

**Borough of Rocky Hill  
Borough Council  
Minutes of the Regular Meeting  
August 21, 2014**

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 9, 2014. 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. Connie Hallman-present, Ms. Julia Hasser-absent, Mr. Phil Kartsonis-present, Mr. Mark Pausch-present.

Also present: Mayor Ed Zimmerman, Clerk Rebecca Newman, CFO Joe Monzo, Borough Engineer and Borough Attorney Albert Cruz.

**MAYOR'S COMMENTS**

Mayor Zimmerman stated he was contacted by Governor Christie's office to see how the situation with the signs was progressing. Mayor Zimmerman informed them that he has not seen any movement. Mayor Zimmerman stated they also inquired about the downtown beautification project and expressed their interest in being present for a ribbon cutting once the project is complete.

Mayor Zimmerman stated that Senator Lance stopped by the firehouse to present the check for the \$21,000.00 grant that the fire department received to purchase new hoses.

Mayor Zimmerman stated that Senator Booker's office is working with the Somerset County Flood Commission to devise a plan for the river in its entirety.

Mayor Zimmerman informed the Council that the Conference of Mayors Magazine was out and he urged everyone to read the article that was submitted by him.

**APPROVAL OF MINUTES**

Regular Meeting Minutes – July 21, 2014.

Hallman asked that line # 2 under County Striping Project be changed to all Borough crosswalks on non-county roads. Donahue stated that Borough Engineer Tanner was present at the meeting so that should be noted.

Donahue moved to approve the minutes as amended and Hallman seconded the motion. Motion carried on roll call vote.

For: Bremner, Donahue, Hallman, Kartsonis, Pausch

Against: None

Abstain: None

**PUBLIC COMMENT**

The floor was open to public comment, hearing none the floor was immediately closed.

**STATE POLICE REPORT**

Mr. Kartsonis delivered the July report.

**Borough of Rocky Hill  
Borough Council  
Minutes of the Regular Meeting  
August 21, 2014**

Question from Council to the Engineer

Hallman asked if the public workers could clean off the storm sewer grates and weed the curbs. Hallman also inquired about the work commencing on the drainage ditch on Lemore and Montgomery. Tanner responded that work would begin in the next few weeks.

Kartsonis asked if the area across from Van Horne Park had been mowed. Tanner responded that although Montgomery has been told numerous times, he thinks they think that area is a right-of-way for Princeton Avenue. Tanner stated he would have G & T do it for a nominal fee of \$60.00.

Kartsonis inquired about the dog bags that Hasser had requested in Van Horne Park. Tanner responded that they were ordered by Montgomery Twp.

Bremner asked if there was anyway to come to a conclusion about the Cann property. Bremner stated he would like to help them however at some point we need to stop spending time and money. Tanner responded that to finalize it all, access needs to be gained on private property for testing, however the Cann's state they have done this already.

Public Comment for Engineer

Cliff Moore, Skillman Avenue- stated that there could be issues with a portable generator as no one was able to obtain fuel during the last hurricane. He also stated that portable generators need to be run periodically to keep the magnets working.

Peggy Harris, 66 Crescent Avenue- stated the schedule for the Downtown Beautification Project has been very inconsistent. She stated on some days the contractor comes at 11 AM and is gone by 2:30 PM. Engineer Tanner responded that per the contract they have 95 days to complete the work and he himself was very concerned they had not shown up to work earlier today.

Brian Phillippi, 169 Washington Street- stated there is a house that is so concerned about their trees that they have placed a large sign on them to warn the contractor. Mr. Phillippi is very concerned about his trees, as they are much larger. He also inquired how the contractor would address the area in front of his home as there is a retaining wall and no room to fit a machine in that area. Engineer Tanner stated that he has spoken to the contractor and he is clear that he will avoid the trees and he will have to utilize smaller equipment or do some hand work in a tight area. Mr. Phillippi also mentioned 117 Washington Street. There was no allowance made for a drainpipe to go under the new sidewalks where ice build-up has been a problem. Peggy Harris concurred that there was no pipe installed. They also commented on a white picket fence that was damaged. Engineer Tanner responded that the contractor is aware that the fence will need to be painted or replaced. They went on to say that roots have been cut from trees and the pear trees have been damaged. They also stated that Crescent Point Park was a mess with leaves and weeds all over.

