

**BOROUGH OF ROCKY HILL  
COUNCIL MINUTES  
October 5, 2009**

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 8, 2009. 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, Ms. Linda Goldman-present, Ms. Julia Hasser-present, Mr. William Hallman-present, Mr. Mark Pausch-present, Ms. Courtney White-present.

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

**MAYOR'S COMMENTS**

- Mayor Zimmerman will be out of town for a few days; Council member Banks will be handling any calls/issues.
- Copy of letter dated September 2009 from the Rocky Hill Citizens for Responsible Growth (GRC), co-founders Susan Bristol and Jane Oakley, as distributed to Borough residents was entered into communications. Mayor and Council expressed disagreement with statement contained in the newsletter that, "despite their (GRC) continued outreach to the Mayor and Council, there has been no evidence that the current leadership is following through with a statement made by Mayor Zimmerman that, "we should move on and work together on other issues." The loss of revenue and costs incurred by the Borough residents as a result of the suit filed against the Borough by the Citizens for Responsible Growth was noted.
- E-mail communications dated 10/5/09 as received from Montgomery Township Board of Education President R. David Pettit, was entered into communications. Community leaders are invited to attend a meeting to be held on 10/6/09 for the purpose of providing information on the referendum being proposed by the Montgomery School Board on December 8, 2009. Mayor Zimmerman will attend the meeting.

**APPROVAL OF MINUTES**

Regular Meeting Minutes – September 21, 2009 - Motion was made by Goldman with a second by White for the approval of the minutes contingent upon the following change: Page 5 – Streets and Roads – language to be amended to read, "...two pedestrian signs that were knocked down have been removed." Motion carried on roll call vote - all ayes; Hasser-abstain.

Executive Session meeting Minutes – September 21, 2009 – Motion was made by Banks with a second by Goldman for the approval of the minutes as presented. Motion carried on roll call vote – all ayes; hasser-abstain.

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

New Business – Proposed Resolution to the NJLM – Mayor Zimmerman

**PUBLIC COMMENT**

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

**STATE POLICE REPORT** - Report not received.

**ENGINEER'S REPORT** - Report dated October 5, 2009 for September 2009 as received from Engineer Tanner was distributed (copy on file in Borough Clerk's office). The following items were discussed:

Parks – Montgomery Township is looking into putting timed locks on the restrooms at Van Horne Park; they are also putting the costs of the locks in their 2009 county grant. Engineer Tanner is attempting to schedule another weeding session for the Borough parks with the County workers.

Washington St – 2009 Sidewalk Improvement Contract – the wall has been completed.

Lemore Circle – It was discovered that a water shut-off has been buried under a section of sidewalk on Lemore Circle. The contractor will be requested to return to rectify the situation. It was noted that contractors are supposed to acquire the mark-outs from the water superintendent prior to doing any construction work.

County Recreation Grant – Engineer Tanner related that the awards of the grant monies are on the agenda of the Freeholders; it is believed that all requests will be granted. Information was provided to Council member Pausch on the process of the filing of the annual application. Discussion ensued regarding whether the funds could be used for new mulch or ground materials around the playground equipment at Borough Hall due to the need for continued treatment around the equipment. Engineer Tanner will do a cost analysis of materials that could be considered for the area.

Brush/Limb Removal contract – Quotes will be solicited for award at the next Council meeting. A pick up date will be scheduled for the Friday after the fall clean-up day.

Leaf Collection Dates – The following dates were designated for leaf pickup: October 26, November 9, and November 23, 2009. A fourth date will be scheduled for 12/7/09 if deemed necessary. Engineer Tanner will confirm these dates with the contractor and will notify Council member Goldman so that the dates may be posted on the website.

**Council comments/questions:**

- Council member Goldman requested that any changes to the tax maps (after review and approval by the State) be forwarded to her in order to update the website.
- Council member Pausch reported that weed and feed and mulch were put down around the playground Equipment. The work was done by Mr. Pausch and some of the nursery school families.
- Engineer Tanner will follow-up on the issue with the manhole cover on Route 518.
- Hump at Van Horne Park – Engineer Tanner will follow-up on the striping to be done on the hump.
- Council member Hallman reported that he aerated the soccer fields behind Borough Hall.
- Engineer Tanner will follow-up on the ongoing issue with the lack of pet waste dispenser bags at Van Horne Park.
- Council member White will follow up on the problem with the hump at Princeton Ave; the area has been filled in but the problem is still unresolved

**Public comments/questions:**

None presented at this time.

**CHIEF FINANCIAL OFFICER'S REPORT**

Cash receipts report, Budget Trial Balances, and Trust Fund Account reports dated 9/29/09 were presented by CFO Bobal. Motion was made by Goldman with a second by Banks for the acceptance of the reports as submitted. Motion carried on roll call vote - all ayes. Discussion continued on the issue with the Rocky Hill Board of Education bank accounts and transfer of monies to Montgomery Township. Mayor Zimmerman will follow-up on the issue.

Discussion – Updated VALIC LOSAP Plan – Memorandum as prepared by CFO Bobal was distributed to Mayor and Council regarding the proposed amendments to the current LOSAP plan. Mr. Bobal related that the proposed changes would require policy decision by the Council. He related that there would be no additional financial burden on the Borough; the amendments would allow for additional flexibility with respect to distribution of participant accounts. The options of sponsoring agency-directed accounts, in-service distributions, and unforeseeable emergency withdrawals were outlined in the memorandum. It was agreed that a VALIC representative would be requested to attend the next Council meeting to provide more information to Mayor and Council on the proposed amendments. Discussion carried.

