

Approved 12/20/2010

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
December 6, 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.

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-absent, Ms. Linda Goldman-present, Ms. Julia Hasser-absent, Mr. Mark Pausch-present, Mr. Robert Steen-present

Also present: Borough Attorney Albert Cruz, Deputy Clerk Raymond Whitlock, Borough CFO Joseph P. Monzo.

MAYOR'S COMMENTS

Mayor Zimmerman commented that the tree lighting went well and it was a very nice community event.

Mayor Zimmerman informed the Council that this absence was Council Member Hasser's third Council meeting absence for personal medical reasons. Motion was made by Pausch to excuse Council Member Hasser's absences. Motion was seconded by Goldman. Motion carried on roll call vote- all ayes.

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

APPROVAL OF MINUTES

Regular Meeting Minutes –November 15, 2010

Motion was made by Goldman to approve the minutes as presented. Motion was seconded by Steen. Motion carried on roll call vote- all ayes.

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

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

Unfinished Business – Donnelly Grant Application
Unfinished Business – Pending ARC plans

PUBLIC COMMENT

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

Approved 12/20/2010

STATE POLICE REPORT

State police reports dated 11/4/2010 for the month of October and 12/2/2010 for the month of November as received from Lt. Grillon of the NJSP were summarized by Council Member Pausch (copy on file in the office of the Acting Borough Clerk)

ENGINEER'S REPORT

Engineers report dated December 6, 2010 for the month of December was distributed and summarized by Borough Engineer Tanner (copy on file in the office of the Acting Borough Clerk).

Van Horne Park- Engineer Tanner stated he spoke with Karen Zimmerman regarding the Van Horne Park maintenance agreement. Engineer Tanner informed the Council he would be meeting with her to discuss the burned out area of the park and the league admissions into the park.

Hickory Court/Washington Street Sidewalk Improvements- Engineer Tanner stated that the last two vouchers have been submitted to the state to obtain the final payment.

Mayor Zimmerman stated that a resident contacted him about a large pothole in front of 17 Montgomery Ave. Mayor Zimmerman requested Engineer Tanner contact the County so they can make the necessary repairs.

Water Tower Cell Antennas- Engineer Tanner updated the Council that two of the four cell companies, Sprint and Verizon, have been up on the water tank to inspect their antennas.

Playground Mulching- Engineer Tanner provided a memo outlining the costs associated with mulching the two Borough playgrounds. Engineer Tanner stated the cost of the materials would be \$11,000.00. Borough CFO Monzo certified that there was \$11,000.00 remaining in the playground budget. Motion was made by Steen to approve the playground mulching materials not to exceed \$11,000.00. Motion was seconded by Banks. Motion carried on roll call vote- all ayes.

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

**A change in agenda order was directed by Mayor Zimmerman*

Council President Goldman inquired as to when the last leaf pick up would be. Engineer Tanner suggested Monday December 13, 2010. Motion was made by Banks to set the final leaf pick up for Monday December 13, 2010. Motion was seconded by Steen. Motion carried on voice vote- all ayes.

Council President Goldman inquired about the snow-plowing contract for the upcoming snow season. CFO Monzo stated that the aggregate amount of the contract stayed well below the bid/quote threshold therefore if the Borough desired they were within their rights to continue to contract with Mastroianni. Engineer Tanner stated that Mastroianni has agreed to keep his rates the same. Motion was made by Goldman to extend the current contract for an additional year to Mastroianni Landscape. Motion was seconded by Banks. Motion carried on roll call vote- all ayes.

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

Council President Goldman asked Engineer Tanner about the status of the sealing of the Borough Well. Engineer Tanner stated he coordinating it with the County and it would be completed shortly.

Discussion of TWA Application for the Rocky Hill Estates –Borough Attorney Cruz summarized the letter/request from Hill Wallack LLP. Attorney Cruz stated they are looking for the Borough's consent to revise the TWA application to increase capacity from 225 gallons per day to 300 gallons per day. Attorney Cruz stated the NJDEP uses a capacity of 225 gallons per day for age-restricted dwellings and 300 gallons

Approved 12/20/2010

per day for non-age restricted dwellings. Attorney Cruz felt the Borough should determine whether or not they could accommodate this capacity increase. Engineer Tanner stated he would look into the capacity issue. Attorney Cruz mentioned the question of procedure. Attorney Cruz stated the Borough could wait until the planning board has acted upon a formal application before granting the increase in capacity. A discussion ensued and the Council agreed to table the discussion until Engineer Tanner could confirm if the request could be accommodated.

PUBLIC COMMENT

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

CHIEF FINANCIAL OFFICER'S REPORT

Resolution 2010-76- Resolution for the Transfer of Funds in the Current Fund

Mayor Zimmerman read the resolution in its entirety. Motion was made by Goldman to approve the resolution as presented. Motion was seconded by Pausch. Motion carried on roll call vote- all ayes.

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

Motion was made by Goldman to accept the CFO's report as presented. Motion seconded by Banks. Motion carried on roll call vote-all ayes.

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

APPROVAL OF VOUCHERS

Deputy Clerk Whitlock stated that Council Member Donahue paid Nelson Glass for the repair of the broken glass at the Borough Hall. Deputy Clerk Whitlock stated voucher #6261 payable to Nelson Glass would be voided and re-written to Council Member Donahue for the same amount of \$250.00. Deputy Clerk Whitlock stated he would be voiding voucher 6260 for \$70.00, as the Borough did not receive the tickets the payment was for. Motion was made by Goldman to approve the bill list as amended. Motion was seconded by Banks. Motion carried on roll call vote- all ayes.

