

**BOROUGH OF ROCKY HILL  
COUNCIL MINUTES  
January 20, 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. A moment of silence was observed for the victims of the recent earthquake in Haiti which includes Hopewell Township resident, Christine Gianacaci.

**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, Ms. Linda Goldman-present, Mr. Mark Pausch-present, Mr. Robert Steen-present.

Absent: Mr. Jeff Donahue, Ms. Julia Hasser

Also present: Borough Attorney Albert Cruz, Interim CFO Joseph Monzo.

**MAYOR'S COMMENTS**

- Mayor Zimmerman informed all of a fundraising event held for the Haiti victims by the Community Group this past weekend on Washington St. in the area of the post office. Approximately \$3,000.00 in donations was collected. The efforts of the Community Group were commended, however, Mayor Zimmerman expressed concern with safety issues relative to the manner in which the event was held. It was recommended that policy be established to ensure the safety of all involved for future events. Mayor Zimmerman and Council member Pausch will meet with the Fire Chief to discuss the establishment of policy for future events of this type.
- Mayor Zimmerman and Council President Goldman provided an overview of the oral arguments held on Monday, 1/10/10. Judge Accurso requested the attorneys re-brief on issues raised relative to overall tax implications of the consolidation and specific to the impact on a defeated school board budget. The briefs are to be re-filed by Friday, 1/22/10.

Proclamation – Rocky Hill Night Off – Mayor Zimmerman proclaimed March 3, 2010, as Rocky Hill Night Off in coordination with the Montgomery Township Board of Education. The proclamation was read into the record by Mayor Zimmerman. All local organizations, clubs, and athletic teams are encouraged to cancel scheduled events to encourage families to spend the evening together.

Planning Board Appointments – Due to the recent resignation of Class IV member Charles Pihokken, Mayor Zimmerman set forth the following appointments:

Tim Corlis – Class IV member (unexp. term through 12/31/12);  
Connie Hallman – Alternate #1 member (unexp. term through 12/31/10).

Motion was made by Goldman with a second by Steen confirming the Mayor's appointments. Motion carried on roll call vote – all ayes.

Van Horne Park Committee – Mayor Zimmerman recommended the appointment of Peggy Harris, Shade Tree Commission member to the Van Horne Park Committee. Motion was made by Banks with a second by Goldman confirming the appointment. Motion carried on roll call vote – all ayes.

Borough Constable Position Resignation – Mayor Zimmerman apprised Council of email received from Tom Bremner withdrawing his appointment as Borough Constable. Mayor Zimmerman is awaiting response from another candidate under consideration for this position.

### APPROVAL OF MINUTES

Regular Meeting Minutes – January 4, 2010 - Motion was made by Goldman with a second by Pausch for the approval of the minutes contingent upon the following correction: page 4 – Council Comments – correction of “Skillman Ave.” to “Reeve Rd.”. Motion carried on roll call vote - all ayes.

### 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. Hearing none, the floor was closed.

### APPROVAL OF VOUCHERS TO BE PAID

Bill list dated 1/20/10 was presented for approval. Mayor Zimmerman requested that check #5848 to Motorola be approved but held until such time as the radio chargers are received. Motion was made by Goldman with a second by Banks for the approval of the bill list. Motion carried on roll call vote – all ayes.

### DEPARTMENTAL REPORTS

Tax Collector – December 2009  
Court Administrator – December 2009

The Court Administrator’s report was summarized by Mayor Zimmerman. Motion was made by Goldman with a second by Banks to accept the reports as submitted. Motion carried on roll call vote –all ayes. Council member Banks requested that a copy of the court schedule be provided to the Borough Constables.

2009 Annual Life Hazard Use Report – Motion was made by Pausch with a second by Goldman authorizing the certification of the report by the Mayor. Motion carried on roll call vote – all ayes.

### COMMITTEE REPORTS:

Administration & Records – Council member Goldman advised that web site visits are up by 14%. Information on income eligible assistance programs for utilities services has been posted on the website. Citizen Leadership forms have been posted on the website for residents interested in serving on boards/committees. Council member Steen was appointed as the back-up website administrator.

Buildings & Grounds – The flag pole in front of the Borough Hall is in the process of being repaired; Council member Pausch will repair the light fixture on the Borough Hall sign.

Finance & Insurance – Preliminary budget figures have been provided by CFO Monzo. Council member Banks and CFO Monzo will explore insurance coverages via other agents/carriers.

Public Safety & Emergency Services – Council member Pausch has provided his contact information to the NJ State Police and South Bound Brook Police Department. Mayor Zimmerman and Council member Pausch will make arrangements to meet with South Bound Brook regarding the renewal of the police services contract.

