

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
May 3, 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-present, Mr. Jeff Donahue-present, Ms. Linda Goldman-present, Ms. Julia Hasser-present, Mr. Mark Pausch-present, Mr. Robert Steen-present.

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

MAYOR'S COMMENTS

Mayor Zimmerman noted that the Municipal Conference of Mayors he attended was very successful and informative. Mayor Zimmerman stated Governor Christie gave a forty-eight minute speech encompassing the benefits of shared services, COAH, taxes and various tax relief topics. Greg Schiano, Rutgers Football Coach also spoke. Mayor Zimmerman was pleased to announce he was appointed to the board of directors of the Municipal Conference of Mayors.

Mayor Zimmerman read into the record the resignation of Donna Griffiths, effective May 16th, 2010. Mayor Zimmerman advised the Council that Donna Griffiths would remain as the Borough Water & Tax Collector. Mayor Zimmerman noted that he would like the council's support in appointing Rebecca Newman as Acting Borough Clerk effective May 17th, 2010. Motion with regret was made by Goldman to accept Borough Clerk, Donna Griffiths, resignation. Banks seconded that motion. Motion carried on roll call vote-all ayes. Motion was made by Hasser to appoint Rebecca Newman acting Borough Clerk effective May 17th, 2010. Motion seconded by Steen. Motion carried on roll call vote-all ayes.

Resolution 2010-45 Appointment of Qualified Purchasing Agent-Joseph Monzo

Mayor Zimmerman presented resolution appointing Borough CFO, Joseph Monzo, as the Qualified Purchasing Agent (QPA). Mayor Zimmerman advised the council of the benefits of having a QPA in the Borough. Motion was made by Goldman to approve the resolution to appoint Joseph Monzo as the Borough's QPA. Motion was seconded by Banks. Motion carried on roll call vote-all ayes.

Mayor Zimmerman noted that FEMA had been in the Borough informing residents of the June 2nd deadline to register for assistance. Mayor Zimmerman informed Council that the flyer was placed on the Rocky Hill website with a link to FEMA. Borough Engineer Tanner spoke and said he received a letter from the County stating that the requested reimbursement items from the Borough were not accepted. Mayor Zimmerman asked Engineer Tanner to follow up as to why, and what was needed to be done to alleviate the issues to obtain reimbursement.

Mayor Zimmerman shared that a notice of Spring Clean-up on May 18th was posted at the Post Office and on the website. Mayor Zimmerman stated that toxic chemicals or construction materials would not be collected. Mayor Zimmerman noted that all brush must be bundled and must be 6' or less, and there is a maximum of two automobile tires per household. Any appliances containing Freon will not be collected unless there is a Freon free sticker on it.

APPROVAL OF MINUTES

Regular Meeting Minutes – April 19, 2010 - Motion was made by Donahue with a second by Hasser for the approval of the minutes as presented. Motion carried on roll call vote - all ayes with the exception of Goldman-Abstain.

Executive Session Meeting Minutes – April 19, 2010 - Motion was made by Steen with a second by Pausch for the approval of the minutes as presented. Motion carried on roll call vote - all ayes with the exception of Goldman-Abstain.

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

None presented.

PUBLIC COMMENT

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

Peggy Harris, Crescent Ave., Ms. Harris asked if Council Member Donahue had a chance to review the proposal for the recommended tree plantings in the Borough. Donahue responded that he had not seen that proposal and stated he would locate it and respond back at the next council meeting

STATE POLICE REPORT

State police report dated 4/05/10 for the period March 2010 as received by Lt. Skelton of the NJSP was summarized by Council Member Pausch (copy on file in the office of the Borough Clerk).

ENGINEER'S REPORT

Report dated 5/3/10 for April 2010 as received by Engineer Tanner and filed in the Borough Clerk's office was distributed. Engineer Tanner provided an overview of the report.

Van Horne Park Meeting – Engineer Tanner stated there were no new updates other than the trees had been planted.

Montgomery Avenue Resurfacing- Engineer Tanner informed the council there will be a base bid for the resurfacing with alternates including a firehouse apron, repair of curbing on Toth Lane, a pothole repair and some additional curbing repairs on Princeton Ave. The plans need to be sent to the State for approval.