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

**Regular agenda order was resumed*

SPECIAL BUSINESS

PUBLIC HEARING: Ordinance #9, 2010 – An Ordinance Amending Chapter 64, Unfit Buildings of the Code of the Borough of Rocky Hill. Mayor Zimmerman read the Ordinance by Title. Meeting was opened to the public.

OPEN PUBLIC COMMENT

Susan Bristol, 104 Washington Street- Ms. Bristol inquired as to who the public officer of the Borough would be. Council President Goldman responded that it would be the proper official in the area of expertise pertaining to each individual issue. Ms. Bristol stated she felt the Ordinance was inadequate and should reference the Historic Ordinance. Ms. Bristol stated that residents should be forced to survey and document their dwellings before they are demolished. Mayor Zimmerman responded that this Ordinance is strictly to protect the public from any dangerous safety or public health hazard. Ms. Bristol restated her concern. Mayor Zimmerman and members of Council felt that developing a mechanism to document the historic dwellings was a good suggestion however, did not pertain to this Ordinance.

Approved 12/20/2010

Tom Bremner, 17 Crescent- Mr. Bremner referenced the Borough's Development Regulation Ordinance and asked if the Borough would determine if it was economically reasonable to rehab the structures that were in disrepair. Council President Goldman responded that this Ordinance would give the Borough the ability to be pro active on a situation that could potentially be dangerous to the public. Council President Goldman also stated any action that would be taken would be listed on the agenda and be acted upon in a public session.

Meeting was closed to the public.

Motion was made by Goldman to approve the Ordinance. Motion was seconded by Pausch. Motion carried on roll call vote- all ayes.

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

PUBLIC HEARING: Ordinance #10, 2010- An Ordinance Repealing in its Entirety Chapter 29, Titled Police Departments and amending Chapter 24 Titled Officers and Employees of the Code of the Borough of Rocky Hill.

OPEN PUBLIC COMMENT

Tom Bremner, 17 Crescent- Mr. Bremner inquired about the wording of constables being able to enforce "all" ordinances. Mayor Zimmerman responded that the wording was accurate, as the constables would have the authority to enforce all ordinances if need be.

Meeting was closed to the public.

Motion was made by Pausch to approve the Ordinance as presented. Motion was seconded by Goldman. Motion carried on roll call vote- all ayes.

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

PUBLIC HEARING: Ordinance #11, 2010 – An Ordinance Repealing in its Entirety Chapter 74 Entitled Circuses and Carnivals of the Code of the Borough of Rocky Hill.

OPEN PUBLIC COMMENT

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

Council Member Steen commented that he thought there were things in the existing Ordinance that should be kept and stated he was willing to do some research and draft a new Ordinance for a possible introduction at a later date.

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

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

PUBLIC HEARING: Ordinance #12, 2010 –An Ordinance Repealing in its Entirety Chapter 50 Entitled Alarms of the Code of The Borough of Rocky Hill.

OPEN PUBLIC COMMENT

Approved 12/20/2010

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

Motion was made by Pausch to approve the Ordinance as presented. Motion was seconded by Goldman. Motion carried on roll call vote- all ayes.

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

Attorney Cruz thanked Council President Goldman for her efforts throughout the year regarding the Ordinances. Members of Council concurred.

UNFINISHED BUSINESS

Resolution 2010-77 Salary Resolution- Motion was made by Goldman to approve the resolution as presented. Motion was seconded by Banks. Motion carried on roll call vote- all ayes.

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

Update on Rocky Hill Rescue Squad Issues- Mayor Zimmerman informed the Council that he received a letter explaining the on-going changes the Rescue Squad is working on. Mayor Zimmerman stated that all of the outstanding bills have been brought current. Mayor Zimmerman stated that they have made some staffing changes and he has been very pleased with his communications with the new treasurer. Mayor Zimmerman stated that they have new members and that the squad seems to making most of their calls. Mayor Zimmerman also stated he would keep the remaining \$20,000.00 in the current budget encumbered. Mayor Zimmerman stated that in the future he is considering asking the rescue squad to voucher out their expenses like the fire department does instead of handing over a lump sum of funds.

Donnelly Energy Audit Grant – Mayor Zimmerman stated the Borough has received an application package and a proposal to make energy upgrades to the Borough buildings. Mayor Zimmerman stated at this point an approval to apply for the grants is required before the close of the year. Motion was made by Steen to grant permission for the Borough to make an application to receive grant funding for energy upgrades to the Borough buildings. Motion was seconded by Pausch. Motion carried on roll call vote- all ayes.

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

*Arc Plans-*Council Member Banks presented the Council with site plans for a proposed parking area for the Arc. Attorney Cruz explained to the Council that the Arc wishes to utilize a portion of the Borough's property for additional parking for their facility. Attorney Cruz stated that there would be an extensive landscaping barrier. Attorney Cruz suggested the Borough consider entering into a long-term lease with the Arc for a nominal fee for the use of the space. Attorney Cruz stated that Council Member Banks worked closely with the Arc to compile the plan that was proposed. Attorney Cruz stated the Borough would need to grant permission to the Arc to appear in front of the Planning Board with this plan, as the Borough is the property owner. Motion was made by Banks to give authorization to Attorney Cruz to prepare a resolution authorizing the Mayor and Clerk to sign a consent form giving the Arc permission to appear in front of the Planning Board. Motion was seconded by Goldman. Motion carried on a voice vote- all ayes.