Donahue inquired how the Borough was going to ensure these concerns were addressed. Mr. Kartsonis seconded his concerns. Mayor Zimmerman responded that he has walked with them and told them specifically what concerns people had. Engineer Tanner stated that he would have people coming out and checking on the job often. A question was raised about the constables being present as they are residents and can be at the site regularly. Engineer Tanner responded that he feels that a constable would not know the job specs and possibly create more confusion as well as safety hazard.

Peggy Querec, 177-179 Washington Street-informed the Council that the roots for her hedges have been cut. She also stated that the natural flow of water is to run down the sidewalk past her house and suggested that this be addressed with the installation of the new sidewalks.

**Borough of Rocky Hill  
Borough Council  
Minutes of the Regular Meeting  
August 21, 2014**

**COMMITTEE REPORTS**

**Administration & Records** – J. Donahue. The Borough has obtained a fixed IP address, which has fixed the issues with the mortgage companies being able to access the tax system. Donahue has not heard much from his IT group as they are unfamiliar with Government work and the required archiving. Donahue stated he is working toward removing the old computers out of the Borough Hall once the data has been removed.

**Buildings & Grounds** – T. Bremner. Stated there was a committee meeting. Mayor Zimmerman inquired why he was not included, Bremner responded he was via email. During the meeting the architects stated they were obtaining quotes for the rehab of Borough Hall and inquired who should award the contract, the Borough or the Architectural firm. Attorney Cruz responded the Borough should. Bremner also stated that he was working to consolidate one last phone line. Bremner stated there was some work completed within the police office. Bremner stated that he completed the repair on the playground.

**Finance & Insurance** – Pausch stated the committee met and discussed the audit and the expansion of the Washington Street Project.

**Public Safety & Emergency Services** – P. Kartsonis. Stated the committee met on August 13<sup>th</sup>. Stated the Fire Dept expressed frustration as they are trying to get the audit process moving as they have not received a response. Kartsonis stated he wanted to get back ups in place for the Nixle system. Kartsonis stated that he wants to move on the constable position as it has been going on for months.

**Streets & Roads** – C. Hallman. No need for the committee to meet. The line striping and the sidewalk projects are being covered with Engineer Tanner.

**Water, Sewer & Environmental Protection** – None.

**Council Representative to Planning Board** – C. Hallman. The Planning Board gave a preliminary approval for the 25 Washington Street LLC project as the drainage and tree concerns that Engineer Tanner expressed were satisfied.

**Council Liaison to Recreation Committee** – C. Hallman. None

**Council Representative to Board of Health** – M. Pausch. No meeting.

**Zoning Official's Report** – No report.

**Grants Committee** – T. Bremner. There will be a meeting on August 27<sup>th</sup> to decide on the Historical Preservation grant recipient. Once the decision is made it then goes to the freeholders.

**SPECIAL BUSINESS**

Rohan Dang, 14 Meadowlark Lane, Montgomery- Eagle Scout Project

Rohan stated for his Eagle Scout project he desired to add mile markers in Van Horne Park and create trail maps.

Bremner inquired how he would be marking trails. Rohan stated he would be purchasing mile markers with white-stenciled letters.

Kartsonis asked what the maintenance plan would be for the white lettering, as it weathers. Rohan was unsure of how they would be maintained.

Mayor Zimmerman inquired if there would be any issued with emergency vehicle access if markers are placed along the path. Engineer Tanner stated he did not believe there would be an issue, as the path is 8' wide.

