

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
December 7, 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. A moment of silence was observed in memory of former employee and resident Larry Rafaelli, resident Jean Bianco, and victims of Pearl Harbor.

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. Mark Pausch-present, Ms. Courtney White-present.

Absent: Mr. William Hallman

Also present: Borough Attorney Albert Cruz, Deputy Clerk Raymond Whitlock

MAYOR'S COMMENTS

- A thank you was extended to the Rocky Hill Community Group for the tree lighting event.
- Reminder was provided of the Somerset County Governing Officials' Holiday Dinner Meeting. Council members were encouraged to attend along with spouses/significant others. Mayor Zimmerman advised that he will be sworn in as the Secretary in 2010.
- Reminder was provided for all to vote tomorrow on the Montgomery School Board referendum. Oral arguments for the school board suit are scheduled for December 22, 2009 at 2:00 PM. The results of the bond referendum will be shared with legal counsel handling the suit.
- Mayor Zimmerman related information obtained from the NJ League of Municipalities' convention regarding a \$20,000 grant that is being provided to all municipalities once the energy audit is completed. The grant will be utilized for work that is earmarked as a result of the audit recommendations. Information to be referred to Council member Pausch.
- Mayor Zimmerman will be meeting with Senator Bateman to discuss potential legislation relative to the school board consolidation. The Mayor will also be proposing to Senator Bateman consideration for legislation pertaining to the banking of the levy cap. Borough Council was encouraged to forward any other suggestions to the Mayor prior to the meeting.
- In response to questioning as to whether the Rocky Hill School Board reserve funds have been refunded to the Borough, Mayor Zimmerman advised that Montgomery School Board representatives have advised that the Board will be voting on the refund next week. It was related by Superintendent Kim that a fine may be imposed by the Department of Labor due to the Board's failure to file labor reports in a timely manner during the merger transition period. The Montgomery School Business Administrator has requested a meeting with the Mayor to finalize the closure of our school district; legal counsel has advised Mayor Zimmerman that no formal action should be taken at that meeting.

APPROVAL OF MINUTES

Regular Meeting Minutes – November 16, 2009 - Motion was made by Goldman with a second by Hasser for the approval of the minutes contingent upon the following corrections/amendments: Page 1 – Panicaro Park Design Committee – correction to appointee: Mary Germain; Page 2 – Discussion (Other) – change in language regarding sewer lid near Robotti residence; Page 6 – typographical error correction. Motion carried on roll call vote - all ayes.

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

New Business - Request for OEM Funding for Laptop – Rocky Hill Fire Department

Reminder was offered that annual Committee reports are due at the next meeting;
Council member White advised that draft changes to Chapter 167, Streets and Roads, will be presented at the next meeting.

PUBLIC COMMENT

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

Cliff Moore, Skillman Ave. – Mr. Moore questioned whether the Department of Labor will be fining the Borough in regard to the late filing done by the school board. Mayor Zimmerman related that it is uncertain as to whether the Rocky Hill Board of Education or Montgomery Board of Education will be fined.

STATE POLICE REPORT - Report not received.

ENGINEER'S REPORT - Report for November 2009 was distributed. Discussion carried to the December 21, 2009 Council meeting due to the absence of Engineer Tanner.

CHIEF FINANCIAL OFFICER'S REPORT

Report to be presented at 12/21/09 meeting.

Resolution 2009-76 – Transfer of Funds in the Current Fund – Resolution as prepared by CFO Monzo for the transfer of \$3,000.00 from Planning Board O.E. to Liability Insurance O.E. was received. Motion was made by Hasser with a second by Goldman for approval of the resolution contingent on correction of minor typographical error. Motion carried on roll call vote.

Resolution 2009-77 – Cancel Outstanding Checks to Surplus – Resolution as prepared by CFO Monzo was distributed. Request is made for the cancellation of outstanding checks totaling \$7,101.08 that have exceeded the time limit for cashing. CFO Monzo has related that he will attempt to have the checks re-issued. Motion was made by Hasser with a second by Goldman for approval of the resolution. Motion carried on roll call vote – all ayes.

APPROVAL OF VOUCHERS TO BE PAID

Bill list dated 12/7/09 was presented. Motion was made by Goldman with a second by Banks to approve the bill list with the exception of check #5803 (payable to Council member Pausch). Motion carried on roll call vote – all ayes. Motion was made by Goldman with a second by Banks for approval of check #5803. Motion carried on roll call vote – all ayes.