NEW BUSINESS

Approval of Renewal Application- 2011 Towing Operators Licenses – Acting Clerk Newman stated that she is in receipt of the applications, fees, insurance certificates and approval from the South Bound Brook Police Department.

Approved 12/20/2010

Motion was made by Pausch to approve the renewal applications for Dependable Motors, Stewart's Towing and Somerset Hills Towing. Motion was seconded by Goldman. Motion carried on roll call vote- all ayes.

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

Discussion of 2011 Meeting Date Schedule- Acting Clerk Newman presented the Council with proposed meeting dates for 2011. Motion was made by Pausch to approve the dates. Motion was seconded by Goldman. Motion carried on voice vote- all ayes.

Discussion of Storage Shed for OEM- Mayor Zimmerman stated the Borough had wanted to purchase road-closed signs and traffic cones/barrels, however had nowhere to store the items. Mayor Zimmerman stated the Borough would like to purchase a shed for the storage of OEM equipment. Motion was made by Banks to allow the purchase of a shed not to exceed \$2,000.00 for storage of OEM equipment. Motion was seconded by Pausch. Motion carried on roll call vote- all ayes.

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

Proposed Borough Hall Hours Adjustment - Mayor Zimmerman stated that Tax Collector Donna Griffiths would like to change her hours to Thursday from 2:30- 4:30 PM. Mayor Zimmerman stated he supported the idea, as it has been a goal to open the municipal building more than one day a week. Mayor Zimmerman explained that Acting Clerk Newman possesses a Tax Collectors certification so she will be able to help people that may come in on a Wednesday with Tax issues, and Donna being the former Borough Clerk would be able to help people with general clerk questions on Thursday. However, Mayor Zimmerman pointed out that the communication works tremendously currently, as everyone is in at the same time. Council Member Steen was concerned that working residents may not be able to come to the Borough Hall before 4:30 PM. Acting Clerk Newman stated that employees are always reachable via email. Mayor Zimmerman stated that the Borough Employees often stay much later than required to complete their work. Members of Council agreed to try the new schedule out on a trial basis for 90 days, effective January 1, 2011.

Approval of Application to the Rocky Hill Hook and Ladder Company-Motion was made by Goldman to approve the application for membership of Christopher J. Santangelo to the Rocky Hill Hook and Ladder Company. Motion was seconded by Banks. Motion carried on voice vote- all ayes.

COMMUNICATIONS

Attorney Cruz stated he had been in receipt of extension requests regarding the School Board Litigation, which he has granted. Attorney Cruz stated he has received communication stating the Deputy Attorney General has requested a settlement conference, which Montgomery was agreeable to.

Mayor Zimmerman stated he is on the Montgomery Township School Board Agenda on Tuesday December 14, 2010 to present the proposed legislation for representation and equalization of tax levy.

FINAL PUBLIC COMMENT

The floor was opened to the public.

Susan Bristol- 104 Washington Street-Ms. Bristol inquired about the purchase of the crosswalk signs that were not installed this year. Mayor Zimmerman stated the Borough does not have the ability to install the signs; the County installs them. Mayor Zimmerman also stated the signs the Borough has previously purchased in the past were not purchased this year, as the Borough explored other avenues that are thought to be more effective.

The floor was closed to the public.

Approved 12/20/2010

ADJORNMENT

Motion was made by Goldman with a second by Steen to adjourn the meeting at 9:16 PM. All voted in favor of adjournment.

Respectfully Submitted:

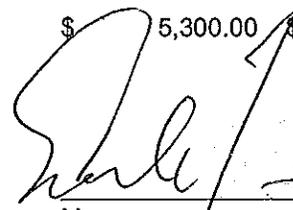
Rebecca P. Newman
Acting Borough Clerk

**RESOLUTION FOR THE TRANSFER OF FUNDS IN THE CURRENT
FUND IN THE
Borough OF Rocky Hill FOR THE BUDGET YEAR 2010
2010-76**

BE IT RESOLVED on this 6th day of December, 2010 by the Borough Council for the Borough of Rocky Hill, County of Somerset, that from the surplus balance in the 2010 budget appropriations transfers be made as follows:

CURRENT FUND: Inside the CAP to Inside the CAP
Operating Expenses and Salaries & Wages

<u>Title</u>	<u>Transfer From</u>	<u>Transfer To</u>
Buildings and Grounds	5,300.00	
Insurance Liability		4,500.00
Telephone		300.00
Garbage and Trash		500.00
TOTAL	\$ 5,300.00	\$ 5,300.00



Mayor
Edward Zimmerman

Date:



