

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
December 21, 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, Mr. William Hallman-present, Ms. Julia Hasser-present, Mr. Mark Pausch-present, Ms. Courtney White-present.

Also present: Borough Attorney Albert Cruz, Deputy Clerk Raymond Whitlock, Borough Engineer William Tanner, Interim CFO Joseph Monzo.

MAYOR'S COMMENTS

- Mayor and Council thanked Council members Hallman and White for their service. A formal resolution acknowledging their service will be presented at the January 2010 reorganization meeting.
- Mayor Zimmerman advised that the school bond referendum passed, however, it lost overwhelming in Rocky Hill. The results have been forwarded to special counsel handling the school board lawsuit. Oral arguments on the school board suit have been postponed until the first or second week of January.
- Mayor Zimmerman met with Senator Bateman to discuss legislation relative to the school board consolidation issue and the banking of the tax cap levy. It was related to Senator Bateman and Council that Mayor Zimmerman did research on the gubernatorial election, and it was found that a significant amount of the favorable results was based on small town plurality.
- As referenced under Communications, a donation of \$500.00 was received from PSE&G via the NJ Tree Foundation. The funds will be included in the Shade Tree Commission's budget for 2010.

(A change in the regular order of agenda business was directed by the Mayor.)

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

New Business – Request from joint Montgomery and Rocky Hill Shade Tree Commissions for funds to plant trees in Van Horne Park

(Regular order of agenda business resumed.)

EXECUTIVE SESSION – Resolution 2009-79 – Contract Discussions – Montgomery Township Sewer Negotiations/Forensic Accountant Contract; Attorney-Client Privilege – Discussion of Un-refunded Balance of Rocky Hill School Board Reserve – Resolution to enter into executive session for purposes as outlined above was read into the record by Borough Clerk Griffiths. Motion was made by Hasser with a second by Goldman for approval of the resolution. Motion carried on roll call vote – all ayes. (7:38PM)

RESULTS OF EXECUTIVE SESSION (if any)

(9:00PM)

Results of executive session not available to the public at this time.

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APPROVAL OF MINUTES

Regular Meeting Minutes – December 7, 2009 - Motion was made by Hasser with a second by Goldman for the approval of the minutes as presented. Motion carried on roll call vote - all ayes.

PUBLIC COMMENT

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

DEPARTMENTAL REPORTS

Tax Collector – November 2009
Court Administrator – November 2009

The Court Administrator's report was summarized by Mayor Zimmerman. Motion was made by Goldman with a second by Hasser to accept the reports as submitted. Motion carried on roll call vote –all ayes.

APPROVAL OF VOUCHERS TO BE PAID

Resolution 2009-80 – Transfer of Funds in the Current Fund for Budget year 2009 – Resolution for the transfer of \$3,192.00 from Planning Board O.E. to S&W and O.E. line items as outlined was presented by CFO Monzo. Motion was made by Goldman with a second by Banks for approval of the resolution. Motion carried on roll call vote – all ayes.

Vouchers – Bill list dated 12/21/09 was presented for approval. It was noted that a partial payment of the 2008 sewer charge from Montgomery Township was made. Attorney Cruz and Borough Clerk Griffiths will draft a letter to be sent with the check advising that the Borough is disputing the balance of the billing for 2008. Motion was made by Goldman with a second by Banks for the approval of the bill list. Motion carried on roll call vote – all ayes.

(A change in the regular order of agenda business was directed by the Mayor.)

SPECIAL BUSINESS:

Chief Financial Officer's Report (carried from 12/7/09 meeting) – Budget trial balance report as of 12/21/09 was distributed by CFO Monzo. CFO Monzo advised that he is currently setting up subaccounts in the software system for the 2009 and 2010 budget years. He related that approximately 92-93% of the Borough's budget has been spent to date noting this to be a conservative budget approach on behalf of the Borough. Mr. Monzo related that he does not see the need for cancellations at the end of the 2009 budget year. Transfers will continue to be made through March 2010 and any remaining funds will be rolled to the end of 2010 into surplus. Engineer Tanner will provide CFO Monzo with information regarding funds that will need to be allocated for parks maintenance for budget planning purposes. Motion was made by Goldman with a second by Banks for the acceptance of the CFO's report. Motion carried on roll call vote – all ayes. CFO Monzo advised that he will prepare a Corrective Action Plan for the 1/4/10 meeting in response to the 2008 Audit recommendations.

COMMITTEE REPORTS:

Administration & Records – Annual report was submitted by Council member Goldman. Ms. Goldman related that all ordinances to include the Borough's development regulations ordinances have been posted on the Borough's website.

Buildings & Grounds – Annual report was submitted by Council member Pausch. Mr. Pausch reported that he trimmed the tree branches on Montgomery and Washington Aves. in response to the sight line report issued by Engineer Tanner.

Finance & Insurance – Annual report was submitted by Council member Banks. Mr. Banks reported that the CFO Selection Committee conducted interviews and the Committee's recommendations have been provided to the Mayor. Mayor Zimmerman related that he will be requesting a meeting with the subcommittee.

Public Safety & Emergency Services – Annual report pending; Council member Hallman offered recommendation that the newly appointed Constable be enrolled in a traffic safety school program prior to doing traffic control. Issue with a dog running at large was related on behalf of Constable Chini. Recommendation was made for Constable Chini to telephone the pet owner if he is unable to gain access to the premises because of the dog's actions, or to contact the Borough's Animal Control Officer.

