

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
February 1, 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 has been posted accordingly and a copy of this notice is available to the public and is on file in the Office of the Borough Clerk.

ROLL CALL

Mr. James 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

MAYOR'S COMMENTS

- Mayor Zimmerman urged members of Council to attend the SCGOA Dinner scheduled for 2/12/10. The Executive Director of the New Jersey Sustainable State Institute will be the guest speaker and will be discussing the Sustainable Jersey Certification Program which is of interest to the Borough.
- The Mayor extended appreciation to the Fire Department for inviting him to attend the installation of officers dinner that he attended this past weekend; birthday wishes were extended to Deputy Clerk Whitlock;
- Thank you was extended to Senator Bateman for testimony that he provided today in support of S-1 (of which he is a co-sponsor) which would move to abolish COAH;
- Mayor Zimmerman re-proclaimed Thursday, 3/4/10 as Rocky Hill Night Off; the date has been changed from the date included in the proclamation that was set forth at the last meeting;
- Letter dated 1/27/09 was received from Somerset Executive County School Business Administrator John Bolil in response to the Borough's request for the refund of \$3,480.00 in non-public transportation aid. Mr. Bolil is currently researching the issue and will respond back;
- Request was received from the NJLM and NJEA for support of "Read Across America"; Mayor Zimmerman has volunteered to read to first through third grade elementary school students during the week of March 1st.

Appointment of Alternate Prosecutor (term through 12/31/10) – Mayor Zimmerman offered the reappointment of Tangerla Mitchell as the Alternate Prosecutor through 12/31/10. Motion was made by Pausch with a second by Steen confirming the appointment. Motion carried on roll call vote – all ayes.

Treasurer – term through 12/31/10

LOSAP Plan Administrator

COAH Housing Trust Fund Administrator

Motion was made by Hasser with a second by Pausch for the appointment of CFO Joseph Monzo to the above-referenced positions. Motion carried on roll call vote - all ayes.

Somerset County Community Development Committee –Letter of resignation was received from Council President Goldman as Mayor's Appointee to this Committee due to other commitments. Appointment held over for discussion with the Planning Board.

Somerset County Solid Waste Advisory Committee – (2) reappointments – Mayor Zimmerman related that the appointment of Council members to this committee is no longer acceptable by the County. Alternate appointments to be determined.

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APPROVAL OF MINUTES

Regular Meeting Minutes – January 20, 2010 – Motion was made by Goldman with a second by Banks for the approval of the minutes as presented. Motion carried on roll call vote – all ayes; Donahue, Hasser-abstain.

Executive Session Minutes – January 20, 2010 – Motion was made by Pausch with a second by Steen for the approval of the minutes as presented. Motion carried on roll call vote – all ayes; Donahue, Hasser-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:

Cliff Moore, Skillman Ave. – Mr. Moore questioned what the impact would be on the Borough if the bill abolishing COAH is approved. Mayor Zimmerman advised that it is his understanding that the responsibilities would be moved to the State Planning Commission, however, it is unknown what the impact would be on the Borough at this time.

Tom Bremner – 17 Crescent Ave. – Mr. Bremner questioned what effect the adoption of the COAH legislation would have on the Schafer Tract resubmission. He was advised that the impact is unknown at this time. Mr. Bremner expressed interest in participating in the sustainable energy program being explored by the Borough.

STATE POLICE REPORT – None received at this time; Council member Pausch will follow-up with Lt. Skelton of the NJSP.

ENGINEER’S REPORT

Report dated 1/29/09 for February 2010 from Engineer Tanner was received and distributed (copy on file in Borough Clerk’s Office). The following issues were discussed:

Princeton Gamma Tech – Request was received from a contractor of the EPA requesting levels of water in the well and pump numbers. The request was referred to Water Superintendent Larry Merk.

Van Horne Park – Mayor Zimmerman will contact the South Bound Brook Mayor to discuss possible security coverage for the park; Mayor Zimmerman requested that Engineer Tanner schedule a Van Horne Park Committee meeting.

Road Improvement Contract/Hickory Court; 2009 Sidewalk Improvement Contract/Washington St. – Engineer Tanner is completing the paperwork to finalize these projects in order to obtain the Borough’s grant monies. Mayor Zimmerman requested that Engineer Tanner provide a cost estimate for the 2010 Washington Street sidewalk project.

Montgomery Avenue Resurfacing – A contract will be developed by Engineer Tanner for this project which will be funded by a grant received last fall. Alternates will be added to the bid specification for an asphalt gutter for Toth Lane and a permanent patch to Princeton Ave. beyond the last speed hump.

County Recreational Grant – A meeting is to be scheduled with the members of the Design Committee for Panicaro Park.

NJDOT Local Aid Grant Application – Bikeway Grant – Council member Goldman suggested that a bike path from the Park to the four way stop on Princeton Ave. be explored as an option for the use of this grant. Engineer Tanner will follow-up on this recommendation.