SPECIAL BUSINESS

Public Hearing: Ordinance #12, 2009 – “An Ordinance Repealing Section 154-45 of the Code of the Borough of Rocky Hill titled, “Connection Charges” and Replacing it with a New Section 154-45 also titled, “Connection Charges.” - Ordinance as filed in the office of the Borough Clerk 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 Hasser with a second by Goldman for the adoption of the ordinance. Motion carried on roll call vote – all ayes.

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Resolution 2009/Authorization to sign Updated Plan Document – VALIC LOSAP Plan - Resolution as drafted and plan agreement were reviewed and discussed. Borough Clerk Griffiths will contact the VALIC representative for clarification on Section 2.02 of the agreement pertaining to Sponsoring Agency-Directed Accounts. No action taken; carried to the 12/21/09 meeting.

UNFINISHED BUSINESS:

Resolution 2009-78 – Approval of Purchase of Portable Radios for Constables – Resolution was presented for the purchase of four, Motorola portable radios in the amount of \$6,331.00 via State contract. Certification of funds was received from CFO Monzo. Mayor Zimmerman related that the radios will be issued to the Mayor, Chair of Public Safety, and two Constables. The price also includes single user chargers for each radio. Recommendation for the purchase of the radios was related on behalf of Council member Hallman. Motion was made by Hasser with a second by Banks for the expenditure of funds and approval of the resolution. Motion carried on roll call vote – all ayes.

NEW BUSINESS:

Receipt of Letter of Resignation from Deputy Court Administrator – Letter of resignation was received from Deputy Court Administrator Jennifer Budrewicz effective 12/31/09. Mayor Zimmerman recognized Ms. Budrewicz for her service to the Borough. Appointment will be made for a replacement at the January reorganization meeting.

Set 2010 Meeting Schedule - Proposed meeting schedule for 2010 was distributed. Recommendation was made for a change in the following meeting dates:

January 18, 2010 - 3rd Monday - changed to Wednesday, January 20, 2010 (due to holiday);
February 15, 2010 – 3rd Monday – changed to Wednesday, February 17, 2010 (due to holiday);
November 1, 2010 – 1st Monday – changed to Wednesday, November 3, 2010 (due to General Election).

Discussion ensued regarding the reorganization meeting for 2011. It was suggested to tentatively schedule the meeting for Sunday, January 2, 2011 at Noon. Confirmation of the date changes to be made at the January 4, 2009, reorganization meeting.

Request for OEM Funding for Laptop – Rocky Hill Fire Department – Fire Chief Harris was present to request funding for a laptop to be utilized by the department at incidents. Specifications were provided for two laptops that would best accommodate the needs of the department. The fire department will pay for the wireless connection needed for the laptop. Motion was made by Hasser with a second by Goldman for the approval of the expenditure of funds not to exceed \$2,000.00 for the purchase of a laptop contingent upon the availability of funds from the OEM line item. Motion carried on roll call vote – all ayes. Chief Harris offered to provide training and user ID numbers for the portable radios that will be purchased for the constables.

Approval of Renewal Applications – 2010 Towing Operator Licenses – Requests were received for the renewal of towing operator licenses for 2010 from the following towing contractors: Dependable Motors Inc., Somerset, NJ; Stewart’s Towing Inc., Belle Mead, NJ; Somerset Hills Towing, Bridgewater, NJ. Borough Clerk Griffiths advised that the renewal applications have been approved by the South Bound Brook Police Department and certificates of insurance have been provided along with the required renewal fee. Motion was made by Goldman with a second by Hasser for the approval of the issuance of renewal licenses for 2010 to the above-referenced contractors. Motion carried on roll call vote – all ayes.

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COMMUNICATIONS:

Communications as listed were distributed, disseminated and filed accordingly.

- Letter dated 11/24/09 from FEMA, Re: Field Survey for FEMA Flood Studies to include Somerset County, schedule of survey crews in the area, was entered into the record. A copy of the letter will be posted on the Borough's website.

FINAL PUBLIC COMMENT

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

ADJOURNMENT:

Motion was made by Goldman with a second by Hasser to adjourn the meeting at 8:20 PM. All voted in favor of adjournment.

Respectfully submitted:

Donna M. Griffiths, RMC
Borough Clerk