

**Borough of Rocky Hill**  
**Borough Council**  
**Minutes of the Regular Meeting**  
May 7, 2012

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**

Mayor Zimmerman read the following statement into the record: 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 11, 2012. 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. Tom Bremner-present, Mr. Jeff Donahue-present, Ms. Julia Hasser-present, Mr. Mark Pausch-present, Mr. Josh Hochberg-present, Mr. Robert Steen-present.

Also present: Mayor Ed Zimmerman, Borough Clerk Rebecca Newman, CFO Joe Monzo, Borough Engineer Bill Tanner, and Attorney James Harding.

**MAYOR'S COMMENTS**

Mayor Zimmerman warned that it is Senior Assassin week at Montgomery High School and to be on the look out for students participating. The Somerset County Governing Officials meeting this week will focus on the Open Public Records Act. The town-wide yard sale is on Saturday, and the pancake breakfast in on Sunday at the Firehouse. The town-wide clean-up is Tuesday, May 15<sup>th</sup>. The Rocky Hill Cooperative Nursery School (RHCNS) requested permission to use the front lawn of Borough Hall for graduation on May 24<sup>th</sup>.

Steen moved to approve the use of the front lawn of Borough Hall for the RHCNS graduation on May 24<sup>th</sup>, Bremner seconded the motion, and the motion passed on voice vote—all in favor.

New Jersey Legislature District 16 will be meeting in Rocky Hill on May 29<sup>th</sup>. On Thursday, May 10 the Governor will hold a town hall meeting in Franklin. The Mayor attended the New Jersey Conference of Mayors in Atlantic City. At the conference, the Mayor attended a panel discussion on the Open Public Meetings Act—a rule against discussing matters not on the agenda is under consideration. The Mayor stated that only emergency issues that cannot wait until the next meeting can be added to the agenda the night of the meeting. All items for the agenda must be to the Clerk by the Friday before the meeting. The Mayor discussed the LUARCC bill that will mandate shared services between towns but will contain a provision to protect small towns that already have shared services. The Mayor also announced the possibility of a rubber duck race on the Millstone River between Rocky Hill, Millstone, and Franklin.

**APPROVAL OF MINUTES**

**Regular Meeting Minutes – April 16, 2012**

Hochberg moved to approve the minutes as presented. Bremner seconded the motion. Motion carried on roll call vote- all ayes.

For: Bremner, Donahue, Hasser, Hochberg, Pausch, Steen

Against: None

Abstain: None

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Executive Session Minutes – April 16, 2012

Hochberg moved to approve the minutes as presented. Bremner seconded the motion. Motion carried on roll call vote- all ayes.

For: Bremner, Donahue, Hasser, Hochberg, Pausch, Steen

Against: None

Abstain: None

**REQUEST OF COUNCIL FOR NEW OR UNFINISHED BUSINESS**

None

**PUBLIC COMMENT**

None

**STATE POLICE REPORT**

Council Member Pausch summarized the state police report for the month of April 2012, as received from Lt. Steve Grillon of the NJSP (copy on file in the office of the Borough Clerk).

Council Member Pausch also summarized the report of the Fire Prevention Bureau.

**ENGINEER'S REPORT**

Engineer Bill Tanner presented the report dated May 7, 2012.

Crosswalk signs are on hold because of the new grant. Council Member Hasser is working on getting pedestrian signs for five intersections on Washington St. for \$287 each. The County will install the signs at the cost of \$65 per hour.

Hasser made a motion to approve the purchase of ten signs with installation by the County, not to exceed \$4,500. Steen seconded the motion. Motion carried on roll call vote- all ayes.

For: Bremner, Donahue, Hasser, Hochberg, Pausch, Steen

Against: None

Abstain: None

Mulch for Panicaro Park will be delivered on May 18<sup>th</sup> and will be spread on May 19<sup>th</sup> with the assistance of the Sheriff's Department workers. Crescent Ave. from Washington Street to River Rd. will be closed.

The Engineer will request that Montgomery Township mow the grass in Van Horne Park adjacent to Princeton Ave. Steffen Well Drilling is working on a plan to submit to the NJDEP for the well closure. Additional video of storm sewers will take place in various locations. There will not be brush pick up this spring, but brush and limbs will be picked up with big trash if under six feet and bundled. The inspection of the water tower found the overall condition of the tank to be good.

**CHIEF FINANCIAL OFFICER'S REPORT**

The CFO reported that a \$4,000 Clean Communities Grant will be added to the budget.

**APPROVAL OF VOUCHERS TO BE PAID**

Bill List dated May 7, 2012 was presented for approval. Hasser moved to approve all vouchers except 7211 and 7197. Steen seconded the motion. Motion carried on roll call vote – all ayes.