Tax Maps – Engineer Tanner was asked to follow-up on the status of the maps that have been corrected and resubmitted to the State.

Intersection Sight Distances – Email dated 2/1/10 from Engineer Tanner, Re: Draft of the sight distance amendment to the Borough Code was circulated. Attorney Cruz and Engineer Tanner will review the proposed language in the draft and evaluate whether the sight distance triangle defined at 36 inches above the road surface can be reduced to 24 inches. The final draft of the ordinance language will be forwarded to Council members Hasser and Goldman (Streets and Roads Committee) for review and introduction of the ordinance under Chapter 167 of the Borough Code. Copy of Appellate Division decision, State of NJ v. Michael B. Golin, discussing the necessity for ordinances regulating tree and brush removal was received from Attorney Cruz and circulated.

Council Comments/Questions:

In response to question raised by Council member Goldman as to whether the State is being slow in paying the grant monies to the Borough, Engineer Tanner advised that he has to file the proper paperwork so that the refunds may be processed.

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

CHIEF FINANCIAL OFFICER'S REPORT

None presented at this time.

APPROVAL OF VOUCHERS TO BE PAID

Motion was made by Banks with a second by Hasser for approval of the bill list as presented. Motion carried on roll call vote – all ayes.

SPECIAL BUSINESS

Public Hearing: Ordinance #1, 2010 - "An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank" – The ordinance as filed in the Borough Clerk's Office was read by title by Mayor Zimmerman. Mayor Zimmerman provided an overview of the ordinance as presented and opened the floor for public comment/questions. Hearing none, the floor was closed. Proof of publication was received. Motion was made by Hasser with a second by Banks for the adoption of the ordinance. Motion carried on roll call vote – all ayes.

Resolution 2010-29 – Transfer of Funds in the Current Fund in the Borough of Rocky Hill for the Budget Year 2009 – Resolution was presented by CFO Monzo for the transfer of funds in the amount of \$1700.00 from Parks O.E. to Board of Health O.E. Motion was made by Steen with a second by Donahue for the approval of the resolution. Motion carried on roll call vote – all ayes.

UNFINISHED BUSINESS:

None presented at this time.

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NEW BUSINESS:

Budget Workshop Discussion – Members of Council were requested to provide a list of projects (three years out) to Council member Banks, CFO Monzo, and Mayor Zimmerman prior to the budget workshop meeting scheduled for Monday, 2/22/10 at 7:30 PM.

COMMUNICATIONS:

Communications as listed were distributed, disseminated and filed accordingly. Additional correspondence was received as follows:

- Copy of letter dated 1/20/10 from Mayor Zimmerman to Somerset Executive County School Administrator Bolil, Re: Request for refund of \$3,480.00 in non-public transportation funds;

FINAL PUBLIC COMMENT

Peggy Harris, 66 Crescent Ave. – Ms. Harris was provided with information pertaining to the Volunteer Fire Assistance Program Grant listed under communications.

Cliff Moore, Skillman Ave. – In response to questioning as to whether the contract with Montgomery Township for Van Horne Park is ready to be signed, Mr. Moore was advised that the contract will be discussed in executive session.

Tom Bremner, Crescent Ave. – Mr. Bremner restated his interest in being reappointed to the Borough Constable position.

Hearing no other comments/questions, the floor was closed.

EXECUTIVE SESSION RESOLUTION 2010-30 –

Contract Discussions – Montgomery Township – Van Horne Park

Contract Discussions – Montgomery Township – Sewer Negotiations/Forensic Audit

Personnel – Possible Appointment/Borough Constable Position

Borough Clerk Griffiths read into the record the executive session resolution nature of discussion as referenced above. Motion was made by Hasser with a second by Banks for the approval of the resolution. Motion carried on voice vote – all ayes. (8:15PM)

Results of Executive Session (if any)

(9:45PM)

Personnel – Possible Appointment/Borough Constable Position – Motion was made by Hasser with a second by Goldman for the approval of the expenditure of funds in the amount of \$41.00 for the purpose of conducting a criminal history check on a proposed candidate for the Borough Constable position. Motion carried on roll call vote – all ayes.

Results of other items of discussion not available to the public at this time.

ADJOURNMENT:

Motion to adjourn the meeting at 9:46 PM was made by Hasser with a second by Goldman. All voted in favor of adjournment.

