

**BOROUGH OF ROCKY HILL  
COUNCIL MINUTES  
November 15, 2010**

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 6, 2010. 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-absent, Mr. Jeff Donahue-present, Ms. Linda Goldman-present, Ms. Julia Hasser-absent, Mr. Mark Pausch-present, Mr. Robert Steen-present.

Also present: Borough Attorney William Willard, Deputy Clerk Raymond Whitlock

**MAYOR'S COMMENTS**

Mayor Zimmerman informed the Council that the League of Municipalities Convention would be taking place November 16- 19, therefore the Borough office would be closed on Wednesday, November 17, 2010.

Mayor Zimmerman stated that the Somerset County Governing Officials hold an annual holiday party for their December meeting. Mayor Zimmerman stated that this year's event would be held at Fiddlers Elbow Country Club on December 8, 2010. Mayor Zimmerman stated that in past years, Council has approved payment for spouses to attend as well. A motion was made by Goldman for the Borough to allow payment for spouses to attend the party as well as Council Members. Motion was seconded by Pausch. Motion carried on roll call vote- all ayes.

For: Donahue, Goldman, Pausch, Steen  
Against: None  
Abstain: None

Mayor Zimmerman stated that the Veterans Day celebration at Panicaro Park went very well, although lightly attended.

Mayor Zimmerman informed the Council he received a fax from Cleary, Giacobbe, Alfieri, Jacobs, LLC asking that the Borough sign the fax indicating that they would like to continue to have Matthew Giacobbe represent the Borough. Matthew Giacobbe, the attorney who represented the Borough through the school board lawsuit, has left the firm of Scarinci and Hollenbeck, forming a new firm. A discussion ensued and the Council indicated the importance of representation remained with Mr. Giacobbe rather than the firm itself. Council President Goldman stated the Borough may need Counsel in the future to appeal the tax levy and it would be advantageous to retain Mr. Giacobbe, as he is familiar with the Borough and the lawsuit. Motion was made by Donahue to sign the form and retain the firm of Cleary, Giacobbe, Alfieri, Jacobs LLC, to represent the Borough with regards to School Board litigation. Motion was seconded by Goldman. Motion carried on roll call vote- all ayes.

For: Donahue, Goldman, Pausch, Steen  
Against: None  
Abstain: None

Mayor Zimmerman stated that the Borough employees have been extremely cooperative and have agreed to a salary freeze. Mayor Zimmerman stated that he had told the employees that if there were funds available

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at the close of the year he would re-visit additional compensation. Mayor Zimmerman stated the Borough CFO has indicated that there are additional funds available. Mayor Zimmerman asked that the Council consider a 2% increase effective December 1, 2010. Mayor Zimmerman stated that Acting Clerk Newman has been very flexible and agreed to a salary decrease to offset the costs for schooling. Mayor Zimmerman asked that the 2% increase be granted on the original salary rather than the temporary salary until certification is obtained. A discussion ensued regarding whether the increase can be granted through a resolution or whether the salary ordinance would need to be adjusted. Upon conclusion of the discussion, a resolution would be drafted for Councils approval at the December 6, 2010 meeting.

### APPROVAL OF MINUTES

Regular Meeting Minutes – November 3, 2010 – Motion was made by Goldman to approve the minutes with two small minor changes. Motion was seconded by Pausch. Motion carried on roll call vote- all ayes.

For: Donahue, Goldman, Pausch  
Against: None  
Abstain: Steen

Executive Session Meeting Minutes – November 3, 2010 – Motion was made by Goldman to approve executive session minutes as presented. Motion was seconded by Pausch. Motion carried on roll call vote- all ayes.

For: Donahue, Goldman, Pausch  
Against: None  
Abstain: Steen

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

No items were requested.

### PUBLIC COMMENT

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

*\*A change in agenda order was directed by Mayor Zimmerman*

### Resolution 2010-73- Resolution for the Transfer of Funds in the Current Fund

Mayor Zimmerman read the items to be transferred. Motion was made by Goldman to approve the resolution as presented. Motion was seconded by Pausch. Motion carried on roll call vote- all ayes.

For: Donahue, Goldman, Pausch, Steen  
Against: None  
Abstain: None

*\*Regular agenda order was resumed*

### APPROVAL OF VOUCHERS

Bill list dated November 15, 2010 was presented for approval. Motion was made to approve the vouchers by Goldman. Motion seconded by Pausch. Motion carried on roll call vote- all ayes.

For: Donahue, Goldman, Pausch, Steen  
Against: None  
Abstain: None

### DEPARTMENTAL REPORTS

Tax Collector Report – October 2010

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Court Administrator Report – October 2010

Mayor Zimmerman summarized the Court Administrator's report. Motion was made by Goldman to accept the reports as presented. Motion was seconded by Pausch. Motion carried on roll call vote – all ayes.