Kartsonis stated he was eager to approve this project however, some clarification was needed. Bremner stated the next meeting was September 15<sup>th</sup>, 2014.

Kartsonis moved that the project research could begin being planned. Hallman seconded the motion, and motion carried on roll call vote.

For: Bremner, Donahue, Hallman, Kartsonis, Pausch

Against: None

Abstain: None

**Borough of Rocky Hill  
Borough Council  
Minutes of the Regular Meeting  
August 21, 2014**

**Public Hearing**

The floor was open to public comment at 9:09 PM; hearing none the floor was closed.

Bremner moved to approve the ordinance, and Hallman seconded the motion. Motion carried on roll call vote.  
For: Bremner, Donahue, Hallman, Kartsonis, Pausch  
Against: None  
Abstain: None

**NEW BUSINESS**

**Discussion- Clarification of Appointment Procedures**

Mayor Zimmerman led the discussion stating that there appeared to be confusion on the appointment procedure, particularly an appointment that was approved at the June meeting. Mayor Zimmerman stated that he spoke with Steve Glickman, an attorney from a labor law firm, Ed Purcell, Staff attorney from the NJLM and they opined that the Mayor is a member of the Governing Body so the appointment was not done appropriately. Mayor Zimmerman stated they have not put this in writing, however, if the Council continues to disagree he is prepared to take this matter to the Attorney General.

Attorney Cruz quoted the bylaws and the language from the Statute stating they are consistent with one another. Attorney Cruz stated there are three ways an appointment can be made as follows: By the Mayor independent of the Council, by the Governing Body independent of the Mayor, or by the Mayor with the advice and consent of the Council. Attorney Cruz stated the whole statute must be read and considered, not parts of it. A lengthy discussion ensued regarding this issue.

Donahue stated that this was a waste of taxpayer's money and time and there are professionals at the meeting the Borough was paying, for an issue that has been discussed, voted on and approved. Donahue stated that Mayor Zimmerman is not to spend anymore of Borough funds to fight this issue. Donahue asked the question directly to Mayor Zimmerman which he responded he was working with the League of Municipalities to fund taking this to the Attorney General.

**Discussion- Gathering Residents Email Addresses**

Hallman stated they will begin walking around town to complete the dog and cat survey and she felt it would be an opportune time to gather email addresses. Attorney Cruz informed the Council that once the Borough gathers these email addresses then they are subject to OPRA. Hallman inquired if a disclaimer could be drawn up letting people know the exposure. Kartsonis stated he would not be comfortable having a disclaimer distributed without Council's review.

**Possible Extension of Downtown Beautification Project**

Engineer Tanner stated there is \$17,000.00 of grant funds left over from this project that should be utilized. Engineer Tanner stated he estimated the costs to extend the sidewalk project at \$68,000.00. The finance committee met to discuss financing the rest of the estimated cost. CFO Monzo told the committee there are funds available to complete this project.

Attorney Cruz inquired if the change order would result in a contract increase in excess of 20%. Tanner responded no. Attorney Cruz expressed his concern with utilizing all the funding because if an issue arises from the base contract there is no reserve funding to compensate for that. A discussion ensued and expanding the project utilizing the remaining \$17,000.00 from the grant and ordinance the rest was approved on a voice vote- all ayes.

**COMMUNICATIONS:**

Communications as listed, were distributed, disseminated and filed accordingly.

