

Approved 8/16/2010

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
July 19, 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.

Absent: None

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

MAYOR'S COMMENTS

- Mayor Zimmerman informed the Council that the July 4th celebration went very well. Mayor Zimmerman stated that Raymond Whitlock was honored for his 50 years of service on the Rocky Hill Fire Department.
- Mayor Zimmerman stated there was a tree planted at the Borough Hall in memory of Larry Rafelli on Saturday July 10, 2010. Mayor Zimmerman stated his wife and three children were in attendance.
- Mayor Zimmerman stated that the Borough tax bills were complete and down roughly 1%, which is an average savings of around \$90.00 per property.
- Mayor Zimmerman informed the Council that Gabrielle Dietrich had resigned as Chairman of the Shade Tree Commission. Mayor Zimmerman noted that Peggy Harris would be appointed as the new Chairperson at the next meeting.

APPROVAL OF MINUTES

Regular Meeting Minutes – June 21, 2010 – Motion was made by Goldman to approve the minutes as presented. Motion was seconded by Donahue. Motion carried on roll call vote - all ayes.

Abstain: Pausch

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

Special Business – Resolution in Support of Sustainable NJ

New Business – Approval of membership application to Rocky Hill Hook and Ladder Company

PUBLIC COMMENT

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

Tom Bremner, 17 Crescent – Mr. Bremner informed the Council there were two errors in the information that Appraisal Systems, Inc. sent out to residents. An incorrect phone number was listed and a reference to the Rocky Hill Police Department, which does not exist. Mr. Bremner also informed the Council there were grant available to obtain solar panels. Mayor Zimmerman responded that Rocky Hill was one of the first towns to make an application to obtain solar panels, and several Borough owned properties were surveyed.

Approved 8/16/2010

STATE POLICE REPORT

State police report dated 7/1/2010 for the period June 2010, as received from Lt. Skelton of the NJSP was summarized by Council member Pausch (copy on file in the office of the Acting Borough Clerk).

ENGINEER'S REPORT

Report dated for July 19, 2010 as received by Engineer Tanner was distributed and filed in the Borough Clerk's office. Engineer Tanner provided an overview of the report.

Van Horne Park- Engineer Tanner stated complaints have been received regarding the poles on the basketball courts. Engineer Tanner stated the padding is missing from the poles and people can run into them and become injured. It was noted that it would cost the Borough roughly \$60.00 to contribute to padding to absolve this issue. Engineer Tanner informed the Council that the hump at the entrance has been re-painted and is now complete. Engineer Tanner noted that if funds were available, Montgomery would like to add motion activated lights in the restrooms. Lastly Engineer Tanner stated there were more complaints regarding the gates. Engineer Tanner inquired about removal of the gates. Mayor Zimmerman responded the gates need to remain in place, in case there is ever a need to close the park. Mayor Zimmerman suggested that the gates be repaired to resolve the issue.

County Recreational Grant – Engineer Tanner updated the Council on the improvements to Panicaro Park. The electrical work has been completed and the lights are working. Engineer Tanner stated the trees that were removed around the batter board are being kept healthy to be replanted.

Intersection Sight Distances – Engineer Tanner distributed a sample Ordinance for Council to review. Council President Goldman stated she felt if the Borough Engineer were named the arbitrator with regards to compliance with the Ordinance, it would make the pending sight distance ordinance acceptable.

Tree Removal Contract - Engineer Tanner stated all work has been completed and an application is being made to FEMA for reimbursement.

Crosswalk signs - Engineer Tanner distributed literature from JSF Technologies regarding solar powered blinking crosswalk lights. Engineer Tanner stated the signs will cost the Borough roughly \$6,500.00 per intersection. Mayor Zimmerman stated something needs to be done, as they placed signs in the crosswalks and already one was destroyed. Council Member Steen inquired about placing them at the most critical intersections primarily and continue on with other intersections when funds became available. Council Member Hasser inquired as to what the costs would be to install them at every intersection. Mayor Zimmerman stated placing signs at all intersections was the long-term goal. Mayor Zimmerman asked Engineer Tanner to get some quotes to explore what the Borough can afford to do. Council President Goldman suggested that a comprehensive study be done by the County, as each intersection may have a unique solution. Council Member Pausch stated that something needs to be done in the interim, as the intersections are dangerous.