Streets & Roads – Council member Hasser will be advised of the pothole on Montgomery Ave.

Water, Sewer & Environmental Protection – Council member Steen reported that there was another water main break on Hickory Court which has been repaired.

Council Representative to Planning Board – Council member Goldman advised that the Planning Board held their reorganization/regular meeting. Mark Blasch was appointed as Chairperson, Cathy Cann was

appointed as Vice Chair, and Dan Kluchinski was appointed as Secretary. Application for the replacement of windows was approved for the Donahue residence on Washington St.

**Council Liaison to Education Committee** – previously discussed.

**Council Representative to Board of Health** – Council member Goldman advised that the County is in the process of establishing a rabies clinic date; a reminder letter of pet licensing procedures will be sent out to all residents. The procedures for the pet survey are being looked into by Clerk Griffiths. Lisbeth Haines was appointed as the Board President and Beverly Poelstra was appointed as Vice President. Four of the six eating establishments in the Borough have been licensed to date. The County will be providing a cost for services for 2010 which will include flu vaccine charges.

**Zoning Officer** – No report at this time.

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

### **SPECIAL BUSINESS**

**Resolution 2010-26 – Cancelling 2009 Current Fund Unexpended Budget Appropriation Balances** – Resolution as prepared by CFO Monzo was distributed. CFO Monzo advised that he re-visited this matter and recommends that \$60,000.00 of unexpended balances be cancelled and credited to the current fund surplus. Motion was made by Steen with a second by Banks approving the resolution as presented. Motion carried on roll call vote – all ayes.

**Resolution 2010-27 – Possible Award of Snow Removal Contract** - Quotes were solicited for this service resulting in the receipt of two responses:

- Severiano Berrios, Princeton NJ - \$50.00 per hour;
- Mastroianni Landscaping Inc., Hopewell NJ - \$44.00 per hour.

Correspondence was received from Engineer Tanner recommending the award of the contract to Mastroianni Landscaping Inc. of Hopewell, NJ, at \$44.00 per hour. Certification of funds was received from CFO Monzo. Motion was made by Banks with a second by Steen approving the resolution and award of the contract to Mastroianni Landscaping at a rate of \$44.00 per hour (not to exceed \$2,500.00). Motion carried on roll call vote – all ayes. The contractor's information will be posted on the Borough's website for residents interested in contracting for these services at the same hourly rate.

**Introduction: Ordinance #1, 2010 – “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. Motion was made by Goldman with a second by Banks for the introduction of the ordinance contingent upon the correction of the 3.5% increase amount contained in the ordinance as presented. Motion carried on roll call vote – all ayes. Public hearing scheduled for 2/1/10 at 7:30 PM.

### **UNFINISHED BUSINESS:**

None presented at this time.

### **NEW BUSINESS:**

**Consideration of Renewed Participation in Somerset County Housing Rehabilitation Program** – Council member Goldman provided an overview of this program and the Borough's past involvement in same. Recommendation was made for renewed participation in this program via motion set forth by Goldman with a second by Banks. Motion carried on roll call vote – all ayes.

### **COMMUNICATIONS:**

Communications as listed were distributed, disseminated and filed accordingly.

- Thank you letter for appointment as the Borough's Planner was received from Tamara Lee.

**FINAL PUBLIC COMMENT**

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

Tom Bremner, 17 Crescent Ave. -- Mr. Bremner advised that he will be resubmitting his application for the Borough Constable position. He related that he was of the understanding that he would be able to serve on both the Planning Board and as the Borough Constable. He related that he resigned after he found out that he was not reappointed to the Planning Board, however, he remains interested in the Constable position and requested re-consideration for appointment to the position.

**EXECUTIVE SESSION -- Resolution 2010-28 - Personnel -- Possible Appointment of Chief Financial Officer** -- Resolution to retire into executive session for the above-referenced subject matter was read into the record by Clerk Griffiths. Motion was made by Banks with a second by Goldman for the approval of the resolution. Motion carried on voice vote -- all ayes. (8:20PM)

**RESULTS OF EXECUTIVE SESSION (9:48PM)**

**Possible Appointment of Chief Financial Officer** -- Motion was made by Pausch with a second by Steen for the appointment of Joseph P. Monzo as Chief Financial Officer pursuant to appointment provisions to the position of Chief Financial Officer (4 year term beginning 1/1/10 through 12/31/13) and at the current salary afforded to this position. Motion carried on roll call vote -- all ayes.

**ADJOURNMENT:**

Motion was made by Steen with a second by Pausch to adjourn the meeting at 9:50 PM. All voted in favor of adjournment.

