

**BOROUGH OF ROCKY HILL  
COUNCIL MINUTES  
April 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. Julia Hasser-present, Mr. Mark Pausch-present, Mr. Robert Steen-present.

Absent: Ms. Linda Goldman

Also present: Borough Attorney Albert Cruz, CFO Joseph Monzo, Deputy Clerk Raymond Whitlock.

**MAYOR'S COMMENTS**

- Mayor Zimmerman reminded all of the school board elections scheduled for tomorrow;
- Thank you was extended to the Rocky Hill Hook and Ladder Company for their assistance this afternoon with a gas main leak and fire on County Route 518;
- Thank you was extended to Randie Zimmerman for her service as the Rocky Hill representative on the Montgomery School Board of Education.
- Mayor Zimmerman advised that the Rocky Hill Hook and Ladder Company will be collecting money as a fund raising event next Saturday on Washington St. He related that the fire fighters will be directing traffic and no children will be permitted in the roadways during the event. Authorization to hold the event was granted via voice vote - all in favor.

2010 Appointments - Municipal Wastewater Management Planning Committee - Mayor Zimmerman offered the following 2010 appointments to this Committee: Council member Robert Steen and Council member Mark Pausch. Engineer Tanner and Water Superintendent Larry Merk will remain on the Committee as appointed in 2009. Motion was made by Banks with a second by Hasser confirming the appointments. Motion carried on roll call vote - all ayes.

**APPROVAL OF MINUTES**

Regular Meeting Minutes – April 5, 2010 - Motion was made by Hasser with a second by Steen for the approval of the minutes as presented. Motion carried on roll call vote - all ayes.

Executive Session Minutes - April 5, 2010 - Motion was made by Steen with a second by Hasser for the approval of the minutes as presented. Motion carried on roll call vote - all ayes.

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

Council member Hasser: Unfinished Business - Ordering Flags for the Community Group

**PUBLIC COMMENT**

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

Marge Yuschak, Washington St. - Reminder was provided of the Seventh Annual Earth Day Clean-Up event by the Rocky Hill Community Group scheduled for April 24th between 9:30-11:30AM.

Tom Bremner, Trustee, Rocky Hill Community Group (RHCG) - In response to questioning, Mr. Bremner was advised that funds have been allocated for the 4th of July event this year from the Recreation budget pending budget adoption. Mr. Bremner advised that the RHCG is planning a Rocky Hill Camp Out event this year. The Community Group would like to hold the event behind Borough Hall or at Van Horne Park. Further discussions to be held with the Fire Chief due to the fact that a bonfire is being proposed. A meeting will also be scheduled with Council member Donahue for further details on the event.

**APPROVAL OF VOUCHERS TO BE PAID** - action taken after Special Business

**DEPARTMENTAL REPORTS**

Tax Collector – March 2010  
Court Administrator – March 2010

The Court Administrator's report was summarized by Mayor Zimmerman. Motion was made by Hasser with a second by Banks to accept the reports as submitted. Motion carried on voice vote –all ayes.

*(A change in the regular order of agenda business was directed by the Mayor.)*

**SPECIAL BUSINESS:**

**Resolution 2010-39/Award of Contract - Waste Removal** - Motion was made by Pausch with a second by Steen authorizing the award of the contract to Republic Services of NJ, LLC as follows: Option 2D for five years - \$228,509.40; Option 3D for five years - \$23,000.00 for a cumulative total of \$251,509.40 effective June 1, 2010 through May 31, 2015. Certification of funds was provided by CFO Monzo. Motion carried on roll call vote - all ayes.

**Resolution 2010-40 - Enabling the Borough to file NJDEP Tonnage Grants Application** - Motion was made by Banks with a second by Hasser for the approval of the resolution authorizing the Borough to file for NJDEP Tonnage Grants and authorizing Raymond E. Whitlock Jr. to file the application. Motion carried on voice vote - all ayes.

**Resolution 2010-41/Possible Award of Contract - Lawn Maintenance Service** - Motion was made by Donahue with a second by Pausch authorizing the award of the contract as follows: Section A - Lawn Area Maintenance Services - G&T Landscaping, Hillsborough, NJ in the amount of \$8,100.00; Section B - Open Field Maintenance Services - Maitland Van Nostrand, Skillman, NJ in the amount of \$1,200.00. Certification of funds was received from CFO Monzo. Motion carried on roll call vote - all ayes.