Council President Goldman informed the Council the trench Mr. Donato had his pipe installed in has settled and it is extremely noisy when vehicles pass over it. Engineer Tanner stated that should be covered by the contractor who installed the trench as part of the road opening permit. Engineer Tanner asked Council Member Hasser to contact the County regarding this issue and have them follow up with the contractor to have it fixed.

PUBLIC COMMENT

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

Approved 8/16/2010

CHIEF FINANCIAL OFFICER'S REPORT

CFO Monzo explained that there is now a 2% cap law for municipal budgets. Mayor Zimmerman inquired as to whether amounts can be banked from year to year if kept under the cap. CFO Monzo responded yes, amounts can be banked for up to 3 years. Council President Goldman suggested that the encumbered amounts could be moved over to see the remaining balances, on the report. Motion was made by Goldman to accept the CFO's report as presented. Motion seconded by Banks. Motion carried on roll call vote-all ayes.

DEPARTMENTAL REPORTS

Tax Collector Report - June 2010

Court Administrator Report – June 2010

Mayor Zimmerman summarized the Court Administrator's report for the month of June 2010. Motion was made by Goldman to accept the reports as presented. Motion seconded by Banks. Motion carried on roll call vote – all ayes.

Resolution 2010-57 Authorization of Extension of Professional Services Contract to Conduct a Forensic Audit of the Montgomery Township/Rocky Hill Sewer Operations

Motion was made by Goldman to approve the resolution as presented. Motion seconded by Banks. Motion carried on roll call vote- all ayes.

APPROVAL OF VOUCHERS

Bill list dated July 19, 2010, was presented for approval. Motion was made by to approve vouchers with the exception of voucher # 6073. Motion seconded by Banks. Motion carried on roll call vote- all ayes.

Motion was made by Goldman to approve voucher # 6073. Motion was seconded by Banks. Motion carried on roll call vote- all ayes.

Abstain: Donahue

COMMITTEE REPORTS

Administration & Records – Council President Goldman informed the Council that General Code had suggested that 28 chapters of the Borough's codebook be updated. To date 11 chapters have been revised. Council President Goldman stated that she could draft 5 chapters in conjunction with attorney Cruz. The remaining others would need to be drafted and reviewed by each respective liaison. Mayor Zimmerman suggested that the Council undertake this task before Council President Goldman's term is up in December. Council President Goldman stated that Council Member Steen is trained and is acting as web master from this point forward with her supervision. Council President Goldman stated that there were 958 visits to the website, of which 7% were unique visitors.

Buildings & Grounds – Council Member Donahue stated the July 4th celebration was a success and the committee stayed well within their budget, spending only \$1,095.00. Council Member Donahue extended his gratitude to the Community Group, as well as the Mayor, the fire department and the rescue squad. Council Member Donahue stated the Tennis Camp was also a success. Council Member Donahue informed the Council that there was an issue with wasps at the camp. Council Member Donahue inquired if first aid kits could be available next year for the tennis camp. Mayor Zimmerman responded that Princeton Tennis should be the ones to supply the first aid kits, as they are running the camp. Council Member Donahue updated the Council on the tree removal in town. Council Member Donahue stated the signs at the tennis courts would be amended. Lastly Council Member Donahue noted the tennis nets are in disrepair. The teeth are broken and it will cost approximately \$200.00 to fix. Mayor Zimmerman asked that Council Member Donahue get a quote to repair the nets.

Finance & Insurance – Nothing at this time.

Approved 8/16/2010

Public Safety & Emergency Services – Nothing at this time.

Streets & Roads – Council Member Hasser stated she has nothing at this time, but will follow up on the various items previously discussed pertaining to streets and roads.

Water, Sewer & Environmental Protection – Council Member Steen stated a total of 2,610,000 gallons were pumped from well #2 during June and no water was purchased from NJAM Company. Council Member Steen stated the water tower was overflowing on June 6, 2010. A plastic tube had broken signaling the tank was empty. Repairs have been made to the line. Council Member Steen reported the water samples are fine and the volatile organic concentrations are less than in previous years.

Council Representative to Planning Board – Council President Goldman stated the resolution for the First Reformed Church sign was approved, as well as Ordinance # 3, 2010, was approved for recommendation to council to be amended. Council President Goldman stated a PDF application submission was discussed, along with bills and escrow balances.

Council Liaison to School Committee – Nothing to report at this time.

Council Representative to Board of Health – Nothing to report at this time.