18, 2014  
**List of Bills - (0110101001) CASH  
 CURRENT FUND**

Check#	Vendor	Description	Payment	Check Total
8121	12 - ARC OF SOMERSET COUNTY	PO 4977 Borough Hall cleaning July 2014	100.00	100.00
8122	537 - BELLE MEAD CO-OP	PO 4962 Straw for July 4th	7.99	7.99
8123	60 - COURIER NEWS	PO 4956 Advertising: Toth Lane Construction	172.52	172.52
8124	547 - Comcast	PO 4957 May, June, July, August phone & int	972.22	972.22
8125	71 - DIFRANCESCO BATEMAN PC	PO 4974 Legal fees	2,870.69	2,870.69
8126	82 - ROCKY HILL FIRST AID SQUAD	PO 4971 Rocky Hill First Aid Squad Reimburs	6,390.40	6,390.40
8127	83 - G & T Landscaping Inc	PO 4789 Lawn Area Maintenance Services	1,680.00	1,680.00
8128	510 - HMR ARCHITECTS	PO 4976 Phase I Historic Preservation Grant	3,384.00	3,384.00
8129	210 - PSE&G	PO 4955 Street lights	635.14	635.14
8130	210 - PSE&G	PO 4963 Municipal building electric	396.85	396.85
8131	210 - PSE&G	PO 4964 Panicar Park electric	12.46	12.46
8132	210 - PSE&G	PO 4966 Crescent Point Park electric	5.35	5.35
8133	319 - RARITAN VALLEY DISPOSAL INC	PO 4967 Garbage collection	3,808.49	3,808.49
8134	354 - RICOH-USA, INC.	PO 4959 Copy machine rental	124.50	124.50
8135	247 - SOMERSET COUNTY TREASURER	PO 4960 Board of Health County fees	1,013.58	1,013.58
8136	247 - SOMERSET COUNTY TREASURER	PO 4978 Board of Health County fees	1,013.58	1,013.58
8137	452 - SPRINT-NEXTEL CORP	PO 4961 mayor and clerk's cell phones	166.00	166.00
<del>8138</del>	558 - THINK PAVERS HARDSCAPING, LLC, Escr	PO 4970 Downtown Beautification Sidewalk Pr	137,812.50	
8152		PO 4970 Downtown Beautification Sidewalk Pr	<del>292,775.00</del>	<del>430,587.50</del>
8139	284 - VALIC	PO 4980 2013 LOSAP supplemental #1	5,000.00	5,000.00
8140	286 - VAN CLEEF ENGINEERING	PO 4975 Engineering services Junel 2014	3,990.00	3,990.00

TOTAL

~~462,331.27~~  
 169,556.27

Total to be paid from Fund 01 CURRENT FUND 28,359.77  
 Total to be paid from Fund 02 STATE AND FEDERAL GRANT FUND 433,971.50

**List of Bills - (1926005) INTERFUND - DUE CURRENT  
 TRUST OTHER**

Check#	Vendor	Description	Payment	Check Total
8141	455 - TAMARA LEE PP	PO 4968 Planning Board: 25 Washington St. A	1,181.25	1,181.25
8142	286 - VAN CLEEF ENGINEERING	PO 4975 Engineering services Junel 2014	964.25	964.25
TOTAL				2,145.50

Total to be paid from Fund 19 TRUST OTHER 2,145.50

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

Check#	Vendor	Description	Payment	Check Total
5926	380 - HANS OLSEN	PO 4973 Water Dept. maintenance	60.00	60.00
5927	450 - ONE CALL CONCEPTS INC	PO 4954 July One Calls	7.32	7.32
6928	204 - PITNEY BOWES	PO 4979 Postage machinge rental	29.00	29.00
6929	210 - PSE&G	PO 4965 Water Dept. electric	1,736.93	1,736.93
6930	259 - NEW JERSEY STATE TREASURER	PO 4958 Annual Safe Drinking Water Fee	120.00	120.00
6931	311 - TIM LESKO	PO 4972 Water Dept. maintenance	318.08	318.08
6932	286 - VAN CLEEF ENGINEERING	PO 4975 Engineering services Junel 2014	777.50	777.50
TOTAL				3,048.83

RESOLUTION 2014- 65

**BOROUGH OF ROCKY HILL  
SOMERSET COUNTY**

**WHEREAS**, application has been received from Mary Jacobs Library Friends for a social affair permit to serve wine on November 1, 2014; and

**WHEREAS**, said application is complete and accompanied by the required fees; and

**WHEREAS**, the Clerk is required to sign the application certifying that municipality has no objection to granting this social affairs permit.