**Resolution 2010-42/Possible Award of Contract - Panicaro Park** - Motion was made by Banks with a second by Steen for the award of contract for improvements to Panicaro Park to JML Landscaping, Neshanic Station, NJ for a total amount of \$15,159.76. Motion carried on roll call vote - all ayes. It was noted that a change order will be forthcoming per Engineer Tanner to reduce the length of the flag pole and to remove some of the stone. These changes will result in a reduction in costs which will subsequently result in the project being funded entirely by the \$15,000.00 2009 County Youth Athletic Grant. Mayor Zimmerman related that the project was reviewed informally by the Planning Board and minor change was made for the removal of the opening from Crescent Ave.

**Resolution 2010-43 - School Board Legal Fees** - Motion was made by Banks with a second by Hasser for the approval of the resolution authorizing continued representation of the Borough of Rocky Hill in

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Borough of Rocky Hill, et als. v. State of New Jersey, et als. and the expenditure of an additional amount of funds not to exceed \$13,000.00 at a rate of \$145.00 for Mr. Giacobbe's services to the Borough for this lawsuit. Certification of funds was received from CFO Monzo. Motion carried on roll call vote - all ayes.

**Resolution 2010 - Ratifying Endorsement of TWA Permit Application - Schafer** - Confirmation of the location of the meter to be made. Tabled to next meeting; no action taken.

**Presentation of Montgomery Township School District 2010-11 Budget by E. Kim and T. Venanzi -**

Dave Petitt, President, Montgomery Township School Board and Earl Kim, Superintendent of Montgomery Township School, appeared before Mayor and Council to present the 2010-11 proposed school board budget. The following materials were provided and summarized: 2010-11 Proposed Budget Framework dated 4/6/10; Montgomery Twp. School District Budgeted Revenue Comparison 2009-10/2010-11; Montgomery Township BOE 2010/11 Tax Analysis & Comparison (Tax Impact for Montgomery Residents and Rocky Hill Residents); Staffing Cuts and Reallocations dated 4/8/10; District comparison for schools with 3500+ pupils for K-12. The budget was presented as a "flat budget" with a 0.66% increase over last year's budget. Mr. Kim related that the Board has made 2.2 million in cost reductions, restructured administration, and concessions have been made from all three of the school's bargaining units. It was noted that the budget includes a 2% net increase in salaries after givebacks from the teachers with no teacher lay-offs. Discussion ensued as to how cuts were made, the impact of the reduction of State aid, per pupil costs, how the tax levy is apportioned between the two municipalities, the affect of the return of State Aid to the school budget for meeting the salary reduction criteria set forth by the Governor, the tax increase impact on each municipality (4.37% - \$200/household - Rocky Hill; 6.07% - \$546/household - Montgomery Township), and the impact of the tax increase given the merger of the boards of education was to result in a cost savings to the taxpayers of the Borough. The following questions were raised by Mayor and Council: how the school's debt service is being apportioned between the two municipalities, how the cuts in salaries were apportioned between the administration and teachers, whether the levy is being apportioned fairly between the two municipalities, whether the costs per pupil are being apportioned fairly, how student programs are being affected by the cuts. Concern was expressed on the impact of a tax increase particularly for residents on fixed incomes. Mr. Kim will follow-up with the Business Administrator on question raised as to the apportionment of the debt service. It was offered that more detailed information on the budget is available on the Montgomery Board of Education website.

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

William Hallman, Montgomery Ave. - In response to questioning by Mr. Hallman, Mr. Kim provided a breakdown of the givebacks from the teachers and other staff members. It was also related that a 3% increase for teachers, 2% increase for administration, and salary freeze for other employees is anticipated for next year. Student parking and project fees will be reduced if the budget is passed.

*(The regular order of agenda business resumed.)*

**APPROVAL OF VOUCHERS TO BE PAID**

Bill list dated 4/19/10 was presented for approval. Motion was made by Banks with a second by Hasser for the approval of the bill list. Motion carried on roll call vote - all ayes.