Water Tower Cell Antennas- The remaining punch list items have been completed. A letter was sent to CFO Monzo, informing him to start billing for applicable rentals. Metro PCS has requested a letter stating that there was no damage done to the water tower during construction. Engineer Tanner stated he was working with the water department to complete this task.

County Recreational Grant- The contractor, JML, has begun ordering the materials and is on schedule to have the work completed with the exception of the electrical by Memorial Day 2010. Mayor Zimmerman stated the Borough needs to respond to a letter dated April 30th, requesting that open grants from 2006, 2008 & 2009 be closed out.

Sewer Billing-A meeting is scheduled for Friday May 7th, to prepare for the ongoing negotiations with Montgomery. Attorney Cruz will be in attendance.

Tax Maps – Engineer Tanner stated that revised tax maps would be delivered to the state on Tuesday May 4th, 2010. Mayor Zimmerman requested that a copy be forwarded to the Borough Assessor to assist in the revaluation process. Attorney Cruz recommended that Appraisal Systems, the firm doing the revaluations,

be invited to a council meeting to give an overview of the process and any information that may be beneficial to residents.

Waste Removal Contract – The contract has been reviewed by Attorney Cruz and has been sent to contractor to be signed.

Intersection Sight Distances- Attorney Cruz has reviewed the ordinance with relation to the effect it would have on existing properties. Attorney Cruz made recommendations to Engineer Tanner to revise the ordinance.

Sewer Meter– Engineer Tanner related that he had reviewed the Shafer Tract engineer’s proposal of the meter pit and in response suggested a minor change to the siting of the meter. The new location would be close to the end of Grove Street, which would not cause a disturbance to the stream.

Brush/Limb Removal Contract – The contractor, Mastrionnani Landscaping was requested to stop working when they reached their \$5,000.00 contract limit. A discussion ensued regarding the remaining properties that were left with brush. Mayor Zimmerman stated additional brush had been placed at the curb after the crews had been there. Engineer Tanner stated there were a few homes that were unable to be cleaned up. Mayor Zimmerman stated that the remaining brush could be removed as part of the Spring clean-up. Mayor Zimmerman informed Engineer Tanner that FEMA needed to be contacted so the Borough may be reimbursed for clean up. Hasser inquired if the Borough could extend the contract, as it would be reimbursed by FEMA.

Engineer Tanner also stated that the County Prisoners had been on site to weed Panicaro Park.

Solar Panels-The county consultant had inspected the Borough Hall and the site of the water tower for the installation of solar panels. They will look into roof top installation as well as ground panels. Council President Goldman stated that she understood that the Borough would need approval from SHPO, as the properties are within the historic district.

County Striping-Submissions were made to the County for various striping throughout the Borough. Engineer Tanner stated that the areas that needed re-striping most were the wording of HUMP on several of the speed humps. Engineer Tanner was unsure if this would be something the County would accept.

Sink Holes-Mayor Zimmerman asked for an update on the sinkholes in the Borough. Engineer Tanner stated that he believes they are caused by either a leaking storm pipe/drain or a water main. A traffic cone has been placed there for safety. A discussion ensued about perhaps filling them in for safety reasons, and seeing if the problem still exists or if it had been related to prior heavy rains.

Council Comments/Questions-

Council Member Steen inquired as to why Van Horne Park had been plowed. Whitlock stated that the Scasserra’s own 11 acres adjoining the park, which have recently been farmed. Whitlock felt they possibly were not aware of property lines. Engineer Tanner stated the park was surveyed and he would follow up to ensure none of the Borough’s property was being farmed.

Public Comments/Questions-

Cliff Moore- stated there was an additional sinkhole in front of the storm drain near the rescue squad building.

CFO REPORT

None

SPECIAL BUSINESS:

Resolution 2010-46 Ratifying Endorsement of TWA Permit Application- Schafer – Engineer Tanner presented TWA resolution. Attorney Cruz stated that the Borough is responsible for the meter pit but that the homeowners association would be responsible for the sewer lines within the development. Motion was made by Goldman with a second by Banks approving the resolution as presented. Motion carried on roll call vote – all ayes.