Acting Borough Clerk
Rebecca P. Newman

Bill List 12.6.2010

List of Bills - (0110101001) CASH
Current Fund

Check#	Vendor	Description	Payment	Check Total
6254	29 - BOLLINGER INC	PO 3010 2nd inst policy #S3201269	4,488.00	4,488.00
6255	60 - COURIER NEWS	PO 3002 ord 9,10,11,12 notice plan bd res	115.72	115.72
6256	71 - DIFRANCESCO BATEMAN PC	PO 2994 legal fees october 2010	1,830.00	1,830.00
6257	354 - IKON Office Solutions Inc	PO 3005 copy mach rental nov 2010	8.15	8.15
6258	149 - MASTROIANNI LANDSCAPING INC	PO 2964 2010 leaf pu contract	6,237.00	6,237.00
6259	163 - MONTGOMERY TOWNSHIP	PO 3006 van horne park maint jan 1 to sept	4,453.06	4,453.06
6260	173 - N-J League of Municipalities	PO 2973 League Luncheon-Mayer and Clerk	70.00	70.00
6261	464 - NELSON-CLASS GO.	PO 2999 window repair in ladies bathroom	250.00	250.00
6262	324 - PEAR TREE CREATIONS	PO 3008 2 wreaths for boro hall	34.00	34.00
6263	204 - PITNEY BOWES	PO 3000 postage mach rental nov 2010	29.00	29.00
6264	210 - PSE&G	PO 3020 stret lights to 12-01-2010	800.73	800.73
6265	319 - RARITAN VALLEY DISPOSAL INC	PO 2998 fall clean exp	2,300.00	2,300.00
6266	457 - REBECCA NEWMAN	PO 3001 newspaper cost	13.26	13.26
6267	457 - REBECCA NEWMAN	PO 3003 nj league conv exp	29.95	29.95
6268	440 - SCARINCI HOLLENBECK	PO 2864 additional school bd work	178.00	178.00
6269	247 - SOMERSET COUNTY TREASURER	PO 3004 health dept fee nov 2010	927.58	927.58
6270	251 - SOUTH BOUND BROOK BOROUGH	PO 3022 oct court split	405.49	
		PO 2679 Resolution 2010-35 2010 Contract ma	3,733.71	4,139.20
6271	253 - SPRINT COMMUNICATIONS	PO 3009 mayor;s & clerk's blackberry	177.59	177.59
6272	421 - T. Fiotakas	PO 3021 to correct paymnet error 2009 contr	38.84	38.84
6273	412 - VALERIE J. KIMSON ESQ.	PO 2995 legal fees plan bd october 2010	42.00	42.00
6274	289 - VERIZON	PO 2996 borough phone	190.07	190.07
6275	289 - VERIZON	PO 2997 emergency services phone	54.37	54.37
TOTAL				26,406.52

Total to be paid from Fund 01 Current Fund

26,406.52

26,406.52

List of Bills - (0810101001) CASH
UTILITY OPERATING

Check#	Vendor	Description	Payment	Check Total
5925	415 - AQUA PRO TECH LABS	PO 3015 water tests 10-5-2010	118.00	118.00
5926	380 - HANS OLSEN	PO 3019 water dept maint	115.00	115.00
5927	465 - JEFCO EQUIPMENT	PO 3016 mark out flags & mark out paint	99.95	99.95
5928	450 - ONE CALL CONCEPTS INC	PO 3012 oct 2010 one calls	4.28	4.28
5929	204 - PITNEY BOWES	PO 3014 postage exp	24.21	24.21
5930	311 - TIM LESKO	PO 3017 water dept maint	123.05	123.05
5931	286 - VAN CLEEF ENGINEERING	PO 3013 sewer system gen work	604.00	604.00
5932	289 - VERIZON	PO 3011 water dept phone	27.00	27.00
TOTAL				1,115.49

Total to be paid from Fund 08 UTILITY OPERATING

1,115.49

1,115.49

Trus Fund

6277 Val Kimson

3023

Bank America work

\$ 54.00

Explanation: This Ordinance amends Chapter 64, Unfit Buildings, of the Code of the Borough of Rocky Hill by updating the Chapter to reflect Legislative changes made in the authorizing State statute, N.J.S.A. 40:48-2.3 et seq.

Borough of Rocky Hill

Ordinance #9, 2010

AN ORDINANCE AMENDING CHAPTER 64, UNFIT BUILDINGS, OF THE CODE OF THE BOROUGH OF ROCKY HILL BY UPDATING THE CHAPTER TO REFLECT LEGISLATIVE CHANGES MADE IN THE AUTHORIZING STATE STATUTE, N.J.S.A. 40:48-2.3 ET SEQ.

BE IT ORDAINED, by the Mayor and Council of the Borough of Rocky Hill, County of Somerset, State of New Jersey, that Chapter 64 of the Code of the Borough of Rocky Hill, entitled “Unfit Buildings” is hereby amended as follows:

Section 1. Chapter 64, Unfit Buildings, is being amended to reflect Legislative changes made to the underlying State statutory authority found at N.J.S.A. 40:48-2.3 et seq.

Section 2. Amend Chapter 64, Unfit Buildings, to read as follows:¹

Chapter 64:

BUILDINGS, UNFIT

§ 64-1. Designated Public Officer.

The Health Officer of the Borough of Rocky Hill ~~be and he~~ is hereby designated as the primary Public Officer to exercise the powers prescribed by this Chapter and by N.J.S.A. 40:48-2.3 et seq., and ~~he~~ the Health Officer shall serve in such capacity without any additional salary compensation. Pursuant to N.J.S.A. 40:48-2.4(b), if required, the Mayor, with the advice and consent of the Borough Council, may by resolution designate an additional Public

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.