Zoning Official's Report – Zoning Official Whitlock stated the Borough has received communications from the Somerset County Health Department regarding 98 Washington Street. Zoning Official Whitlock stated he visited the site, and the front porch is in danger of falling, however there is an open building permit so no action can be taken at this time. Mayor Zimmerman inquired about the out buildings on the property. Zoning Official Whitlock stated he would visit the site and look at the other structures.

Grants Committee – Nothing to report at this time.

SPECIAL BUSINESS

Ordinance No. 3-2010 – Ordinance to amend article 4 & 5 of the Borough of Rocky Hill Development Regulation Ordinance “General Provisions” & “Development Review Procedures and Plat Details”

Acting Borough Clerk Newman announced the proof of publication was in order, and notice was posted at the Post Office and Library. Mayor Zimmerman read the Ordinance by title and opened the meeting to the public.

Public, Tom Bremner, 17 Crescent – Mr. Bremner requested that the fees for Historic Preservation be removed.

Meeting was closed to public.

Motion was made by Goldman to approve the Ordinance as presented. Motion was seconded by Pausch. Motion carried on roll call vote. All ayes.

Resolution 2010-58 Resolution in support of Sustainable NJ – A motion was made by Goldman to approve the resolution as presented. Motion was seconded by Hasser. Motion carried on roll call vote- all ayes.

UNFINISHED BUSINESS

- D & R Canal dredging- Mayor Zimmerman informed the Council Urban Dredging Consultants would begin dredging the D & R canal from Amwell Road to Route 27. The project will begin in 2013 and take a year to complete. Mayor Zimmerman stated he met with officials overseeing the project to coordinate traffic issues and rescue issues, as Rocky Hill Rescue Squad responds to towpath issues.

- Rocky Hill Camp Out- Mayor Zimmerman inquired as to whether or not the concerns previously expressed were resolved. Tom Bremner, 17 Crescent, stated that the Community Group should be able to obtain insurance for the event, solar powered lights would be used to light walkways, however, there would

Approved 8/16/2010

be no hired police officer and the Community Group would like limited access to the Borough Hall for use of the restrooms. Mayor Zimmerman asked for a written narrative explaining all procedures for consideration. Mayor Zimmerman stated he would not be comfortable supporting this event without the consent and input of the Council.

-Rescue Squad Issues- Mayor Zimmerman stated he and Council Member Pausch held a meeting with the Rocky Hill Rescue Squad. It has been determined that less than 60% of calls are being responded to. Mayor Zimmerman expressed during the meeting, his desire to retain the services of the Rocky Hill Rescue Squad, however there were many issues that need to be addressed. Mayor Zimmerman surmised a list of issues and asked that the squad complete a corrective action plan and submit it to Council for discussion at the next meeting. Council Member Pausch reiterated that they expressed the Council values their services, and their medical ability has never been questioned. Mayor Zimmerman stated that the rescue squad was told that if no corrective action plan is submitted to Council, than Rocky Hill will be forced to start negotiations with other towns. Mayor Zimmerman stated he would like to see a restoration of some veteran members that have left due to the current dysfunction. Mayor Zimmerman also stated the fire chief of the Rocky Hill Hook and Ladder company is willing to take over records management and call dispatch on behalf of the rescue squad.

NEW BUSINESS

-Blue Light permit were approved for David Dorcey and Dylan Talarick.

-Application for membership for Alan Verducci was approved for the Rocky Hill Hook and Ladder Company.

COMMUNICATIONS:

Communications as listed were distributed, disseminated and filed accordingly.

-Notice of July 16, 2010 special meeting for Montgomery Township Schools.

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 Donahue to adjourn the meeting at 9:46 PM. All voted in favor of adjournment.

Respectfully submitted:



Rebecca P. Newman
Acting Borough Clerk

Explanation: This Resolution authorizes an extension of the Professional Services Agreement with Marcum Rosenfarb, LLC, to complete an audit of the payments due to the Township of Montgomery for sanitary sewer services.