UNFINISHED BUSINESS:

Pedestrian Signs-Council Member Hasser informed the board that the County suggested placing pedestrian crossing signs on either side of the road, in conjunction with a painted stop bar on the roads, rather than placing signs directly in the roadway. Council Member Pausch stated that he was concerned they would become lost with other Borough signs and become ineffective. Mayor Zimmerman preferred the signs be on the sides rather than in the road. Council President Goldman stated she did not believe there was ample room on the sides of all areas with crosswalks. Engineer Tanner expressed his concerns with stop bars, and suggested a gradient line approach instead. A discussion ensued regarding blinking lights activated by a switch, seen at a trade show. Engineer Tanner stated he will forward vendors contact information to Hasser to research costs to the Borough.

Law Enforcement Museum-Council Member Banks informed the council that Mr. Panicaro was pleased to know the Borough was going to display law enforcement items for viewing. Council Member Banks was given the Borough Billy Club from Mr. Panicaro, as another item to be place on display. Mr. Panicaro stated he might have town badges and a few other miscellaneous items he will attempt locate.

Tennis Camp-Council Member Donahue noted that the recreation committee would like to hold another tennis camp July 5th through July 9th, 2010. The committee would like to send out flyers and wanted to confirm the Borough is still able to contribute \$1,250.00 towards expenses. Council Member Donahue stated he believed the fee would be \$25.00 per student. Mayor Zimmerman stated that they would only subsidize Rocky Hill children. Children from neighboring towns would be allowed to participate, however, they must pay an additional \$30 fee. Mayor Zimmerman asked that Rocky Hill children be given priority registration, if there are still open slots, children from other towns are welcome. Council Member Steen confirmed that Rocky Hill students would pay \$25.00, out of town students \$55.00. Any additional funds collected above the costs of the camp would be returned to the Borough. Council Member Hasser informed the council an amount of \$1,100.00 was listed on the budget sheet toward the tennis camp subsidy.

NEW BUSINESS

Request for Tree Planting-Memory of Larry Raffaelli- Mayor Zimmerman noted the family would like to plant a tree on Borough Hall grounds at their expense in memory of Mr. Raffaelli. The family would like to have a small memorial ceremony in late July. Members of council expressed their full support. Council President Goldman suggested the shade tree committee be involved with the choosing of the tree.

First Reformed Church Picnic- Mayor Zimmerman stated there was a request from the church requesting the Borough's permission to hold their annual church picnic on June 13th, 2010 at Panicaro Park. Council President Goldman asked if the Church would be submitting an insurance rider, Whitlock stated they would be obligated to. Motion was made by Goldman and seconded by Pausch to grant permission for the picnic. Motion carried on roll call vote.

Aye: Pausch, Hasser, Zimmerman, Goldman
Abstain: Banks, Donahue, Steen,

School Budget Update-Council President Goldman updated the council as to the on-going negotiations with Montgomery Township. Council President Goldman explained to the Council the term adequacy budget, which was a number that was determined to be suitable to provide a thorough and efficient education to students. President Goldman stated that the figures that were used on the ballot were not the latest. There had been an update made on March 22/23 of the merging of non-operating districts that was not caught by the Montgomery Township School District. Council President Goldman informed the

Council that there most likely will be a special meeting called, as there are important deadline dates to adhere to. Council President Goldman stated that she has another work session scheduled for May 5th, and all involved would need to come to agreements at that point. President Goldman stated that the joint committees will look at the budget and advise where cuts can be sustained and detail them in a resolution that must match a resolution presented by Montgomery. Council President Goldman stated the importance of these resolutions matching perfectly, or they will be rejected and further negotiations would be handled by the State, with no local input. Council President Goldman also stated that although the committee can recommend a cut to line item "A, B & C," the only number that will remain is the final total of line item "A, B & C," which means that the recommendations may not be taken per line item. In fact, actual cuts can be made to items "Q, R & S," so long as the final number is the same. The final line item allocations will be made by the Board of Education. Council President Goldman concluded her update with expressing how successful the negotiations have been. She also stated that the committees have been working tirelessly to read every document and review over 420 emails that pertain to the negotiations. Council President Goldman stated that she felt very comfortable, as the participants were a wealth of knowledge. Council Member Banks concurred that it has been a pleasure to work with them, as everyone is working together to come up with the best possible solution to minimize impact to the students.