**COMMITTEE REPORTS:**

**Administration & Records** - Council member Steen related that he and Council member Goldman are working on the transition of the website duties.

**Buildings & Grounds** - Council member Donahue advised that he is soliciting quotes for mulch for the playgrounds. Mr. Donahue and Mr. Pausch met with representative of the Energy Audit firm to review the recommendations outlined in the audit. Recommendation was made to install timed heating circuitry and for the replacement of higher efficiency furnaces when need be in the Borough Hall and Firehouse. Mayor Zimmerman requested that Mr. Donahue contact Fire Chief Harris to discuss the 4th of July event.

**Finance & Insurance** – Council members Banks and Donahue will confer on projects being proposed by the Shade Tree Commission.

**Public Safety & Emergency Services** – Council member Pausch will request the constables be available for the house tour being held in the Borough in May. A meeting is being scheduled with the Rescue Squad to discuss operational and finance issues. Borough Constables are following up with residents on stumps, debris, etc. remaining since the brush/limb pick-up. Follow-up will be made by Council member Donahue on the tree down in Panicaro Park.

**Streets & Roads** – Somerset County Vegetation Control information as received by Council member Hasser was provided to Clerk Griffiths. Ms. Hasser will follow-up with Engineer Tanner on two sink holes as reported by the Mayor on Merritt Lane and Lemore Circle.

**Water, Sewer & Environmental Protection** – Council member Steen summarized Utility Report for March 2010, dated 4/2/10, as received from Water Superintendent Merk.

**Council Representative to Planning Board** – Mayor Zimmerman related that the Board memorialized resolutions and reviewed the Panicaro Park Promenade plan offering suggested changes as previously discussed.

**Council Liaison to Education Committee** – Discussed under Special Business

**Council Representative to Board of Health** – No report at this time.

**Zoning Officer** – Zoning Official Whitlock related that the Planning Board subcommittee approved the roof for the post office building. Application has been made for a new catering business at the Princeton Business Park; there are no zoning issues.

**Grants Committee** – Council member Pausch has been in contact with resident, Cindy Bliss, who will be assisting him in obtaining grant monies for the energy audit recommendations.

#### **UNFINISHED BUSINESS:**

**Pedestrian Crossing Signs** - Council member Hasser related that the Borough has a couple of pedestrian signs remaining, however, they are not in compliance with current traffic control regulations. New signs will cost \$285.00/sign which does not include installation. County representatives have related that they have repaired or replaced these signs at least 24 times since 2004 at an approximated total cost of \$11,600.00. Attorney Cruz offered that the signs that the Borough currently has can be utilized until such time as funds are allocated to replace them. Ms. Hasser indicated that she has received public comment from resident, Peggy Harris, urging that the signs be installed and additional signs should be placed on Princeton Ave. by Van Horne Park. Discussion ensued regarding whether new signs should be purchased resulting in a mixed response from Council.

Public comments were received as follows:

- Cliff Moore, Skillman Ave. - it is difficult to see the signs that we currently use and solar-powered pedestrian lights should be looked into; suggestion was made that the County should be contacted to help supplement the costs since they would be installed on a county road;
- Randie Zimmerman, Lemore Circle - does not take issue with the signs, however, does not want too many;
- Bill Hallman, Montgomery Ave. - the Board of Health had been previously requested to look into this; public health standards were provided that showed they posed more danger, however, the data provided was ambiguous; it depends on where they are placed and what the traffic patterns are. He offered that if the majority of the residents like the signs, they are a reasonable cost. Mr. Hallman also recommended that the Borough obtain a radar gun to evaluate whether the signs reduce the speed of motorists.

Mayor Zimmerman will follow-up with the County on funding for solar signs and with South Bound Brook Police Department regarding the radar gun. Suggestion was made by Mayor Zimmerman for street lining at the intersections that may be an awareness to motorists to reduce speed. Council member Pausch will follow-up on this suggestion with Chief King of the South Bound Brook Police Department and Council member Hasser will follow up with the County as to whether this would be feasible.