**BOROUGH OF ROCKY HILL
RESOLUTION NO. 2010-57**

WHEREAS, the Mayor and Council of the Borough of Rocky Hill have a fiduciary duty to the Borough's taxpayers to determine the appropriate payments due to the Township of Montgomery for sanitary sewer service; and

WHEREAS, the Borough of Rocky Hill received a Retainer Agreement from Marcum Rosenfarb, LLC, 4000 Route 66, Tinton Falls, New Jersey 07753, dated May 22, 2009, and June 12, 2009, to conduct an audit of the payments due to the Township of Montgomery for sanitary sewer service; and

WHEREAS, on July 20, 2009, the Borough of Rocky Hill awarded Marcum Rosenfarb, LLC, a professional services contract to conduct an audit of the payments due to the Township of Montgomery for sanitary sewer services; and

WHEREAS, Marcum Rosenfarb, LLC, agreed to prepare an audit detailing its findings, pursuant to the proposal dated June 12, 2009; and

WHEREAS, Marcum Rosenfarb, LLC, has particular expertise in this area and agreed to complete the audit at an hourly rate schedule outlined in the June 12, 2009 proposal not to exceed \$35,000.00; and

WHEREAS, because of the nature of the audit, the costs for Marcum Rosenfarb, LLC's, services have exceeded \$35,000.00; and

WHEREAS, Marcum Rosenfarb, LLC's, services continue to be necessary to complete the audit; and

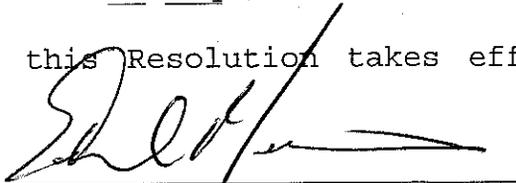
WHEREAS, the Chief Financial Officer has certified that funds for this professional services contract are available in the municipal budget.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rocky Hill, County of Somerset, State of New Jersey, that it does hereby extend the contract with Marcum Rosenfarb, LLC, for one (1) year and approves an additional expenditure of an amount not to exceed \$35,000.00 for professional services by Marcum Rosenfarb, LLC; and

BE IT FURTHER RESOLVED that this contract was not awarded through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4 et seq. but has been awarded based on the merit and ability of Marcum Rosenfarb, LLC, attests that its subsidiaries, assigns or principals controlling in excess of ten (10%) percent of the company has neither made a contribution that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any state, county or municipal committee of a political party; any legislative leadership committee; any continuing political committee; any candidate committee of a candidate for, or holder of, an elective office, when the contract is awarded; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized to advertise the award of this contract within ten (10) days from the date hereof in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

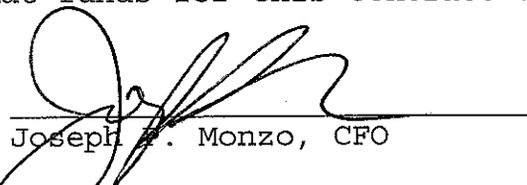
BE IT FURTHER RESOLVED that this Resolution takes effect immediately.



Edward P. Zimmerman, Mayor

CERTIFICATION OF FUNDS

I, Joseph P. Monzo, Chief Financial Officer of the Borough of Rocky Hill do hereby certify that funds for this contract are available from: 08-201-26-290-26.



Joseph P. Monzo, CFO

CERTIFICATION

I, Rebecca P. Newman, Acting Borough Clerk of the Borough of Rocky Hill, County of Somerset and State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution duly adopted by the Mayor and Council on July 19, 2010.



Rebecca P. Newman
Acting Borough Clerk

**BOROUGH OF ROCKY HILL
RESOLUTION NO. 2010-58**

**Resolution of Support from Local Governing Body Authorizing the
Sustainable Jersey™ Grant funded by Wal-Mart**

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

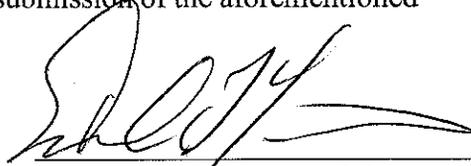
WHEREAS, The Borough of Rocky Hill strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, The Borough of Rocky Hill is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants funded by Wal-Mart;

THEREFORE, the Borough Council of The Borough of Rocky Hill has determined that Borough of Rocky Hill should apply for the aforementioned Grant.

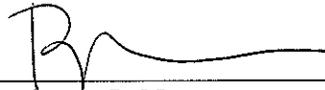
NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Rocky Hill State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant funded by Wal-Mart.



Edward P. Zimmerman, Mayor

CERTIFICATION

I, Rebecca P. Newman, Acting Borough Clerk of the Borough of Rocky Hill, County of Somerset and State of New Jersey, do hereby certify the foregoing to be a true copy of a Resolution duly adopted by the Mayor and Council on July 19, 2010.



Rebecca P. Newman
Acting Borough Clerk