Officer or Public Officers through appointment or contractual services agreement to exercise the powers prescribed by this chapter.

§ 64-1.1 Terms Defined.

As used in this chapter, the following terms shall have the meanings indicated pursuant to N.J.S.A. 40:48-2.4:

GOVERNING BODY shall mean the Council of the Borough of Rocky Hill in the County of Somerset.

PUBLIC OFFICER shall mean the officer, officers, board or body who is or are authorized by Chapter 64 of the Code of the Borough of Rocky Hill adopted to exercise the powers prescribed by N.J.S.A. 40:48-2.3 *et seq.* Notwithstanding any other provision of law to the contrary, nothing shall prevent the Borough from designating more than one Public Officer for different purposes as provided by law.

PUBLIC AUTHORITY shall mean any housing authority or any officer who is in charge of any department or branch of the government of the municipality, county or State relating to health, fire, building regulations, or to other activities concerning buildings in the municipality.

OWNER shall mean the holder or holders of the title in fee simple.

PARTIES IN INTEREST shall mean all individuals, associations and corporations who have interests of record in a building and any who are in actual possession thereof.

BUILDING shall mean any building, or structure, or part thereof, whether used for human habitation or otherwise, and includes any outhouses, and appurtenances belonging thereto or usually enjoyed therewith.

§ 64-2. Conditions rendering buildings unfit for human habitation, occupancy, use; repairing, demolition.

- A. For the purpose of this Chapter 64 of the Code of the Borough of Rocky Hill, pursuant to N.J.S.A. 40:48-2.6, the Health Public Officer may determine that a dwelling building is unfit for human habitation or occupancy or use if ~~he~~ the Public Officer finds that conditions exist in such dwelling building which are dangerous or injurious to the health or safety of the occupants of such dwelling building, the occupants of neighboring dwellings-buildings or other residents of the Borough of Rocky Hill. Such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair,

structural defects; or uncleanliness; or failure to comply with the requirements of the building code (N.J.S.A. 52:27D-119 *et seq*) or the certificate of occupancy.

- B. Pursuant to N.J.S.A. 40:48-2.3a, any building or buildings, or parts thereof, which have been damaged to such an extent that nothing remains but the walls, or parts of the walls and other supports, shall, regardless of the safety and sturdiness of those remaining walls or parts thereof, be deemed inimical to the welfare of the residents of the Borough, and the Borough may exercise its police powers to repair, demolish, or cause the repairing or demolishing of the building or buildings, or parts thereof, pursuant to N.J.S.A. 40:48-2.3 *et seq.* and the procedures set forth therein.

§ 64-3. Adoption of standards by reference.

Pursuant to the provisions of Chapter 21, P.L. 1946 (N.J.S.A. 40:49-5.1) N.J.S.A. 2A:42-74 *et seq.*, the New Jersey State Housing Code as approved adopted by the Department of Community Affairs and promulgated at N.J.A.C. 5:28-1 *et seq.* Departments of Health and Conservation and Economic Development and filed in the Secretary of State's office is hereby accepted, adopted and established as a standard to be used as a guide in determining the fitness of a building for human habitation or occupancy or use. A copy of the New Jersey State Housing Code is annexed to this chapter, and three copies of the same have been placed on file in the office of the Borough Clerk and are is available to all persons desiring to use and examine the same.

§ 64-4. Service of complaint and notice of hearing.

Whenever a petition is filed with the Health Public Officer by a public authority as defined in §64-1.1, or by at least five (5) residents of the municipality Borough of Rocky Hill charging that any dwelling building is unfit for human habitation as herein defined, or occupancy or use, as defined in §64-3, or whenever it appears to the Health Public Officer (on his own motion) that any dwelling building is unfit for human habitation, as herein defined, or occupancy or use, he the Public Officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling building a complaint stating the charges in that respect and containing a notice that a hearing will be held before the Health Public Officer (or his designated agent or the Borough Council) at a place therein fixed not less than 10 seven (7) days nor more than thirty (30) days after the serving of said complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaints; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Health Public Officer (or designated agent or the Borough Council).

§ 64-5. Service of order.

A. If, after such notice and hearing, the ~~Health~~ Public Officer determines that the dwelling building under consideration is unfit for human habitation, as herein defined, or occupancy or use, ~~he~~ the Public Officer shall state in writing his any findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof and parties in interest an order requiring:

A(1). The repair, alteration or improvement of the ~~said~~ building to be made by the owner, within a reasonable time, which time shall be set forth in the order or at the option of the owner to vacate or to have said building vacated and closed within the time set forth in the order; and

B(2). If the building is in such a condition as to make it dangerous to the health and safety of persons on or near the premises and the owner fails to repair, alter or improve the said building within the time specified in the order, that the owner remove or demolish the said building within a reasonable time as specified in the said order of removal.

CB. That, if the owner fails to comply with an order to repair, alter or improve or, at the option of the owner, to vacate and close the building, the ~~Health~~ Public Officer may cause such building to be repaired, altered or improved, or to be vacated and closed; that the ~~Health~~ Public Officer may cause to be posted on the main entrance of any building so closed, a placard with the following words: "This building is unfit for human habitation or occupancy or use; the use or occupation of this building is prohibited and unlawful."