**Ordering Flags for the Community Group** - Request was received by the Community Group to replace flags for Washington St. Motion was made by Hasser with a second by Steen for the expenditure of funds of up to \$1,500.00 from the Buildings and Grounds O.E. budget line item contingent upon certification of funds from the CFO. Motion carried on roll call vote - all ayes. A total of 20 Rocky Hill Flags, 12 American Flags, and 12 flag poles will be purchased. Deputy Clerk Whitlock will order the flags.

**NEW BUSINESS:**

**Rocky Hill Hook and Ladder Company - Approval of Membership Application** - Motion was made by Banks with a second by Pausch for approval of membership application to the Rocky Hill Hook and Ladder Company from Richard Kocsis of Belle Mead. Motion carried on roll call vote - all ayes.

**COMMUNICATIONS:**

Communications as listed were distributed, disseminated and filed accordingly.

**FINAL PUBLIC COMMENT**

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

Nancy Lucas, Lemore Circle - Ms. Lucas was provided with the date of the spring clean-up (5/18/10).

**EXECUTIVE SESSION – Resolution 2010 -44 - Personnel - Possible Position Changes** – Resolution to enter into executive session for purposes as outlined above was read into the record by Borough Clerk Griffiths. Motion was made by Banks with a second by Pausch for approval of the resolution. Motion carried on roll call vote – all ayes. (10:05PM)

**RESULTS OF EXECUTIVE SESSION (if any)**

(10:13PM)

Results of executive session not available to the public at this time.

**ADJOURNMENT:**

Motion was made by Hasser with a second by Donahue to adjourn the meeting at 10:13 PM. All voted in favor of adjournment.

Respectfully submitted:

Donna M. Griffiths, RMC  
Borough Clerk

**Explanation:** This Resolution authorizes the Borough of Rocky Hill to award Contract #0905-BRH for Solid Waste Removal to Republic Services of NJ, LLC.

BOROUGH OF ROCKY HILL

RESOLUTION NO. 2010-39

WHEREAS, on March 10, 2010, the Borough of Rocky Hill received two (2) bids at a public bid opening for Contract #0905-BRH for solid waste removal as follows:

1. Republic Services of NJ, LLC

<u>Year</u>	<u>Total for Option 1</u>	<u>Total for Option 2</u>	<u>Total for Option 3</u>
1	\$ 42,189.00	\$ 42,189.00	\$ 4,600.00
2	86,065.68	86,065.68	9,200.00
3	131,697.36	131,697.36	13,800.00
5	228,509.40	228,509.40	23,000.00

2. Waste Management of New Jersey, Inc.

<u>Year</u>	<u>Total for Option 1</u>	<u>Total for Option 2</u>	<u>Total for Option 3</u>
1	\$ 47,784.00	\$ 52,656.00	\$ 6,000.00
2	96,984.00	106,872.00	12,400.00
3	146,916.00	162,720.00	19,200.00
5	251,340.00	279,480.00	34,000.00;

and

WHEREAS, Option #1 provides that "[t]he undersigned will contract to do all the work and furnish all the materials, labor, equipment, etc. necessary to collect, remove, transport from the Borough and safely dispose of all solid waste as defined in these specifications with one (1) collection in each and every week as described in Section 5.2..."; and

WHEREAS, Option #2 provides that "[t]he undersigned will contract to do all the work and furnish all the materials, labor, equipment, etc. necessary to collect, remove, transport

from the Borough and safely dispose of all solid waste as defined in these specifications as outlined in Option 1, except that there shall be one (1) additional pick up per week for 13 consecutive weeks during the summer as detailed in the body of the specifications"; and

WHEREAS, Option #3 provides that "[t]he undersigned will contract to do all the work and furnish all the materials, labor, equipment, etc. necessary to collect, transport and dispose of all material placed at the curb for Borough 'clean-up' day per the specifications"; and

WHEREAS, N.J.S.A. 40A:11-15(3) authorizes the Borough of Rocky Hill to award a five (5) year solid waste collection contract; and

WHEREAS, the lowest responsible bidder for Options 1, 2 and 3 was Republic Services of NJ, LLC; and

WHEREAS, the Borough has elected to award Option 2D for five (5) years for a total of \$228,509.40, and Option 3D for five (5) years for a total of \$23,000.00 or a five (5) year cumulative total of \$251,509.40 to Republic Services of NJ, LLC, effective June 1, 2010, and ending on May 31, 2015; and

WHEREAS, the Chief Financial Officer has certified that there are sufficient funds in the Borough of Rocky Hill budget for the first year of the contract, but that all subsequent years are subject to appropriation.