**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 Clerk is authorized to sign the application for the social affairs permit application on behalf of the Mary Jacobs Library Friends.

2. That the Borough Clerk be directed to forward a certified copy of this Resolution and the application and accompanying fee to the Division of Alcoholic Beverage Control, Department of Law and Public Safety, for processing, and to the applicants; and;

3. This Resolution shall take effect immediately.

ATTEST:

By: \_\_\_\_\_

Rebecca P. Newman  
Borough Clerk

By: \_\_\_\_\_

Edward P. Zimmerman, Mayor

**CERTIFICATION**

I, Rebecca P. Newman, 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 August 18, 2014.

\_\_\_\_\_  
Rebecca P. Newman  
Borough Clerk

2014-66

SOMERSET COUNTY  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF TRAFFIC SAFETY SERVICES  
ELECTRONIC WARNING SIGN AGREEMENT

THIS AGREEMENT, made the 18th day of August, 2014, between the BOROUGH OF ROCKY HILL, located at 15 Montgomery Avenue, Rocky Hill, NJ 08553, hereinafter referred to as MUNICIPALITY and the COUNTY OF SOMERSET, located at Administration Building, 20 Grove Street, PO Box 3000, Somerville, NJ 08876, hereinafter referred to as COUNTY.

WITNESS THAT:

WHEREAS, a traffic condition existing on Washington Street, County Route 518, Borough of Rocky Hill in the County of Somerset which requires the installation and operation of electronic warning signs, hereinafter referred to as warning sign; and

WHEREAS, the MUNICIPALITY has expressed a willingness to cooperate with the COUNTY in achieving the overall objective of safe and efficient movement of vehicular and pedestrian traffic on said roadway; and

WHEREAS, it is the purpose of the Agreement to determine the responsibilities of the MUNICIPALITY and COUNTY in the cost of installation, maintenance and operation of the said warning sign; and

WHEREAS, the Board of Chosen Freeholders of the County of Somerset, has determined that it is in the COUNTY'S best interest to enter into this Agreement;

NOW, THEREFORE, in consideration of the covenants contained herein, and pursuant to all applicable federal, state and local law and ordinances, the COUNTY and MUNICIPALITY agree as follows:

1. The COUNTY will allow the installation and operation of the warning sign in accordance with N.J.S.A. 39:4-120.1. Approved locations are on Washington Avenue (CR 518) at Merrit Lane, Reeve Road/Montgomery Avenue, Princeton Avenue/Skillman Avenue and Crescent Avenue.
2. The MUNICIPALITY will install the warning sign at no cost to the COUNTY.
3. The MUNICIPALITY will provide all material and equipment and will perform all labor, by its own or contract forces, necessary to the installation of the warning sign.
4. The MUNICIPALITY will, in perpetuity, pay all costs for the future relocation or removal and installation of any portion of the warning sign system.

BOROUGH OF ROCKY HILL  
COUNTY OF SOMERSET

RESOLUTION 2014- 69

Ratifying the Council's Decision to Reject the Bids Received for the Toth Lane  
Improvement Project

**WHEREAS**, repairs need to be completed on Toth Lane; and

**WHEREAS**, the Borough solicited sealed bids for this project and received them in the office of the Borough Clerk on June 4, 2014; and

**WHEREAS**, one bid was received from JML Landscaping, Hillsborough NJ in the amount of \$72,658.75 for the base bid excluding phase II and III; and

**WHEREAS**, this amount exceeds the Engineers estimate for all three phases combined; and

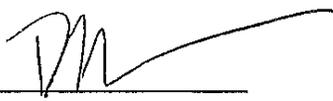
**WHEREAS**, pursuant to N.J.S.A. 40A:11-13.2 bids that substantially exceed the cost estimates may be rejected; and