For: Donahue, Goldman, Pausch, Steen

Against: None

Abstain: None

### **COMMITTEE REPORTS**

**Administration & Records** – Council President Goldman stated the website visits were up 9 ½% with 583 unique visits. Council President Goldman stated that there were 28 Ordinances that General Code recommended be revised. Council President Goldman stated that to date she has written 27 Ordinances and 24 have been completed. The Members of Council applauded her hard work and dedication to getting this task complete. Mayor Zimmerman reminded the Council that their annual report would be due at the December 20, 2010 meeting. Mayor Zimmerman stated that the report should be 1-2 pages long stating what their committee has accomplished this year.

**Buildings & Grounds** – Council Member Donahue stated that additional estimates needed to be obtained for the mulching of the playgrounds project. Council Member Donahue informed the Council that he has received quotes for the “no parking when snow covered” signs for the Borough Hall. Donahue stated the cost of the signs were inexpensive, however the install is not. A discussion ensued as to the quantity and placement that was needed at the Borough Hall. It was determined double sided signs should be obtained for the entrance as well as a single sided sign to be placed by the shed.

**Finance & Insurance** - Nothing to report at this time

**Public Safety & Emergency Services** – Council Member Pausch stated that the constables had requested the Borough issue permits for emergency responders so they are not ticketed while on a call. Acting Clerk Newman stated she would create something.

**Streets & Roads** – Nothing at this time.

**Water, Sewer & Environmental Protection** – Nothing at this time

**Council Representative to Planning Board** – Council President Goldman informed the Council that Bank of America had come before the Board to obtain permission to add a handicapped ramp. Approval was granted. Council president Goldman stated that the resolution to change siding at 25-27 Crescent was memorialized.

**Council Representative to Board of Health** – Nothing at this time as there was no meeting.

**Zoning Official's Report** – Nothing at this time

**Grants Committee** – Nothing at this time.

### **SPECIAL BUSINESS**

**Resolution 2010-74- Resolution Ratifying Award of Contract for Sealing of the Borough Well** – Motion was made to approve the resolution as presented to Steffen Drilling to seal the Borough Well in the amount of \$2,900.00. Motion was seconded by Pausch. Motion carried on roll call vote- all ayes.

For: Donahue, Goldman, Pausch, Steen

Against: None

Abstain: None

**Resolution 2010-75 – Resolution Finding an Unfit Building Within the Borough of Rocky Hill** - Motion was made by Pausch to approve the resolution as presented. Motion was seconded by Goldman. Motion carried on roll call vote – all ayes.

For: Donahue, Goldman, Pausch, Steen

Against: None

Abstain: None

Approved 12/06/2010

**UNFINISHED BUSINESS**

**Introduction: ORDINANCE #9, 2010 - AN ORDINANCE AMENDING CHAPTER 64, UNFIT BUILDINGS, OF THE CODE OF THE BOROUGH OF ROCKY HILL**

Motion was made by Goldman to introduce Ordinance # 9, 2010 for a Public Hearing on December 6, 2010. Motion was seconded by Steen. Motion carried on roll call vote – all ayes.

For: Donahue, Goldman, Pausch, Steen  
Against: None  
Abstain: None

**Introduction: ORDINANCE #10, 2010 - AN ORDINANCE REPEALING IN ITS ENTIRETY CHAPTER 29, TITLED “POLICE DEPARTMENT” AND AMENDING CHAPTER 24, TITLE “OFFICERS AND EMPLOYEES” OF THE CODE OF THE BOROUGH OF ROCKY HILL**

Motion was made by Goldman to introduce Ordinance # 10, 2010 for a Public Hearing on December 6, 2010. Motion was seconded by Pausch. Motion carried on roll call vote – all ayes.

For: Donahue, Goldman, Pausch, Steen  
Against: None  
Abstain: None

**Introduction: ORDINANCE # 11, 2010 - AN ORDINANCE REPEALING IN ITS ENTIRETY CHAPTER 74, ENTITLED “CIRCUSES AND CARNIVALS,” OF THE CODE OF THE BOROUGH OF ROCKY HILL**

Motion was made by Goldman to introduce Ordinance # 11, 2010 for a Public Hearing on December 6, 2010. Motion was seconded by Donahue. Motion carried on roll call vote.