**APPROVAL OF VOUCHERS TO BE PAID**

Bill list dated 10/5/09 was presented. Motion was made by Banks with a second by Goldman to approve the bill list. Motion carried on roll call vote – all ayes. The cost of the manhole cover repair was noted. It was suggested that Superintendent Merk be requested to follow up on the issue with the manhole cover as opposed to the Borough Engineer.

**SPECIAL BUSINESS**

**Resolution 2009-65 – Appointment of Municipal Housing Liaison/Administrative Agent** – Resolution reaffirming the appointment of Barbara Walsh as the MHL/Administrative Agent was presented for approval. Motion was made by Goldman with a second by Hallman for approval of the resolution. Motion carried on roll call vote – all ayes; Hasser-abstain.

**Public Hearing: Ordinance #9, 2009 - "An Ordinance Providing for Tax Revaluation Services in and by the Borough of Rocky Hill, County of Somerset, State of New Jersey, Appropriating \$30,155.00 in Funds"** – The ordinance as filed in the Borough Clerk's Office was read by title by Mayor Zimmerman. Proof of publication was received. The floor was opened to the public for comments/questions. Hearing none, the floor was closed. Motion was made by Hallman with a second by Goldman for the adoption of the ordinance. Motion carried on roll call vote – all ayes; Hasser-abstain.

**Public Hearing: Ordinance #10, 2009 – "An Ordinance Repealing Chapter 131 of the Code of the Borough of Rocky Hill titled, "Parks and Recreation Areas" and replacing it with a new Chapter 131 with the same title"** – The ordinance as filed in the Borough Clerk's Office was read by title by Mayor Zimmerman. Proof of publication was received. The floor was opened to the public for comments/questions. Hearing none, the floor was closed. Motion was made by Goldman with a second by Hallman for the adoption of the ordinance. Motion carried on roll call vote – all ayes.

**Public Hearing: Ordinance #11, 2009 – "An Ordinance Amending Articles I and III of Chapter 56 of the Code of the Borough of Rocky Hill, titled "Animals"** – The ordinance as filed in the Borough Clerk's office was read by title by Mayor Zimmerman. Proof of publication was received. The floor was opened to the public for comments/questions. Hearing none, the floor was closed. Motion was made by Goldman with a second by Hasser for the adoption of the ordinance. Motion carried on roll call vote – all ayes.

**Resolution 2009-66/Award of Contract – Tax Equalization Revaluation Services** – Requests for proposals were solicited resulting in receipt of one proposal from Appraisal Systems, Inc., of Glen Rock, NJ, in the amount of \$30,155.00. The tax revaluation services will be conducted in accordance with the

County Tax Board's requirement to be completed and filed by 12/31/10. The proposal was reviewed for technical compliance by Attorney Cruz and found to be in order. Tax Assessor George Sopko was present and provided information to Mayor and Council on how the revaluation process will be handled and his role relative to the process. Funds were appropriated for the revaluation service via adoption of Ordinance #9, 2009 (appropriating \$30,155.00 over a five year period). Motion was made by Goldman with a second by Banks approving the resolution and awarding the contract to Appraisal Systems, Inc. in the amount of \$30,155.00. Motion carried on roll call vote – all ayes. Attorney Cruz will forward a contract between the Borough and Appraisal Systems, Inc. to the State and County for their review and approval of same as required.

**UNFINISHED BUSINESS:**

**Veteran's Day Service** – It was agreed to hold a service at Panicaro Park on Sunday, 11/08/09 at 1:00 PM at Panicaro Park.

**NEW BUSINESS:**

**NJLM Resolution** – Resolution Opposing the Disenfranchisement of the Taxpayers of Non-operating School Districts as composed by Mayor Zimmerman and Council member Goldman was distributed. It was the consensus of Council that this resolution be presented to the New Jersey League of Municipalities' Resolution Committee for consideration of adoption by the League. As suggested, Mayor Zimmerman will solicit additional support of the resolution from officials of the other municipalities affected by the school board consolidation.

**COMMUNICATIONS:**

Communications as listed were distributed, disseminated and filed accordingly.

- Letter from CSG entered into communications (as discussed under Mayor's comments);
- E-mail from Montgomery Twp. Board of Education (as discussed under Mayor's comments)

**FINAL PUBLIC COMMENT**

The floor was opened to the public for comments/questions. Hearing no comments/questions, the floor was closed.

**RESOLUTION 2009-67 TO RETIRE INTO EXECUTIVE SESSION – Contract Discussions – Montgomery township Sewer negotiations/Forensic Accountant Contract** – Resolution to retire to executive session for the purpose specified above was read into the record by Borough Clerk Griffiths. Motion was made by Goldman with a second by Pausch approving the resolution. Motion carried on roll call vote – all ayes. (9:23 PM)

**RESULTS OF EXECUTIVE SESSION (IF ANY):**

Results of executive session not available to the public at this time. (9:37 PM)

**ADJOURNMENT:**

Motion was made by Goldman with a second by White to adjourn the meeting at 9:37 PM. All voted in favor of adjournment.

Respectfully submitted:

Donna M. Griffiths, RMC  
Borough Clerk