DC. That, if the owner fails to comply with an order to remove or demolish the building, the ~~Health~~ Public Officer may cause such building to be removed or demolished or may contract for the removal or demolition thereof after advertisement for and receipt of bids therefor.

ED. That the amount of:

(1) The cost of the filing of legal papers, expert witnesses' fees, search fees and advertising charges, incurred in the course of any proceeding taken under this Chapter determined in favor of the ~~municipality~~ Borough of Rocky Hill; and

(2) Such cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition, if any, or the amount of the balance thereof remaining after deduction of the sum, if any, realized from the sale of materials derived from such building or from any contract for removal or demolition thereof, shall be a municipal lien against the real property upon which such cost was incurred.

If the building is removed or demolished by the ~~Health~~ Public Officer, the Public Officer ~~he~~ shall sell the materials of such building. There shall be credited against the cost of the removal or demolition thereof, including the clearance and, if necessary, leveling of the site, the proceeds of any sale of

such materials or any sum derived from any contract for the removal or demolition of the building. If there are no such credits or if the sum total of such costs exceeds the total of such credits, a detailed statement of the aforesaid costs and the amount so due shall be filed with the ~~Municipal Borough Tax Assessor-Collector~~ or other custodian of the records of tax liens and a copy thereof shall be forthwith forwarded to the owner by registered mail. If the total of the credits exceed such costs, the balance remaining shall be deposited in the Superior Court by the ~~Health Public Officer~~, shall be secured in such manner as may be directed by such court and shall be disbursed according to the order or judgment of the court to the persons found to be entitled thereto by final order or judgment of such court. Any owner or party in interest may, within ~~60~~ thirty (30) days from the date of the filing of the lien certificate, proceed in a summary manner in the Superior Court to contest the reasonableness of the amount or the accuracy of the costs set forth in the municipal lien certificate.

- E. If an actual and immediate danger to life is posed by the threatened collapse of any fire damaged or other structurally unsafe building, the Public Officer may, after taking such measures as may be necessary to make such building temporarily safe, seek a judgment in summary proceedings for the demolition thereof.
- F. provided, however, that Nothing in this section 65-5F shall be construed to impair or limit in any way the power of the ~~municipality~~ Borough to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise, nor is anything in this Chapter 64 intended to limit the authority of the enforcing agency or construction official under the "State Uniform Construction Code Act." N.J.S.A. 52:27D-119 et seq. or any rules or regulations adopted thereunder.

§ 64-6. Manner of service of complaints and orders.

Complaints or orders issued by the ~~Health Public Officer~~ pursuant to this Chapter shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by said ~~Health Public Officer~~ in the exercise of reasonable diligence, and the said ~~Health Public Officer~~ shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) successive weeks in a newspaper printed and published in the Borough of Rocky Hill, or in the absence of such newspaper, in a newspaper printed and published in Somerset County and circulating in the Borough. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order, and a copy of such complaint or order shall be duly recorded or lodged for record with the county recording officer of ~~the Somerset County, in which the dwelling is located.~~

§64-6.1. Remedies

Any person aggrieved by an order issued by a Public Officer under Chapter 64 may, within thirty (30) days after the posting and service of such order, bring an action for injunctive relief to restrain the Public Officer from carrying out the provisions of the order and for any other

appropriate relief. The court may proceed in the action in a summary manner or otherwise. The remedy herein provided shall be exclusive, and no person affected by an order of the Public Officer shall be entitled to recover any damages for action taken pursuant thereto, or because of noncompliance by any person with any order of the Public Officer.

§ 64-7. Powers of ~~Health~~ Public Officer.

The ~~Health~~ Public Officer is hereby authorized and empowered to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this Chapter 64, including the following powers ~~in addition to others herein granted:~~

- A. To investigate the dwelling building conditions in the Borough of Rocky Hill in order to determine which dwellings buildings therein are unfit for human habitation, or occupancy, or use;
- B. To administer oaths, affirmations, examine witnesses and receive evidence;
- C. To enter upon premises for the purpose of making examination, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
- D. To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of ~~this~~ Chapter 64; and
- E. To delegate any of his functions and powers under this Chapter to such officers and agents as he may designate.
- F. Pursuant to N.J.S.A. 40:48-2.5a, any building or buildings, or parts thereof, which have come into a state of disrepair through neglect, lack of maintenance or use, fire, accident or other calamities, or through any other act rendering the building or buildings, or parts thereof, in a state of disrepair, to the extent that the building is unfit for human habitation or occupancy or use, shall be deemed inimical to the welfare of the residents of the Borough of Rocky Hill, and a Public Officer appointed pursuant to Chapter 64 and the provisions of N.J.S.A. 40:48-2.3 et seq. may exercise his powers to repair, demolish, or cause the repairing or demolition of the building or buildings, or parts thereof.

Any action taken using municipal funds shall be taken only after advertisement for, and receipt of, bids therefore, pursuant to the provisions of the "Local Public Contracts Law," N.J.S.A. 40A:11-1 et seq., unless the action is necessary to prevent imminent danger to life, limb or property.

§64-7.1. Administration of Ordinance.