Respectfully submitted:

Donna M. Griffiths, RMC
Borough Clerk

ORDINANCE #1, 2010

**ROCKY HILL BOROUGH
SOMERSET COUNTY**

CALENDAR YEAR 2010

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Rocky Hill in the County of Somerset finds it advisable and necessary to increase its CY 2010 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$ 24,917. in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Rocky Hill, in the County of Somerset, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2010 budget year, the final appropriations of the Borough of Rocky Hill shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5% amounting to \$ 915,907 and that the CY 2010 municipal budget for the Borough of Rocky Hill be approved and adopted in accordance with this ordinance; and,

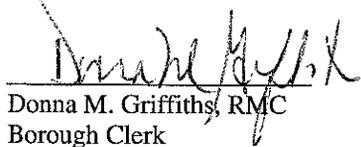
BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

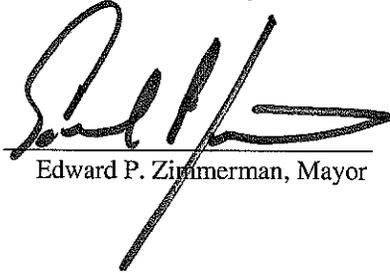
BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Attest:

By:


Donna M. Griffiths, RMC
Borough Clerk


Edward P. Zimmerman, Mayor

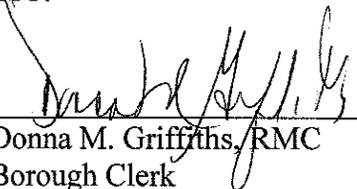
Introduced: 1/20/10
Adopted: 2/1/10

Ordinance #1, 2010
Adoption

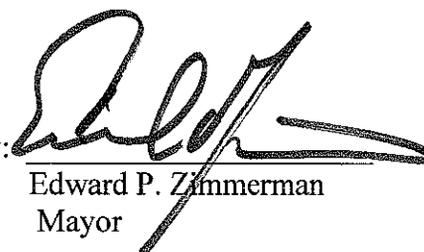
Recorded Vote:

	Banks	Donahue	Goldman	Hasser	Pausch	Steen
<u>Ayes:</u>	x	x	x	x	x	x
<u>Nays:</u>						
<u>Abstentions:</u>						
<u>Absent:</u>						

ATTEST:

By: 

Donna M. Griffiths, RMC
Borough Clerk

By: 

Edward P. Zimmerman
Mayor

Introduced: January 20, 2010
Adopted: February 1, 2010

CERTIFICATION

I, Donna M. Griffiths, Clerk, of the Borough of Rocky Hill do hereby certify the foregoing to be a true and correct copy of an Ordinance adopted by the Borough Council of the Borough of Rocky Hill on 2/1/10.

Donna M. Griffiths, RMC
Borough Clerk

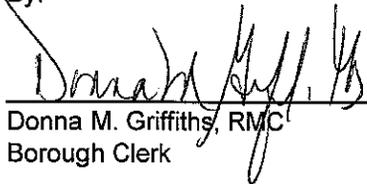
RESOLUTION 2010-29
RESOLUTION FOR THE TRANSFER OF FUNDS IN THE CURRENT
FUND IN THE
Borough of Rocky Hill FOR THE BUDGET YEAR 2009

BE IT RESOLVED on this 1st day of February, 2010 by the Borough Council for the Borough of Rocky Hill, County of Somerset, that from the surplus balance in the 2009 budget appropriations reserves transfers be made as follows:

CURRENT FUND: Inside the CAP to Inside the CAP
Operating Expenses and Salaries & Wages

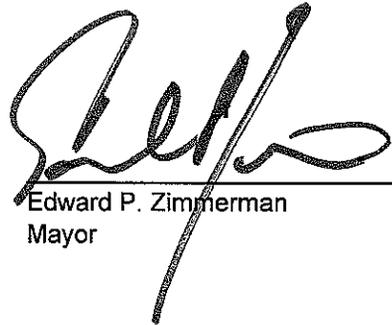
<u>Title</u>		<u>Transfer From</u>	<u>Transfer To</u>
Parks	O/E	1,700.00	
Bd of Health	O/E		1,700.00
TOTAL		\$ 1,700.00	\$ 1,700.00

By:



Donna M. Griffiths, RMC
Borough Clerk

Dated: February 1, 2010



Edward P. Zimmerman
Mayor

EXPLANATION: THIS RESOLUTION ALLOWS THE BOROUGH COUNCIL TO RETIRE INTO EXECUTIVE SESSION.

BOROUGH OF ROCKY HILL

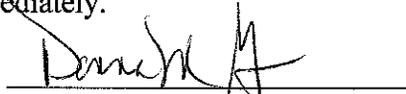
RESOLUTION 2010 - 30

WHEREAS, Section 8 of the Open Public Meetings Act (N.J.S.A. 10:4-12(b) (1-9) permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Borough Council is of the opinion that such circumstances exist.

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. The public shall be excluded from discussion of and action on the executive Session of February 1, 2010;
2. The general nature of the subject matter to be discussed is as follows:
 - Contract Discussions – Montgomery Township – Van Horne Park;
 - Contract Discussions – Montgomery Township – Sewer Negotiations/Forensic Audit ;
 - Personnel Matters – Constable PositionMinutes of said discussion will be made available as soon as it is deemed in the public interest to do so.
3. The Borough Council may take official action on those items discussed in executive session upon completion of the executive session.
4. This Resolution takes effect immediately.



Donna M. Griffiths, RMC

Borough Clerk

CERTIFICATION

I, Donna M. Griffiths, 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 February 1, 2010.

Donna M. Griffiths, RMC