Respectfully submitted:

Donna M. Griffiths, RMC  
Borough Clerk



**Borough of Rocky Hill  
New Jersey**

**PROCLAMATION**

WHEREAS, the quality of our community life begins within the homes of individual families; and

WHEREAS, families are indispensable to a stable and free society. They pass along the traditions and principles that help make America compassionate, decent, and hopeful; and

WHEREAS, strong families make strong communities, and everyone has a role to play in building strong families, including neighborhood organizations, businesses, nonprofit agencies, policymakers and schools, as well as families themselves; and

WHEREAS, strong families help to protect our children from making harmful choices with respect to alcohol and drugs, which is a mission of Rocky Hill/Montgomery's Municipal Alliance and Youth Services Commission; and

WHEREAS, Rocky Hill Night Off is meant to highlight the importance of family bonds, while providing an extra opportunity for families to share in activities together without distractions such as political, civic, or organizational meetings, sports practices, games or competitions, youth club activities or private lessons, and even school homework.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rocky Hill, in coordination with the Montgomery Township Board of Education, hereby urges all local organizations, youth clubs, and athletic teams to cancel scheduled events on Thursday, March 4, 2010, and to encourage families to spend the evening together to celebrate Montgomery Night Off by spending quality time with each other.

*IN WITNESS WHEREOF, I have hereon  
to set my hand and caused the Seal of  
the Borough of Rocky Hill to be affixed  
this 20th day of February in the year  
2010.*

*Edward P. Zimmerman, Mayor*

**Resolution 2010 - 26**  
**Cancelling 2009 Current Fund Unexpended Budget Appropriation Balances**

**WHEREAS**, 40A:4-60 permits the cancellation of unexpended balances prior to the end of the fiscal year; and

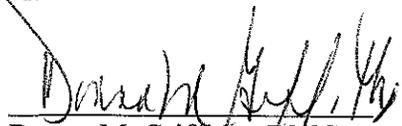
**WHEREAS**, the following Current Fund 2009 budget appropriation balances remain unexpended

General Admin	3,000
Finance Salaries	700
Police Salaries	3,800
Streets Other Expenses	3,000
Garbage Other Expenses	4,000
Recycling Other Expenses	3,000
Buildings Other Expenses	15,000
Board of Health Contractual	4,500
LOSAP Other Expenses	8,000
Planning Bd Salaries	2,400
Assessment Other Expenses	1,000
Planning Bd. Other Expenses	10,000
Police Other Expenses	1,000
Liability Insurance	600
Total	\$ 60,000

**WHEREAS**, it is necessary to formally cancel said balances so that the unexpended balances may be credited to Fund Balance;

**NOW, THEREFORE BE IT RESOLVED**, on this 20th day of January, 2010, by the Council of the Borough of Rocky Hill, County of Somerset, State of New Jersey, that the above listed unexpended balances in the 2009 Current Fund be canceled to Current Fund Surplus.

Attest:

  
Donna M. Griffiths, RMC  
Borough Clerk

  
Edward P. Zimmerman, Mayor

**RESOLUTION 2010 - 27**

**BOROUGH OF ROCKY HILL  
SOMERSET COUNTY**

**WHEREAS**, the Borough of Rocky Hill desires to enter into a contract for snow removal for the period January 20, 2010 through December 31, 2010; and

**WHEREAS**, the Borough has solicited quotes for this work because the work is below the bid threshold;

**WHEREAS**, two quotes were received as follows:

- Severiano Berrios, Princeton NJ - \$50.00 per hour;
- Mastroianni Landscaping Inc., Hopewell NJ - \$44.00 per hour; and

**WHEREAS**, the quote that is most advantageous to the Borough is that of Mastroianni Landscaping Inc. of Hopewell, NJ, at a price of \$44.00 per hour (not to exceed \$2,500.00; 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**, there are 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 of Rocky Hill awards a contract to Mastroianni Landscaping of Hopewell, NJ, to perform the following services: snow removal. The term of the contract shall be one (1) year from January 20, 2010 through December 31, 2010, at the rate of \$44.00 per hour not to exceed \$2,500.00.
2. That there are sufficient funds in the Borough of Rocky Hill budget for this purchase as 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

**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.

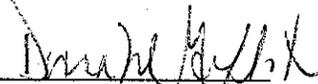
**NOW THEREFORE BE IT ORDAINED**, by the Borough Council of the Borough of Rocky Hill, in the County of Somerset, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2010 budget year, the final appropriations of the Borough of Rocky Hill shall, 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

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

BOROUGH OF ROCKY HILL

RESOLUTION 2010 - 28

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 January 20, 2010;
2. The general nature of the subject matter to be discussed is as follows:  
- Personnel – Chief Financial Officer Position  
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 January 20, 2010.

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Donna M. Griffiths, RMC

Borough Clerk