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 of Rocky Hill awards Contract #0905-BRH to Republic Services of NJ, LLC, as follows: Option 2D for five (5) years for a total of \$228,509.40, and Option 3D for five (5) years for a total of \$23,000.00 or a five (5) year cumulative total of \$251,509.40 effective June 1, 2010, and ending on May 31, 2015.

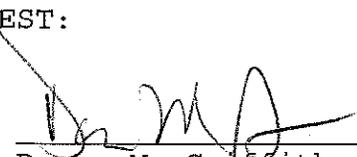
2. That the Chief Financial officer has certified that there are sufficient funds in the Borough of Rocky Hill budget for the first year of the contract, but that all subsequent years are subject to appropriation.

3. That Republic Services of NJ, LLC, comply with the requirements of N.J.S.A. 34:11-68, titled "Records required relative to collection, transportation of solid waste."

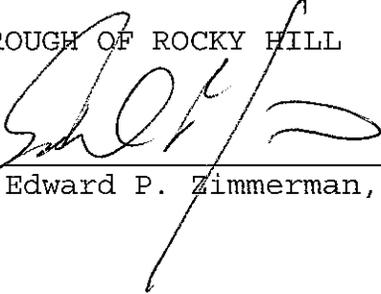
4. This Resolution shall take effect immediately.

ATTEST:

BOROUGH OF ROCKY HILL

By: 

Donna M. Griffiths, RMC  
Borough Clerk

By: 

Edward P. Zimmerman, Mayor

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 a Resolution adopted by the Borough Council on April 19, 2010.

\_\_\_\_\_  
Donna M. Griffiths, RMC  
Borough Clerk

EXPLANATION: Resolution enabling the Borough to file for New Jersey Department of Environmental Protection Tonnage Grants.

**BOROUGH OF ROCKY HILL**

**RESOLUTION 2010 - 40**

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which a tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, the recycling regulations imposed on municipalities contain requirements as a condition for applying for tonnage grants including but not limited to making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing Rocky Hill Borough to apply for the 2009 Recycling Tonnage grant will memorialize the commitment of Rocky Hill Borough to recycling and to indicate the assent of Rocky Hill Borough Council to the efforts

undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed;

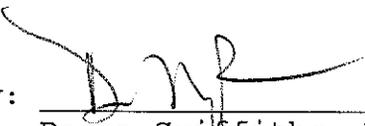
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rocky Hill, County of Somerset, State of New Jersey, that the Borough hereby endorses the submission of the recycling tonnage application to the New Jersey Department of Environmental Protection and designates Raymond E. Whitlock Jr. to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purpose of recycling.

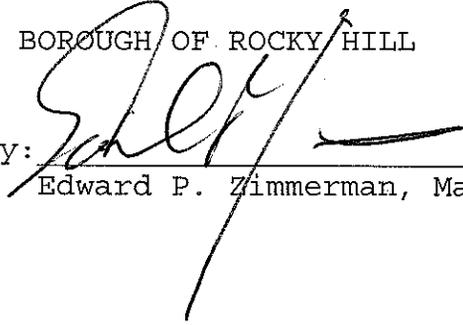
This Resolution takes effect immediately.

ATTEST:

BOROUGH OF ROCKY HILL

By: 

Donna Griffiths, RMC  
Borough Clerk

By: 

Edward P. Zimmerman, Mayor

**CERTIFICATION**

I, Donna 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 April 19, 2010.