For: Donahue, Goldman, Pausch  
Against: Steen  
Abstain: None

**Introduction: ORDINANCE #12, 2010 - AN ORDINANCE REPEALING IN ITS ENTIRETY CHAPTER 50, ENTITLED “ALARMS,” OF THE CODE OF THE BOROUGH OF ROCKY HILL**

Motion was made by Goldman to introduce Ordinance # 12, 2010 for a Public Hearing on December 6, 2010. Motion was seconded by Pausch. Motion carried on roll call vote – all ayes.

For: Donahue, Goldman, Pausch, Steen  
Against: None  
Abstain: None

**NEW BUSINESS**

Approval of Membership Application to the Rocky Hill Hook and Ladder Company – Motion was made by Steen to approve membership to the Rocky Hill Hook and Ladder Company for Drew Talarick. Motion was seconded by Donahue. Motion carried on voice vote- all ayes.

**COMMUNICATIONS:**

Communications as listed were distributed, disseminated and filed accordingly. Mayor Zimmerman added the fax from Cleary, Giacobbe, Alfieri, Jacobs, LLC, dated 11/12/2010 into communications.

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**FINAL PUBLIC COMMENT**

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

**ADJOURNMENT:**

Motion was made by Goldman with a second by Pausch to adjourn the meeting at 8:27 PM. All voted in favor of adjournment.

Respectfully submitted:

Rebecca P. Newman  
Acting Borough Clerk



*Bill List 11-15-10*  
**List of Bills - (0110101001) CASH**  
**Current Fund**

Check#	Vendor	Description	Payment	Check Total
6233	60 - COURIER NEWS	PO 2983 Tax sale public notice	91.76	91.76
6234	449 - JOSEPH MONZO	PO 2974 Reimbursement for Dinner for CFO/Cl	40.00	40.00
6235	149 - MASTROIANNI LANDSCAPING INC	PO 2964 2010 leaf pu contract	6,234.50	6,234.50
6236	360 - MCNEIL & COMPANY INC	PO 2985 1st qtr comm pack, inland marine,	4,077.85	4,077.85
6237	171 - MUNICIPAL RECORD SERVICE	PO 2989 one box mailers	160.50	160.50
6238	210 - PSE&G	PO 2979 panicaro park electric	24.70	24.70
6239	210 - PSE&G	PO 2980 crescent pt park electric	5.00	5.00
6240	210 - PSE&G	PO 2981 boro hall electric	288.60	288.60
6241	319 - RARITAN VALLEY DISPOSAL INC	PO 2702 solid waste collection 6-01 to 12-3	3,808.49	3,808.49
6242	408 - RAYMOND J. STINE ESQ.	PO 2984 prosecutor's fees sept & nov 2010	1,000.00	1,000.00
6243	457 - REBECCA NEWMAN	PO 2982 courier new subscription	17.49	17.49
6244	457 - REBECCA NEWMAN	PO 2987 dep for rooms NJ league conv 5 room	715.00	715.00
6245	247 - SOMERSET COUNTY TREASURER	PO 2976 added tax som cty 2010	585.57	585.57
6246	247 - SOMERSET COUNTY TREASURER	PO 2977 added tax cty library 2010	81.05	81.05
6247	247 - SOMERSET COUNTY TREASURER	PO 2978 added tax cty open space 2010	66.86	66.86
6248	247 - SOMERSET COUNTY TREASURER	PO 2986 2 IRS ped cross walk signs	610.00	610.00
6249	285 - VALLEY OIL COMPANY	PO 2975 fuel oil del 11-03-2010	272.61	272.61
6250	286 - VAN CLEEF ENGINEERING	PO 2988 engineering exp oct 2010	2,134.25	2,134.25
<b>TOTAL</b>				<b>20,214.23</b>

Total to be paid from Fund 01 Current Fund

20,214.23

20,214.23

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

Check#	Vendor	Description	Payment	Check Total
6251	71 - DIFRANCESCO BATEMAN PC	PO 2912 legal exp august 2010	41.00	41.00
6252	71 - DIFRANCESCO BATEMAN PC	PO 2934 sept 2010 legal fees	30.00	30.00
<b>TOTAL</b>				<b>71.00</b>

Total to be paid from Fund 19 TRUST OTHER

71.00

71.00

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

Check#	Vendor	Description	Payment	Check Total
5921	321 - MIRACLE CHEMICAL CO	PO 2991 20 gals chlorine	57.40	57.40
<del>5922</del>	<del>163 - MONTGOMERY TOWNSHIP</del>	<del>PO 2478 2007-2008 Sewer Fee</del>	<del>20,000.00</del>	<del>20,000.00</del>
5923	210 - PSE&G	PO 2992 water dept electric	4,000.00	4,000.00
5924	311 - TIM LESKO	PO 2990 water dept maint	95.00	95.00
<b>TOTAL</b>				<b>4,152.40</b>