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For: Bremner, Donahue, Hasser, Hochberg, Pausch, Steen  
Against: None  
Abstain: None

Steen moved to approve vouchers 7211 and 7197. Hasser seconded the motion. Motion carried on roll call—four ayes.

For: Hasser, Hochberg, Pausch, Steen  
Against: None  
Abstain: Bremner, Donahue

**SPECIAL BUSINESS**

None

**UNFINISHED BUSINESS**

**Public Hearing Ordinance 2012-02: An Ordinance Amending the Fees Charged for Inspection and Reproduction of Government Records**

Motion made by Hochberg to adopt Ordinance 2012-02. Hasser seconded the motion. Motion carried on roll call vote—all ayes.

For: Bremner, Donahue, Hasser, Hochberg, Pausch, Steen  
Against: None  
Abstain: None

**Inter-local with Millstone Borough to Provide CFO Services**

Attorney Cruz is working on the agreement.

**Update on Municipal Building Signage**

County is working on the sign.

**NEW BUSINESS**

**Fibertec Presentation**

Dennis Linken, a partner in the law firm Scarinci Hollenbeck, and Judy Newkirk, Director of Regulatory Affairs for Fibertec addressed the Mayor and Council. Fibertec requested permission to bring telecommunications equipment through Rocky Hill on Verizon's utility poles. The proposed route, over a mile in Rocky Hill, would run from County Route 605 (River Road), to Crescent Ave, west on Route 518, and south on Young Drive.

**Discussion of Affordable Housing Account**

The state has given towns the deadline of July 17, 2012 to commit money in a COAH account for affordable housing, or the state will take the money. Towns may keep 20% for administrative costs. Rocky Hill has \$8,000 in its COAH account.

**Memorial Day Event Planning**

Event to take place Monday, May 28<sup>th</sup> at 10 am. The Mayor asked the Deputy Clerk to invite Rabbi Susan Falk to speak at the ceremony.

**COMMUNICATIONS**

Communications as listed were distributed, disseminated and filed accordingly.

The Clerk requested that items for the May 21, 2012 meeting be sent to her by Wednesday, May 16.

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**FINAL PUBLIC COMMENT**

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

Cliff Moore, Skillman Ave. suggested that instead of an inter-town duck race there should be a barbecue contest.

**EXECUTIVE SESSION**

**RESULTS OF EXECUTIVE SESSION**

None

**ADJOURNMENT**

Motion was made by Donahue with a second by Bremner to adjourn the meeting at 9:04 PM.

Motion carried on voice vote, all voted in favor of adjournment.

Respectfully submitted:

Christine Witt  
Deputy Borough Clerk

List of Bills - (0110101001) CASH  
CURRENT FUND

Check#	Vendor	Description	Payment	Check Total
7191	60 - COURIER NEWS	PO 3833 Advertising: Ordinance 2102-02 & 03	80.08	80.08
7192	71 - DIFRANCESCO BATEMAN PC	PO 3814 Legal fees: general matters and tax	1,740.00	1,740.00
7193	72 - DUO BLDG MAINTENANCE	PO 3829 Janitorial Services May 2012	185.00	185.00
7194	81 - ROCKY HILL FIRE COMPANY NO 1	PO 3822 OEM office repairs/construction	4,000.00	4,000.00
7195	81 - ROCKY HILL FIRE COMPANY NO 1	PO 3823 Fire Marshall Association Dues	100.00	100.00
7196	510 - HMR ARCHITECTS	PO 3832 Preservation Plan for Municipal Bui	14,440.00	14,440.00
7197	508 - Jennifer Donahue	PO 3826 Refreshments for Spring Clean Up	25.38	25.38
7198	123 - JOHN KESSLER	PO 3830 Lawn mowing 4/14/12 to 4/28/12	650.00	650.00
7199	494 - Lucas Marxen	PO 3604 Creation of Historic Prservation So	3,037.50	3,037.50
7200	509 - NJ Audobon Society	PO 3766 Assemby shows at Orchard Hill Eleme	3,750.00	3,750.00
7201	507 - PATTI MASLANKA, VMD	PO 3821 Veterinary servcie for Rabies clin	150.00	150.00
7202	210 - PSE&G	PO 3836 Street Lights	660.75	660.75
7203	479 - RICHARD M. CONLEY LLC	PO 3816 Legal services for tax appeals 1/1/	182.70	182.70
7204	354 - RICOH USA, INC.	PO 3811 Copy machine rental April 2012	124.50	124.50
7205	247 - SOMERSET COUNTY TREASURER	PO 3683 1st and 2nd Quarter 2012 Taxes	90,215.03	
		PO 3683 1st and 2nd Quarter 2012 Taxes	9,487.29	
		PO 3683 1st and 2nd Quarter 2012 Taxes	13,068.89	112,771.21
7206	251 - SOUTH BOUND BROOK BOROUGH	PO 3825 Police service March 10 to April 9;	4,359.11	4,359.11
7207	452 - SPRINT-NEXTEL CORP	PO 3828 Mayor's and Clerk's Blackberries	166.21	166.21
7208	259 - NEW JERSEY STATE TREASURER	PO 3824 Marriage License fees Q1 2012	75.00	75.00
7209	512 - STITCHES BY DESIGN	PO 3835 Rocky Hill Flags (25)	1,033.00	1,033.00
7210	506 - T Square Graphics	PO 3810 T Shirts- Clean Communities	837.04	837.04
7211	416 - THOMAS BREMNER	PO 3831 Grass seed and photos for grant app	124.53	124.53
7212	289 - VERIZON	PO 3818 Borough Hall phone	152.28	152.28
7213	289 - VERIZON	PO 3819 EMS phone	68.51	68.51
7214	387 - W. B. MASON CO.	PO 3827 Office supplies	696.76	696.76
1009	STATE TREASURER	DOG FEES	31.20	
	TOTAL			149,409.56