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Donna Griffiths, RMC

**RESOLUTION 2010 - 41**

**BOROUGH OF ROCKY HILL  
SOMERSET COUNTY**

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

**WHEREAS**, the Borough has received four quotes for this work because the work is below the bid threshold as follows:

Leobardo Gaspar, Princeton NJ:	Section A - \$8,156.00/Section B - 0
John Kessler, Monmouth Jct., NJ	Section A - \$10,220.00/Section B - 0
G&T Landscaping, Hillsborough, NJ	Section A - \$8,100.00/Section B - 0
Maitland VanNostrand, Skillman, NJ	Section A - \$0/Section B - \$1,200.00

**WHEREAS**, the quote that is most advantageous to the Borough for Section A, Items A1 through A10 (Lawn Area Maintenance Services) of the bid summary is from G&T Landscaping, Hillsborough, NJ in the amount of \$8,100.00; and

**WHEREAS**, the quote that is most advantageous to the Borough for Section B of the bid summary (Open Field Maintenance Services) is from Maitland Van Nostrand of Skillman, NJ, in the amount of \$600.00/mowing for a total of \$1,200.00; and

**WHEREAS**, the total value of these services for the year 2010 is less than \$17,500 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**, approval of said resolution is conditioned upon there being sufficient funds in the Borough's budget to pay for these services;

**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:

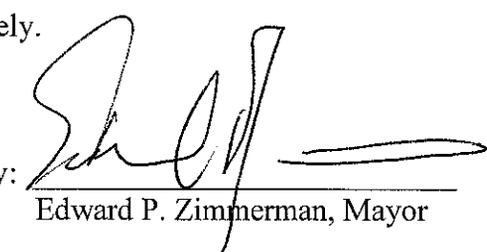
1. That the Borough Council confirms the award of contracts as follows:
  - Section A, Items A1 through A10 of the bid summary from G&T Landscaping, Hillsborough, NJ in the amount of \$8,100.00; and
  - Section B of the bid summary from Maitland Van Nostrand of Skillman, NJ, in the amount of \$600.00/mowing for a total of \$1,200.00 contingent upon receipt of valid certificate of insurance, business registration certificate, and affirmative action documentation by said contractor(s).
2. Availability of funds for the award of said contract from the Borough of Rocky Hill budget have been certified by the Chief Financial Officer.

3. This Resolution shall take effect immediately.

ATTEST:

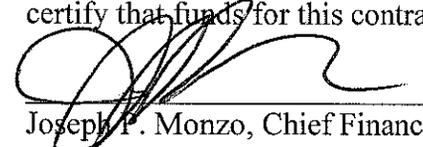
By: 

Donna M. Griffiths, RMC  
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: 01-201-26-310-104.

  
Joseph P. Monzo, Chief Financial Officer

### 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 a Resolution adopted by the Borough Council on April 19, 2010.

\_\_\_\_\_  
Donna M. Griffiths, RMC  
Borough Clerk

**RESOLUTION 2010 - 42**

**BOROUGH OF ROCKY HILL  
SOMERSET COUNTY**

**WHEREAS**, the Borough of Rocky Hill desires to enter into a contract for improvements for Panicaro Park; and

**WHEREAS**, the Borough has received three quotes for this work because the work is below the bid threshold as follows:

<u>Contractor</u>	<u>Base Bid</u>	<u>Alternate</u>	<u>Total</u>
JML Landscaping, Neshanic Station, NJ	\$11,110.00	\$ 4,049.76	\$15,159.76
Kalogridis Contracting, No. Brunswick NJ	18,200.00	8,550.00	26,750.00
T. Fiotaskis, Edison, NJ	30, 500.00	12,400.00	42,900.00

and,

**WHEREAS**, the quote that is most advantageous to the Borough is from JML Landscaping, Neshanic Station, NJ for a total amount of \$15,159.76; and

**WHEREAS**, the total value of these services for the year 2010 is less than \$17,500 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

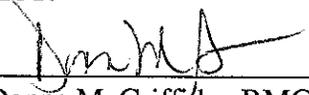
**WHEREAS**, monies will be appropriated for this project and award from the 2009 County Youth and Athletic Grant;

**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:

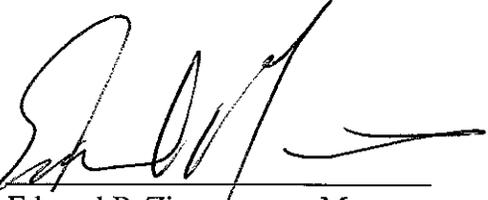
1. That the Borough Council confirms the award of contract to JML Landscaping, Neshanic Station, NJ in the amount of \$15,159.76 contingent upon the filing of a valid certificate of insurance, business registration certificate, and affirmative action documentation by said contractor.
2. Availability of funds for the award of said contract is certified by the Chief Financial Officer.
3. This Resolution shall take effect immediately.