Total to be paid from Fund 08 UTILITY OPERATING

4,152.40  
 4,152.40

~~24,152.40~~  
 4,152.40  


**RESOLUTION 2010 - 74**

**BOROUGH OF ROCKY HILL  
SOMERSET COUNTY**

**WHEREAS**, the Borough of Rocky Hill desires to enter into a contract for the sealing of the Borough Well; and

**WHEREAS**, the Borough has received two quotes for this work as follows:

Steffen Drilling, LLC \$2,900.00

Subsurface Environmental Technologies, LLC \$8,825.00

and

**WHEREAS**, the quote that is most advantageous to the Borough for the sealing of the Borough Well is from Steffen Drilling, LLC, in the amount of \$2,900.00; and

**WHEREAS**, the total value of these services for the year 2010 is less than \$17,500.00 and, therefore, these services are exempt from the Local Unit Pay-to-Play law, N.J.S.A. 19:44A-27.7 et seq.; and

**WHEREAS**, the Borough Council granted approval of award of the contract at the November 3, 2010, meeting of the Borough Council contingent upon the adoption of a confirming resolution; and

**WHEREAS**, the Chief Financial Officer certified that the funds are available for this contract.

**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:

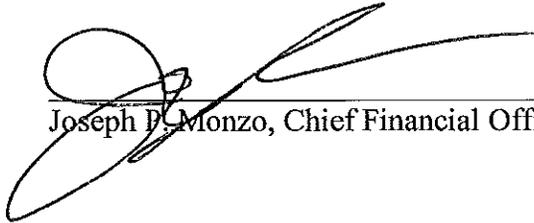
1. That the Borough Council confirms the award of contracts as follows:  
-Steffen Drilling, LLC in the amount of \$2,900.00.
2. This Resolution shall take effect immediately.

ATTEST:

By:   
Rebecca P. Newman,  
Acting Borough Clerk

By:   
Edward P. Zimmerman, Mayor

I, Joseph P. Monzo, Chief Financial Officer of the Borough of Rocky Hill do hereby certify that funds for this contract are available from: 08-201-26-190-030



\_\_\_\_\_  
Joseph P. Monzo, Chief Financial Officer

**CERTIFICATION**

I, Rebecca P. Newman, Acting 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 November 15, 2010.

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

RESOLUTION 2010-75

BOROUGH OF ROCKY HILL  
SOMERSET COUNTY

WHEREAS, N.J.S.A. 40:48-2.5 authorizes municipalities to adopt an ordinance regulating the repair, closing or demolition of unfit buildings under the police power provided that the municipality adopts a resolution finding that there is a building or buildings that are unfit within the municipality pursuant to N.J.S.A. 40:48-2.3; and

WHEREAS, the Council of the Borough of Rocky Hill finds that there is at least one (1) building in the Borough that falls within the scope of N.J.S.A. 40:48-2.3; and

WHEREAS, based upon the Council's knowledge of the conditions in the Borough of Rocky Hill, the Council finds and declares that the existence or occupation of any building or buildings, or parts thereof which are so old, dilapidated or have become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, or use, are inimical to the welfare and dangerous and injurious to the health and safety of the people of this State and the Borough, and that a public necessity exists for the repair, closing or demolition of such building or buildings, or part thereof; and

WHEREAS, based upon the Council's knowledge of the conditions in the Borough of Rocky Hill, the Council finds that there exists a building or buildings which are unfit for human habitation or occupancy, or use, due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitation facilities, or due to other conditions rendering such building or buildings, or parts thereof, unsafe or unsanitary or dangerous or detrimental to the health and safety or otherwise inimical to the welfare of the residents of this State and the Borough, power is conferred upon the municipality to exercise its police power to repair, close or demolish, or cause or require the repairing, closing or demolition of such building or buildings, or parts thereof; and

WHEREAS, the Council of the Borough of Rocky Hill, having made the necessary findings, hereby authorizes that an ordinance amending Chapter 64, Unfit Buildings, of the Code of the Borough

of Rocky Hill be introduced upon first reading on Monday, November 15, 2010 and scheduled for a public hearing.

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 Whereas clauses and findings contained in the Whereas clauses are hereby incorporated by reference.

2. That an ordinance amending Chapter 64, Unfit Buildings, of the Code of the Borough of Rocky Hill be introduced upon first reading on Monday, November 15, 2010 and scheduled for a public hearing.

3. This Resolution shall take effect immediately.

ATTEST:

By:   
Rebecca P. Newman  
Acting Borough Clerk

By:   
Edward P. Zimmerman, Mayor

CERTIFICATION

I, Rebecca P. Newman, Acting 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 November 15, 2010.

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