Total to be paid from Fund 01 CURRENT FUND 127,319.64  
 Total to be paid from Fund 02 STATE AND FEDERAL GRANT FUND 22,089.92  
 =====  
 149,409.56

List of Bills - (0810101001) CASH  
UTILITY OPERATING

Check#	Vendor	Description	Payment	Check Total
6648	37 - CASTORO & CO INC	PO 3813 Replace curb box at 1 Montgomery Av	2,687.71	2,687.71
6649	71 - DIFRANCESCO BATEMAN PC	PO 3815 Sewer Utility legal work March 2012	1,545.00	1,545.00
6650	511 - LIQUID ENGINEERING	PO 3834 Water Tower Inspection	950.00	950.00
6651	155 - MGL FORMS-SYSTEMS	PO 3812 Water/Sewer bills forms	390.25	390.25
6652	321 - MIRACLE CHEMICAL CO	PO 3817 Water department chemicals 15% Sodi	89.70	89.70
6653	289 - VERIZON	PO 3820 Water Dept. phone	29.10	29.10
	TOTAL			5,691.76

Total to be paid from Fund 08 UTILITY OPERATING 5,691.76  
 =====  
 5,691.76

**Explanation:** This Ordinance amends and supplements portions of Ordinance No. 2-2010 by providing that fees for the reproduction of government records shall be the actual costs.

## **ORDINANCE NO. 2, 2012**

**AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 2-2010, TITLED, "AN ORDINANCE TO ESTABLISH THE FEES TO BE CHARGED FOR INSPECTION AND REPRODUCTION OF GOVERNMENT RECORDS" TO ESTABLISH FEES IN CONNECTION WITH COPIES OF PUBLIC DOCUMENTS AND RECORDS AND OTHER SERVICES IN THE TAX OFFICE.**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Rocky Hill, County of Somerset, State of New Jersey, that Ordinance No. 7-2005 is amended as follows:

### **Section 1. Purpose and Intent.**

The purpose of this section is to establish a procedure for the inspection and reproduction of government records by the public.

### **Section 2. Access to Records; Conditions.**

The public records of the Borough of Rocky Hill shall be accessible for examination and copying in accordance with N.J.S.A. 47:1A-1 et seq., upon the terms and conditions as hereinafter provided. Such inspection shall be made only at reasonable times during business hours and without interference with the conduct of the affairs of the office or other place where such records are kept or maintained.

### **Section 3. Definitions.**

As used in this section:

*Access form* shall mean the form which shall be adopted by the Custodian of Government Records for use by any person who requests access to government records.

*Custodian of Government Records or Custodian* shall mean the Borough Clerk.

*Extraordinary service charge* shall mean a charge, in addition to the actual cost of duplicating the government record(s), which shall reflect the expense associated with extensive use of Borough information, technology, or resources, or the extensive clerical or supervisory assistance by Borough personnel necessary to provide access to the record(s).

*Government record(s) or record(s)* shall mean any information subject to public inspection which is maintained by the Borough in written, audio, video, electronic or other form. *Requestor* shall mean any person who requests access to a government record.

### **Section 4. Access Form.**

The Custodian of Government Records shall adopt an access form for use by a requestor and shall make recommendations to the Borough of Rocky Hill Council regarding the appropriate fees to be charged for access to and copies of government records. The access form shall contain all information required by N.J.S.A. 47:1A-5f.

#### **Section 5. Applicability; Requests to be forwarded to the Custodian of Public Records.**

All government records shall be subject to the provisions of this section unless otherwise provided by law or regulation. Any officer or employee of the Borough who receives a request for access to a government record shall forward the request or direct the requestor to the custodian of Government Records.