COMMUNICATIONS:

Communications as listed were distributed, disseminated and filed accordingly.

FINAL PUBLIC COMMENT

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

Cliff Moore asked if there was a date and time on the "Rockingham Road to Peace" movie featured at Princeton University.

Peggy Harris, Crescent Ave., inquired as to what would be done with the large clumps of grass from the cleaning up of Panicaró Park. Mayor Zimmerman stated they were aware of it, and are working on a solution.

ADJOURNMENT:

Motion was made by Goldman with a second by Banks to adjourn the meeting at 9:16 PM. All voted in favor of adjournment.

Respectfully submitted:

Raymond Whitlock
Borough Deputy Clerk

**BOROUGH OF ROCKY HILL
COUNTY OF SOMERSET**

2010 - 45

**RESOLUTION RECOGNIZING AND CONFIRMING
JOSEPH MONZO AS THE QUALIFIED PURCHASING AGENT
FOR THE BOROUGH OF ROCKY HILL**

WHEREAS, Joseph Monzo is the Chief Financial Officer of the Borough and has served in such capacity since his date of appointment effective January 1, 2010; and

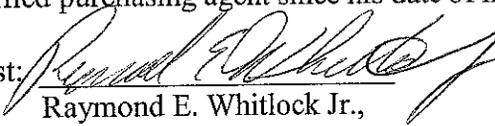
WHEREAS, Joseph Monzo has been qualified by the Division of Local Government Services as a purchasing agent pursuant to the provisions of N.J.S.A. 40A:11-9.b; and

WHEREAS, N.J.S.A. 40A:11-3 allows a purchasing agent so qualified to exercise authority to an enhanced threshold and as set forth in the aforementioned statute;

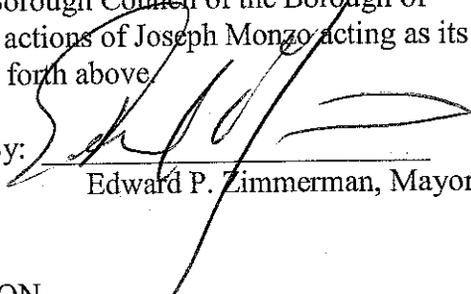
NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Rocky Hill, County of Somerset, State of New Jersey that the Borough Council hereby recognizes Joseph Monzo as its purchasing agent, qualified by the Division of Local Government Services, and confirms that he is authorized to exercise purchasing authority to the enhanced limits established by N.J.S.A. 40A:11-3 and as such limits are further adjusted by the Governor pursuant to N.J.S.A. 40A:11-3c of said statute; and

BE IT FURTHER RESOLVED that the Borough Council of the Borough of Rocky Hill hereby ratifies all contracts awarded by actions of Joseph Monzo acting as its qualified purchasing agent since his date of hire set forth above.

Attest:

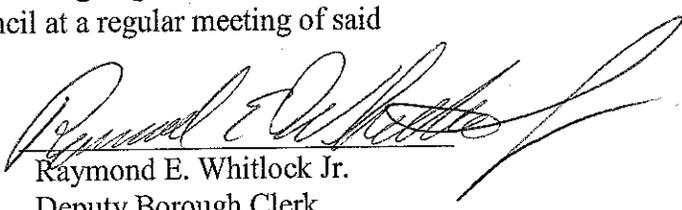

Raymond E. Whitlock Jr.,
Deputy Borough Clerk

By:


Edward P. Zimmerman, Mayor

CERTIFICATION

I, Raymond Whitlock, Deputy 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 May 3, 2010.


Raymond E. Whitlock Jr.
Deputy Borough Clerk

EXPLANATION: This Resolution authorizes the Mayor and Clerk of the Borough of Rocky Hill to endorse a Treatment Works Approval Permit application for Block 10, Lot 19, known as Rocky Hill Estates.