Streets & Roads – Annual report was submitted by Council member White along with contact information for County agencies, etc. Ms. White advised that the stop sign on Hickory Court has been fixed; pot hole on Montgomery Ave. has been filled. Concern was related on behalf of a resident on Washington St. regarding the dead tree that partially fell most recently. It was discussed that while the tree is on private property, the Shade Tree Commission can make a recommendation to the property owner to have the tree removed if it is found to be unsafe. Possible other action by the Borough will be discussed if the property owner does not comply. It was suggested that the Shade Tree Commission evaluate some of the other trees throughout the Borough for possible removal. Ms. White will follow-up on the stop sign knocked down on Skillman and Washington Sts. and report of damaged mailbox by resident at 6 Toth Lane (received via e-mail by Borough Clerk). Mayor Zimmerman advised that there was a water main break on Hickory Court. There may be the ability to resurface the damaged road area in the spring.

Water, Sewer & Environmental Protection – Annual report was submitted by Council member Hasser. Ms. Hasser provided additional information regarding the water main break on Hickory Court. The cost to repair same will be approximately \$6800.00.

Council Representative to Planning Board – Meeting cancelled due to conflict with meeting room due to school bond referendum being held the same day. The Board will be appointing a new planner at the January meeting due to the retirement of Planner Kimball.

Council Liaison to Education Committee – Discussed during executive session.

Council Representative to Board of Health – Council member Goldman advised that the County Health Officer attended the Board of Health meeting to discuss an H1N1 clinic in the Borough. Issue was raised with not having a large enough venue to hold the clinic based on the turnout the County has experienced (600-1,000 people).

Zoning Officer – Zoning Official Whitlock advised that the Donahue's on Washington St. will be appearing before the Planning Board in January for a certificate of appropriateness for the replacement of windows.

Grants Committee – Council member Hallman advised that a draft copy of the Energy Audit report has been received. The audit firm is requesting comments to the report along with additional information on the utility costs for the Borough Hall which will be provided by Deputy Clerk Whitlock. The firm will re-run the figures for the Borough Hall once they receive the information, and will issue a final report. The draft report outlines recommendations for minor energy savings for the Rescue Squad, Fire House, and Borough Hall buildings to include the installation of programmable thermostats, lighting change outs, etc. It was related that if the Borough can get funds from the County, follow-up on the recommendations presented may be done. It was suggested that a committee be appointed to review the recommendations and do follow-up on same. Appreciation was extended to Council member Hallman for all of his work on the Grants Committee.

SPECIAL BUSINESS (continued)

Engineer's Report (carried from 12/7/09) - Report dated 12/6/09 for November 2009 as received by Engineer Tanner and filed in the Borough Clerk's office was distributed. Engineer Tanner provided an overview of the report.

- **Tax Maps** – the State has advised their review will be completed within a few days;
- **Leaf Pick-Up** – Mayor Zimmerman related information received that Millstone Borough contracts with Montgomery Township for leaf pick-up. It was suggested that the Borough look into this service with Montgomery.

- Sidewalk Snow Removal Contract – Quotes will be solicited for 1/4/10 meeting.
- Panicaro Park Committee - Council member Hallman will inquire if the Rutgers' landscape architect students would be willing to be involved with this project, and if so, if there is allowable time for same. Suggestion for the use of the World Trade Center rubble as previously recommended by Brenda Fallon will also be related to the students as a possible project in the Park.

Resolution 2009-81 – Authorization to Sign Updated Plan Document – VALIC LOSAP Plan –

Clerk Griffiths related follow-up made with VALIC Representative Bill Fee regarding questions pertaining to the sponsoring agency-directed accounts option in the updated plan. Mr. Fee related that VALIC is responsible for investing member funds until such time as the member chooses its own investment options. Based on the information received from VALIC, it was agreed to adopt the updated plan as follows:

- In-service distributions under section 10.04 of the plan shall not be available;
- Unforeseeable emergency withdraws under section 10.05 of the plan shall be available;
- Sponsoring Agency-directed accounts under section 9.05 shall not apply to the plan.

Motion was made by Hallman with a second by Goldman for the approval of the resolution and updated plan with the aforementioned conditions. Motion carried on roll call vote –all ayes.

Receipt of Annual Audit – Years ended 12/31/08 and 2007 – Copy of the 2008 audit as received from Auditor Morrison was distributed. Resolution and Group Affidavit to be presented at the 1/4/10 meeting.

UNFINISHED BUSINESS:

None presented at this time.

NEW BUSINESS:

Request from joint Montgomery and Rocky Hill Shade Tree Commissions for funds to plant trees in

Van Horne Park - Email dated 11/23/09 from Lauren Wasilowski, Open Space Coordinator, Montgomery Township, Re: Van Horne Park – Proposed Tree Planting was received and distributed. Montgomery Township is proposing to do plantings in the park at an approximate cost of \$7500.00. The Borough's Shade Tree Commission has been consulted and is in agreement with the plantings proposed. Montgomery Township will be applying for an \$8,000 grant to offset the cost of the plantings. Request is being made for Rocky Hill to contribute \$2,000 (20%) towards the cost of the project. Mayor Zimmerman advised that the Van Horne Park Committee should be consulted with before any decision is made to commit funds or to do the project.

COMMUNICATIONS:

Communications as listed were distributed, disseminated and filed accordingly.

- Letter dated 12/15/09 from Somerset County Planning Board, Re: Congratulations to Somerset County Coalition on Affordable Housing for being selected as 2010 Finalist by NJBIZ.

FINAL PUBLIC COMMENT

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

ADJOURNMENT:

Motion was made by Hallman with a second by White to adjourn the meeting at 9:55 PM. All voted in favor of adjournment.

Respectfully submitted:

Donna M. Griffiths, RMC
Borough Clerk