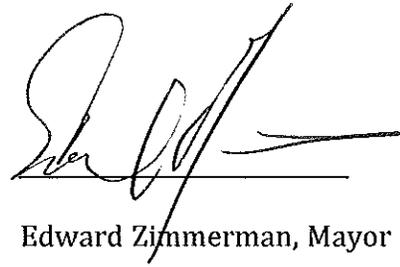
Section 3. Should any provision of this ordinance be determined invalid by a court or administrative tribunal of competent jurisdiction, such determination shall not affect the remaining provisions.

Section 4. This ordinance shall take effect immediately upon final passage and publication as required by law.

ATTEST:



Rebecca P. Newman
Acting Borough Clerk



Edward Zimmerman, Mayor

Introduced: September 20, 2010
Public Hearing Scheduled: October 4, 2010
Adopted: October 4, 2010

Explanation: This ordinance repeals in its entirety Chapter 133, titled “Peace and Good Order,” of the Code of the Borough of Rocky Hill. Chapter 133 was originally enacted in 1915 and, since that time, Title 2 C and Title 39 of the New Jersey Statutes Annotated have preempted most of the provisions. The remaining provisions are either outdated or no longer relevant.

Borough of Rocky Hill

Ordinance # 7, 2010

AN ORDINANCE REPEALING IN ITS ENTIRETY CHAPTER 133, TITLED “PEACE AND GOOD ORDER,” OF THE CODE OF THE BOROUGH OF ROCKY HILL. CHAPTER 133 WAS ORIGINALLY ENACTED IN 1915 AND, SINCE THAT TIME, TITLE 2 C AND TITLE 39 OF THE NEW JERSEY STATUTES ANNOTATED HAVE PREEMPTED MOST OF THE PROVISIONS. THE REMAINING PROVISIONS ARE EITHER OUTDATED OR NO LONGER RELEVANT.

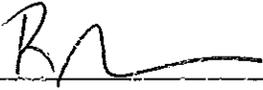
BE IT ORDAINED, by the Mayor and Council of the Borough of Rocky Hill, County of Somerset, State of New Jersey, that Chapter 133 of the Code of the Borough of Rocky Hill, titled “Peace and Good Order” is hereby repealed in its entirety.

Section 1. Chapter 133, titled “Peace and Good Order”, of the Code of the Borough of Rocky Hill is hereby repealed.

Section 2. Should any provision of this ordinance be determined invalid by a court or administrative tribunal of competent jurisdiction, such determination shall not affect the remaining provisions.

Section 3. This ordinance shall take effect immediately upon final passage and publication as required by law.

ATTEST:



Rebecca P. Newman
Acting Borough Clerk

BOROUGH OF ROCKY HILL



Edward Zimmerman, Mayor

Introduced: September 20, 2010
Public Hearing Scheduled: October 4, 2010
Adopted: October 4, 2010