**BOROUGH OF ROCKY HILL
RESOLUTION NO. 2010-46**

WHEREAS, on June 29, 2006, the Borough of Rocky Hill Planning Board granted Preliminary and Final Major Subdivision approval to co-applicants, Pulte Homes of NJ, Limited Partnership, and David K. Schafer ("Developers"), for Block 10, Lot 19, known as Rocky Hill Estates ("Property"); and

WHEREAS, on September 12, 2006, that approval was memorialized subject to, among other things, the Developers obtaining all necessary permits; and

WHEREAS, since then, the Contract for the Purchase and Sale of Real Estate between David K. Schafer and Pulte Homes of NJ, Limited Partnership, was terminated and the sole Developer is now Mr. Schafer; and

WHEREAS, the Developer has requested that the Borough endorse a Treatment Works Approval ("TWA") Permit application for the Property; and

WHEREAS, the TWA is subject to approval by the Township of Montgomery and the Department of Environmental Protection ("DEP"); and

WHEREAS, the Township of Montgomery has requested that the sanitary sewerage flow meter to be utilized to measure the flow from the Property be placed off-tract, and the location of the meter is proposed to be placed in the existing manhole identified as M.H. #90 on the Borough of Rocky Hill Sanitary Sewer Map, and said manhole is located approximately sixty (60') feet east of the manhole located at the intersection of Grove Street (extended) and Kingston Road approximately forty (40') feet north of the Van Horn Brook; and

WHEREAS, David K. Schafer has agreed to the placement of the meter at that location at Mr. Schafer's sole cost and expense; and

WHEREAS, approval of the TWA permit by the DEP grants the Developer the ability to connect new sanitary sewer lines to the existing collection system; and

WHEREAS, it is the responsibility of the Borough of Rocky Hill to maintain all of the sewer collection lines within the Borough of Rocky Hill, including the collection lines installed by the Developer, but the Developer agrees that the homeowners' association will indemnify/reimburse the Borough for any future maintenance costs associated with the collection lines installed by the Developer, and

WHEREAS, the flow meter shall become the property of the Borough of Rocky Hill upon installation; and the Borough of Rocky Hill will be responsible for the future maintenance of the flow meter; and

WHEREAS, the TWA Permit application has been reviewed by the Borough's Consulting Engineer, William C. Tanner, P.E., of Van Cleef Engineering Associates, and he recommends that the Borough endorse the TWA Permit application; and

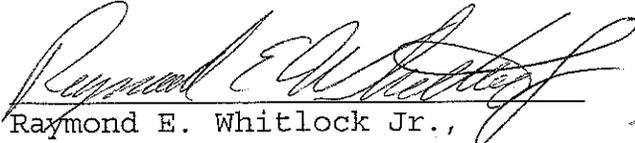
WHEREAS, the purpose of this Resolution is to memorialize the action taken by the Borough of Rocky Hill Council on April 5, 2010.

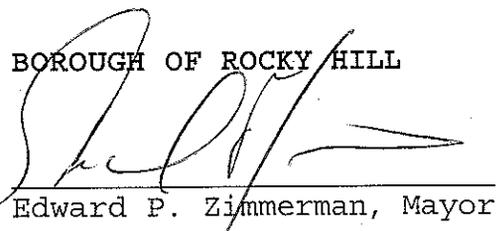
NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rocky Hill, County of Somerset, State of New Jersey as follows:

1. That the Mayor and Clerk of the Borough of Rocky Hill are hereby authorized to endorse the Developer's TWA Permit application.
2. That this authorization is conditioned upon the Developer obtaining all other TWA Permit application approvals from all agencies having jurisdiction.
3. That this authorization is conditioned upon the Developer installing a flow meter at the Flow Meter Location identified above at the Developer's sole cost and expense.
4. This Resolution shall take effect immediately.

ATTEST:

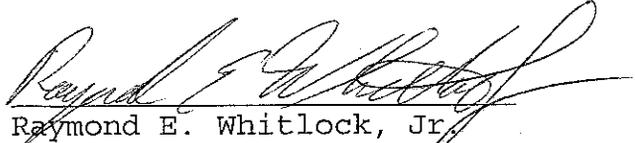
BOROUGH OF ROCKY HILL


Raymond E. Whitlock Jr.,
Deputy Clerk


Edward P. Zimmerman, Mayor

CERTIFICATION

I, Raymond E. Whitlock Jr., Deputy 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 of the Borough of Rocky Hill on May 3, 2010.


Raymond E. Whitlock, Jr.
Deputy Borough Clerk