#### **Section 6. Access Form Contents.**

The access form to be adopted by the Custodian of Government Records shall elicit the name, address and telephone number of the requestor and a brief description of the government record(s) requested and shall also include the following:

- a. Space for the Custodian to indicate which government record(s) shall be made available;
- b. Specific directions and procedures for requesting government records;
- c. The fee schedule;
- d. A statement whether a prepayment of fees or a deposit is required;
- e. The time period in which access will be provided;
- f. A statement of the requestor's right to appeal a decision by the Custodian denying access and the procedure for appealing such decision;
- g. Space for the Custodian to list the reasons for any denial of a request for access including a citation of the authorization for such denial; and
- h. Space for the Custodian to sign and date the access form upon its completion.

#### **Section 7. Records Access Fees.**

Copies shall be made available for purchase upon the payment of fees in accordance with N.J.S.A. 47:1A-1 et seq., which shall be based upon the actual photocopying costs without regard to the number of records being copied.

- a. The actual costs of photocopying may be established annually by resolution of the governing body.

- b. Fax request: no charge.
- c. Color copying: the actual cost incurred in having material reproduced shall be charged.
- d. Miscellaneous fees:
  - (1) Fees established:
    - (a) Master Plan: The actual costs of photocopying may be established annually by resolution of the governing body.
    - (b) Land Use Book (Zoning Ordinance): The actual costs of photocopying may be established annually by resolution of the governing body.
    - (c) Photographs - the actual cost incurred in making the copy shall be charged.
- e. Maps:
  - (1) Print copies:
    - (a) Eleven inches by 17 inches: \$0.75 per sheet.
    - (b) Copies larger than 11 x 17 - the actual cost incurred in making the copy shall be charged.
  - (2) Zoning and street maps: \$1.00.
  - (3) Map disclaimer. For all data contained herein, the Borough of Rocky Hill makes no representations of any kind, including but not limited to the warranties of merchantability, accuracy or fitness for a particular use, nor are such warranties to be implied with respect to the digital data provided.
- f. Mail request: normal copy fee, plus the costs of postage required to mail these items via first class mail.
- g. List of Property Owners within 200 feet pursuant to N.J.S.A. 40:55D-12: \$10.00.
- h. Municipal Tax Search: \$10.00.
- i. Extraordinary Service Charge: costs and benefits of hourly rate of person providing service.
- j. Copies of CD's – the actual cost of the CD shall be charged.

**Section 8. Municipal Court Discovery.**

The following fees shall be payable by the requestor to the Borough of Rocky Hill for the discovery provided:

- a. Actual photocopying costs without regard to the number of pages being copied, which cost may be established annually by resolution of the governing body.
- b. Actual postage for any discovery sent by mail;
- c. Photographs - the actual cost incurred in making the copy shall be charged.
- d. Duplication of videotapes - actual cost incurred in making the copy shall be charged.
- e. On any item that cannot be photocopied on the Borough of Rocky Hill copy machine or not otherwise provided for in this schedule, the actual cost incurred in making the copy shall be charged.

#### **Section 9. Vital Statistics.**

The following fees are established:

- a. Certified copy of a birth, death, marriage, domestic partnership, civil union certificate: \$20.00 each.
- b. Original marriage/civil union license: \$28.00

#### **Section 10. Tax Office Fees.**

- a. A fee of \$5.00 shall be charged for the initial duplicate copy of a tax bill.
- b. A fee of \$25.00 shall be charged for each subsequent copy of a tax bill for the same tax year requested by the same person or organization pursuant to N.J.S.A. 54:4-64.
- c. A fee of \$100.00 shall be charged for each duplicate tax sale certificate pursuant to N.J.S.A. 54:5-52.1.
- d. In accordance with N.J.S.A. 54:5-54, the Tax Collector shall provide to any person entitled to redeem a certificate pursuant to N.J.S.A. 54:5-54 two calculations of the amount required for redemption within a calendar year at no cost. For each subsequent calculation requested from the Tax Collector there shall be a fee of \$50.00. A request for a redemption calculation shall be made in writing to the Tax Collector.

- e. In accordance with N.J.S.A. 54:5-97.1, the Tax Collector may charge a lien holder of a tax lien \$50.00 for the calculation of the amount due to redeem the tax lien as required pursuant to N.J.S.A. 54:5-97.1. Any request for a redemption calculation shall specify the date to be used for the calculation which shall be the date of the notice. Neither the Tax Collector nor the municipality shall be liable for an incorrect calculation. The fee paid to the municipality shall not become part of the lien and shall not be passed on to any party entitled to redeem pursuant to N.J.S.A. 54:5-54.

**Section 11.** This Ordinance shall take effect immediately after final adoption according to law.

**Attest:**

\_\_\_\_\_  
Rebecca Newman, Borough Clerk

\_\_\_\_\_  
Edward P. Zimmerman, Mayor

Introduced: March 5, 2012

Public Hearing Scheduled: March 19, 2012

Adopted: \_\_\_\_\_, 2012