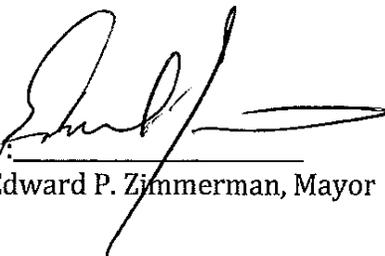
**WHEREAS**, the Borough Engineer brought this to the attention of the Borough Council at the July 21, 2014 Council Meeting at which time Council approved the rejection of the bid and a rebid of the project.

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

1. That the July 21, 2014 decision of the Borough Council to reject the sealed bid received from JML Landscaping for the Toth Lane Improvement project is ratified.
2. That the Engineer is authorized to re bid the project.
3. That this Resolution takes effect immediately.

ATTEST:

By:   
Rebecca Newman, Clerk

By:   
Edward P. Zimmerman, Mayor

BOROUGH OF ROCKY HILL  
COUNTY OF SOMERSET

RESOLUTION 2014- 68

Ratifying the Council's Decision to Enter into a 48-Month Lease  
with Ricoh

WHEREAS, at the July 21, 2014 meeting of the Borough Council a discussion ensued regarding the purchase of a new copier; and

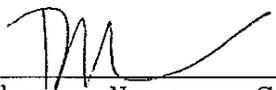
WHEREAS, Ricoh provided a quote for a copier under State Contract # M-0053 (WSCA) in the amount of \$109.73 per month for a 48 month period; and

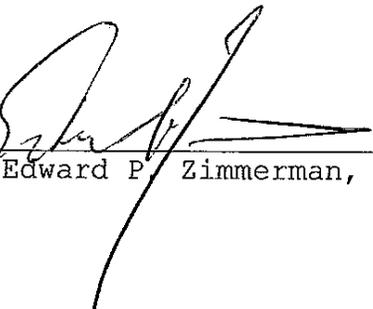
WHEREAS, the Borough Council approved this contract.

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

1. That the decision to enter into a 48 month lease with Ricoh for a new copier under State Contract # M-0053 (WSCA) in the amount of 109.73 is ratified.
2. That the Mayor and Clerk are hereby authorized to sign the contract with Ricoh.
3. That this Resolution takes effect immediately.

ATTEST:

By:   
Rebecca Newman, Clerk

By:   
Edward P. Zimmerman, Mayor

CERTIFICATION

EXPLANATION: THIS RESOLUTION ALLOWS THE BOROUGH COUNCIL TO RETIRE INTO EXECUTIVE SESSION.

BOROUGH OF ROCKY HILL

RESOLUTION 2014- ~~68~~ 69

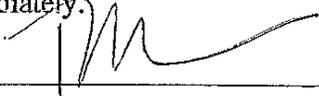
WHEREAS, Section 8 of the Open Public Meetings Act (N.J.S.A. 10:4-12(b) (1-9) permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Borough Council is of the opinion that such circumstances exist.

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. The public shall be excluded from discussion of and action on the executive Session of August 18, 2014.
2. The general nature of the subject matter to be discussed is as follows: -  
**-Contract Negotiations/Potential Litigation: Borough Hall Remediation**  
  
**-Pending Litigation: Bank of America Tax Appeal**
3. Minutes of said discussion will be made available as soon as it is deemed in the public interest to do so.
4. The Borough Council may take official action on those items discussed in executive session upon completion of the executive session.

This Resolution takes effect immediately.



Rebecca P. Newman  
Borough Clerk

**CERTIFICATION**

I, Rebecca P. Newman, Borough Clerk, of the Borough of Rocky Hill, County of Somerset, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Borough Council at a regular meeting of said Council held on August 18, 2014.

---

Rebecca P. Newman  
Borough Clerk