Pursuant to N.J.S.A. 40:48-2.10, the Borough Council of Rocky Hill shall prepare an estimate of the annual expenses or costs to provide the equipment, personnel and supplies necessary for periodic examinations and investigations of the buildings in the Borough for the purpose of determining the fitness of such buildings for human habitation or occupancy or use, and

for the enforcement and administration of its ordinances adopted under N.J.S.A. 40:48-2.3 et seq.; and the Borough of Rocky Hill is authorized to make such appropriations from its revenues as it may deem necessary for this purpose and may accept and apply grants or donations to assist it in carrying out the provisions of Chapter 64.

§64-7.2. Designation of "Emergency Demolition Fund;" acceptance of funds therefor.

- A. Notwithstanding any law to the contrary, the Public Officer, to finance the costs of accomplishing the purpose of this Chapter, shall have the power to accept gifts or grants from private or public agencies, or to accept donations
- B. All funds received pursuant to subsection a. of this section shall be placed in a separate municipal fund designated as the "Emergency Demolition Fund" to be used solely for demolition related activities.

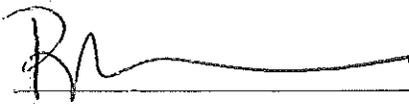
§ 64-8. Construal of provisions.

Nothing in this Chapter 64 shall be construed to abrogate or impair the power of the Borough or any officer or department to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this Chapter 64 shall be in addition and supplemental to the powers conferred upon the Borough by any other law or ordinance.

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: November 15, 2010
Public Hearing Scheduled: December 6, 2010
Adopted: December 6, 2010

Explanation: This ordinance repeals in its entirety Chapter 29, titled "Police Department" and amends Chapter 24, title "Officers and Employees" of the Code of the Borough of Rocky Hill. Chapter 29 was enacted in 1915 and since that time, the Borough has disbanded the Borough Police Department and employs Constables, not Marshals, to enforce ordinances. Chapter 24, Article II, titled "Constables" requires amendment to specify a reporting relationship and to correct a misstatement in a 2008 Chapter amendment.

Borough of Rocky Hill

Ordinance #10, 2010

AN ORDINANCE REPEALING IN ITS ENTIRETY CHAPTER 29, TITLED "POLICE DEPARTMENT" AND AMENDING CHAPTER 24, TITLE "OFFICERS AND EMPLOYEES" OF THE CODE OF THE BOROUGH OF ROCKY HILL. CHAPTER 29 WAS ENACTED IN 1915 AND SINCE THAT TIME, THE BOROUGH HAS DISBANDED THE BOROUGH POLICE DEPARTMENT AND EMPLOYS CONSTABLES, NOT MARSHALS, TO ENFORCE ORDINANCES. CHAPTER 24, ARTICLE II, TITLED "CONSTABLES" REQUIRES AMENDMENT TO SPECIFY A REPORTING RELATIONSHIP AND TO CORRECT A MISSTATEMENT IN A 2008 CHAPTER AMENDMENT .

BE IT ORDAINED, by the Mayor and Council of the Borough of Rocky Hill, County of Somerset, State of New Jersey, that Chapter 29 of the Code of the Borough of Rocky Hill, titled "Police Department" is hereby repealed in its entirety and that Chapter 24, Article II, titled "Constables" be amended as follows:

Section 1. Chapter 29, titled "Police Department," of the Code of the Borough of Rocky Hill is hereby repealed.

Section 2. Chapter 24, Article II, titled "Constables," is hereby amended by correcting section §24-3, titled "Duties," to read as follows:

§24-3. Duties

Such Constables shall perform such duties as may be provided or required by the ordinances of the Council of the Borough of Rocky Hill.

Section 3. Chapter 24, Article II, titled "Constables," is hereby amended by adding a

new section §24-3.1, titled "Organization," to read as follows:

§24-3.1 Organization

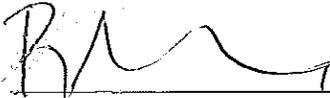
The Chair of the Public Safety Committee of the Borough Council shall assign such Constables their respective duties and require performance of all such duties, which include ensuring that all ordinances of the Borough of Rocky Hill are properly enforced. In the absence of the Chair of the Public Safety Committee, the Mayor or Acting Mayor may serve as the appropriate assigning authority.

Section 4. 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.

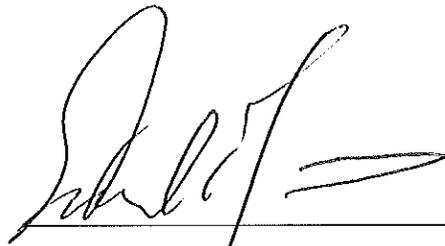
Section 5. This ordinance shall take effect immediately upon final passage and publication as required by law.

ATTEST:

BOROUGH OF ROCKY HILL



Rebecca P. Newman
Acting Borough Clerk



Edward Zimmerman, Mayor

Introduced: November 15, 2010
Public Hearing Scheduled: December 6, 2010
Adopted: December 6, 2010

Explanation: This ordinance repeals in its entirety Chapter 74, entitled "Circuses and Carnivals," of the Code of the Borough of Rocky Hill. Chapter 74 was enacted in 1915 when traveling shows and exhibitions were commonplace and required regulation. Since that time, not only have such activities become rare, but also the Borough of Rocky Hill has enacted other ordinances regulating the use of its open space or parkland. Accordingly, the Mayor and Borough Council have determined that Chapter 74 should be repealed.