ATTEST:

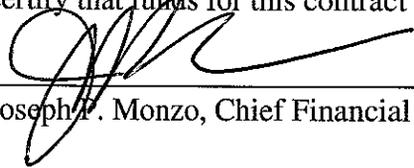
By:

  
Donna M. Griffiths, RMC  
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: 02-213-40-803-124

  
Joseph P. Monzo, Chief Financial Officer

**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 a Resolution adopted by the Borough Council  
on April 19, 2010.

\_\_\_\_\_  
Donna M. Griffiths, RMC  
Borough Clerk

**Explanation:** This Resolution authorizes continued representation of the Borough of Rocky Hill in Borough of Rocky Hill, et als. v. State of New Jersey, et als., Docket No. C-12051-09.

**BOROUGH OF ROCKY HILL  
RESOLUTION NO. 2010 - 43**

**WHEREAS**, the Borough of Rocky Hill had agreed to participate in a law suit against the State of New Jersey, the New Jersey Department of Education, and the Somerset County Executive Superintendent, challenging the constitutionality of Assembly Bill A4141/S-3000 signed into law by Governor Jon Corzine; and

**WHEREAS**, the Borough Attorney determined that his firm appears to have a conflict regarding representing the Borough in this lawsuit; and

**WHEREAS**, Matthew J. Giacobbe, Esq., of Scarinci Hollenbeck had served as the Rocky Hill Board of Education's attorney; and

**WHEREAS**, Mr. Giacobbe also represented the Millstone Borough Board of Education, a participant in this lawsuit; and

**WHEREAS**, Mr. Giacobbe agreed to represent the Borough in this lawsuit at a rate of \$145.00 per hour, for a total amount not to exceed \$2,000.00 without Borough Council approval; and

**WHEREAS**, the costs for Mr. Giacobbe's services have exceeded the authorized amount of \$2,000.00; and

**WHEREAS**, Mr. Giacobbe's services continue to be necessary to complete the lawsuit through its conclusion in the Superior Court of New Jersey, Chancery Division.

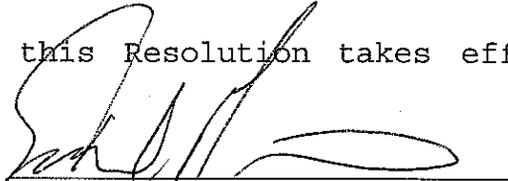
**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Rocky Hill, County of Somerset, State of New Jersey, does hereby approve the expenditure of an additional amount not to exceed \$13,000.00 at a rate of \$145.00 for Mr. Giacobbe's services to the Borough in this lawsuit; 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 Matthew J. Giacobbe, Esq., and Mr. Giacobbe attests that

neither he nor Scarinci Hollenbeck or its subsidiaries, assigns or principals controlling in excess of ten (10%) percent of the firm have 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

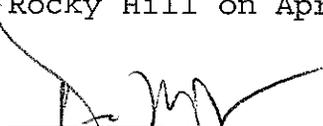
BE IT FURTHER RESOLVED that the Chief Financial Officer has certified the availability of funds for this award; and

BE IT FURTHER RESOLVED that this Resolution takes effect immediately.

  
Edward P. Zimmerman, Mayor

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 a Resolution adopted by the Borough Council of the Borough of Rocky Hill on April 19, 2010.

  
\_\_\_\_\_  
Donna M. Griffiths, RMC  
Borough Clerk

I, Joseph P. Monzo, Chief Financial Officer, hereby certify the availability of funds from: 01-300-60-900.

  
\_\_\_\_\_  
Joseph P. Monzo, CFO

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

BOROUGH OF ROCKY HILL

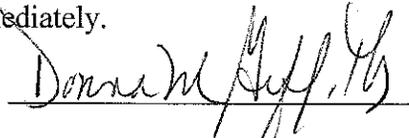
RESOLUTION 2010 - 44

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 April 19, 2010.
2. The general nature of the subject matter to be discussed is as follows:  
- Personnel – Possible Position Changes  
Minutes 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 April 5, 2010.

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Donna M. Griffiths, RMC  
Borough Clerk