Borough of Rocky Hill

Ordinance #11, 2010

AN ORDINANCE REPEALING IN ITS ENTIRETY CHAPTER 74, ENTITLED "CIRCUSES AND CARNIVALS," OF THE CODE OF THE BOROUGH OF ROCKY HILL. CHAPTER 74 WAS ENACTED IN 1915 WHEN TRAVELING SHOWS AND EXHIBITIONS WERE COMMONPLACE AND REQUIRED REGULATION. SINCE THAT TIME, NOT ONLY HAVE SUCH ACTIVITIES BECOME RARE, BUT ALSO THE BOROUGH OF ROCKY HILL HAS ENACTED OTHER ORDINANCES REGULATING THE USE OF ITS OPEN SPACE OR PARKLAND. ACCORDINGLY, THE MAYOR AND BOROUGH COUNCIL HAVE DETERMINED THAT CHAPTER 74 SHOULD BE REPEALED.

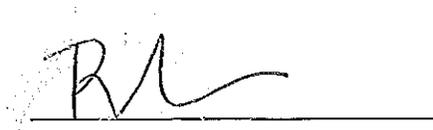
BE IT ORDAINED, by the Mayor and Council of the Borough of Rocky Hill, County of Somerset, State of New Jersey, that Chapter 74 of the Code of the Borough of Rocky Hill, entitled "Circuses and Carnivals," is hereby repealed in its entirety.

Section 1. Chapter 74, entitled "Circuses and Carnivals," 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.

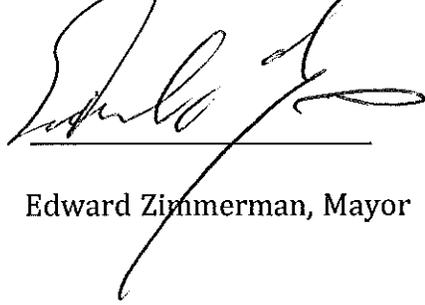
Section 3. This ordinance shall take effect immediately upon final passage and publication as required by law.

ATTEST:

A handwritten signature in black ink, appearing to be 'RN', written over a horizontal line.

Rebecca P. Newman
Acting Borough Clerk

BOROUGH OF ROCKY HILL

A handwritten signature in black ink, appearing to be 'Edward Zimmerman', written over a horizontal line.

Edward Zimmerman, Mayor

Introduced: November 15, 2010
Public Hearing Scheduled: December 6, 2010
Adopted: December 6, 2010

Explanation: This ordinance repeals in its entirety Chapter 50, entitled "Alarms," of the Code of the Borough of Rocky Hill. The Mayor and Council of the Borough of Rocky Hill have determined that the regulation of alarm systems within the Borough of Rocky Hill is not needed.

Borough of Rocky Hill

Ordinance #12, 2010

AN ORDINANCE REPEALING IN ITS ENTIRETY CHAPTER 50, ENTITLED "ALARMS," OF THE CODE OF THE BOROUGH OF ROCKY HILL. THE MAYOR AND COUNCIL OF THE BOROUGH OF ROCKY HILL HAVE DETERMINED THAT THE REGULATION OF ALARM SYSTEMS WITHIN THE BOROUGH OF ROCKY HILL IS NOT NEEDED.

BE IT ORDAINED, by the Mayor and Council of the Borough of Rocky Hill, County of Somerset, State of New Jersey, that Chapter 50 of the Code of the Borough of Rocky Hill, entitled "Alarms," is hereby repealed in its entirety.

Section 1. Chapter 50, entitled "Alarms," 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: November 15, 2010
Public Hearing Scheduled: December 6, 2010
Adopted: December 6, 2010

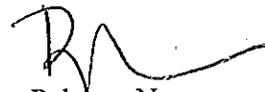
**BOROUGH OF ROCKY HILL
YEAR 2010 SALARY RESOLUTION
2010-77**

BE IT RESOLVED; BY THE Mayor and Borough Council of the Borough of Rocky Hill, Somerset County NJ that the following wages, salaries or compensation shall be paid to the following Officers and employees of the Borough effective December 1, 2010.

BOROUGH ASSESSOR	6,930.96
BOROUGH CLERK	17,725.09
DEPUTY BORO CLERK	7,090.04
CHIEF FINANCIAL OFFICER BORO TREASURER	14,180.07
BOROUGH TAX COLLECTOR, SEARCH OFFICER	8,862.55
BOROUGH CONSTABLE (each)	4,608.52
REGISTRAR VITAL STATISTICS	454.49
COURT ADMINISTRATOR	14,180.07
DEPUTY COURT ADM.	1,181.67
COURT MAGISTRATE	6,618.78
WATER SEWER FEE COLLECTOR	2,954.19
WATER SEWER TREASURER	1,420.28
SEWER SUPERINTENDENT	3,613.20
WATER SUPERINTENDENT	5,317.53
ZONING OFFICER	7,090.04
MUNICIPAL HOUSING LIAISON/ADMINISTRATIVE AGENT	1,020.00
PLANNING BOARD SECRETARY/ADMINISTRATIVE ASST.	3,060.00

BE IT RESOLVED that the salaries set forth effective December 1, 2010 shall be prorated for any employee not employed for the entire year to reflect the time actually spent employed by the Borough.

I certify this RESOLUTION was adopted by ROCKY HILL BOROUGH COUNCIL on December 6, 2010.


Rebecca Newman
Borough Clerk