

**BOROUGH OF ROCKY HILL  
COUNCIL MINUTES  
February 6, 2012**

The regular meeting of the Borough Council of the Borough of Rocky Hill was called to order by Mayor Edward Zimmerman at 7:37 PM followed by the salute to the Flag. Mayor Zimmerman asked for a moment of silence to remember Stephen Haggan, age 10, of Princeton Avenue.

**NOTICE OF COMPLIANCE WITH OPEN PUBLIC MEETINGS ACT**

Mayor Zimmerman read the following statement into the record: 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 11, 2012. 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. Tom Bremner-present, Mr. Jeff Donahue-present, Ms. Julia Hasser-absent, Mr. Mark Pausch-present, Mr. Josh Hochberg-present, Mr. Robert Steen-present.

Also present: Mayor Ed Zimmerman, Borough Clerk Rebecca Newman, CFO Joe Monzo, Borough Engineer Bill Tanner, and Borough Attorney Albert Cruz (7:40).

**MAYOR'S COMMENTS**

The Mayor reported that he had a meeting with the Rocky Hill First Aid Squad on budget matters. The Mayor attended the Raritan and Millstone River Flood Control Commission meeting and was elected Vice Chair. The Mayor is a member of the New Jersey Conference of Mayors Legislative Committee, and the annual Conference of Mayors will be April 1<sup>st</sup>. The Mayor attended the Governor's Town Hall meeting in Bridgewater, Congressman Lance's Town Hall meeting, and the Montgomery Township Board of Education Superintendent Search meeting. The Mayors' Wellness Campaign will be doing activities with the Recreation Committee. Sarah Roberts of the Montgomery Environmental Commission would like to do joint activities with Rocky Hill.

**APPROVAL OF MINUTES**

Regular Meeting Minutes – January 18, 2012 –Motion was made by Donahue to approve the minutes. Hochberg seconded the motion. Motion carried on roll call vote- all ayes.

For: Bremner, Donahue, Hochberg, Pausch

Against: None

Abstain: Steen

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

None.

**PUBLIC COMMENT**

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

Hearing none, the floor was immediately closed.

**STATE POLICE REPORT**

Council Member Pausch summarized the state police report for the months of December 2011 and January 2012, as received from Lt. Steve Grillon of the NJSP (copy on file in the office of the Borough Clerk).

**ENGINEER'S REPORT**

Report dated February 6, 2012 was distributed and filed in the Borough Clerk's office. Engineer Tanner provided an overview of the report.

**Crosswalk signs.** The Engineer explained that when accepting federal or state money for projects in areas with handicap ramps, all crosswalks must meet requirements of new codes. This will require re-grading the sidewalks, curbs, and the road surrounding each crosswalk and increases the cost of the project. The Engineer estimates that the grant of \$75,000 will only cover the cost of one intersection, and that another \$68,000 will be needed for a second intersection. The two planned intersections are on Washington Street, one in front of the Rocky Hill Inn and one in by Panicaro Park. Council Member Hochberg recommended also putting in a lighted crosswalk near the library. Council Member Donahue asked what the cost of the project would be if we did not take the grant money.

**Sewer Odor.** Stonebridge is working to fix the problem.

**Bid of Cell Tower Leasing.** The Borough Attorney will look at the ordinance and determine if a new ordinance is required.

**Well Closure.** RFQ will go on website.

**DEP Water Compliance Audit.** The Mayor reported that Water Superintendent Tim Lesko has recommended Brian Fusko as his deputy, and that the water tower needs a full inspection every two years.

### **CHIEF FINANCIAL OFFICER'S REPORT**

No report at this time.

### **APPROVAL OF VOUCHERS**

Bill list dated February 6, 2012 was presented for approval. Pausch made a motion to approve all vouchers. Motion seconded by Bremner. Motion carried on roll call vote – all ayes.

For: Bremner, Donahue, Hochberg, Pausch, Steen.

Against: None

Abstain: None

### **SPECIAL BUSINESS**

#### **Appointment of Additional members of the Raritan and Millstone River Flood Control Commission**

Hochberg moved to appoint Mayor Zimmerman to the Raritan and Millstone River Flood Control Commission. Motion seconded by Donahue. Motion carried on roll call vote- all ayes.

For: Bremner, Donahue, Hochberg, Pausch, Steen

Against: None

Abstain: None

#### **Resolution 2012-22 Resolution to Move School Board Election to November**

Motion was made by Steen to approve the resolution as presented. Motion seconded by Hochberg.

Motion carried on roll call vote—four ayes, one no.

For: Bremner, Donahue, Hochberg, Steen

Against: Pausch

Abstain: None

#### **Resolution 2012-23 Recycling Grant Resolution**

Motion made by Donahue to approve the resolution as presented. Motion seconded by Steen. Motion carried on roll call vote- all ayes.

For: Bremner, Donahue, Hochberg, Pausch, Steen

Against: None

Abstain: None

#### **Introduction: Ordinance 2012-1 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap**

Bremner made a motion to introduce Ordinance 2012-1 at the March 5, 2012 meeting of the Borough Council. Pausch seconded the motion, and the motion carried on roll call vote—all ayes.

For: Bremner, Donahue, Hochberg, Pausch, Steen  
Against: None  
Abstain: None

**Rocky Hill First Aid Squad Operational Review** Council members Bremner and Hochberg recused themselves from this discussion.

Deborah Westbrook, Chief, and Scott Gorman, President of the Rocky Hill First Aid Squad (RHFAS), presented a six-month update on the Squad's operations since reinstatement. Chief Westbrook reported that the Squad has thirteen EMT's including five crew chiefs. The Squad currently attempts to scramble to every call and works two weekend shifts with the goal of expanding to five nighttime shifts. The Mayor noted that the Squad needs to present its by laws and reorganization minutes to the Council. The Mayor also commented that while the Squad does not need to respond to smoke alarm calls generally, they should respond to smoke alarm calls at both ARC and Eden Acres.

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

None.

**COMMUNICATIONS:**

Communications as listed were distributed, disseminated and filed accordingly.

Hochberg moved to approve the use of Borough property by the Rocky Hill Community Group for a Spring Egg Hunt on April 7<sup>th</sup>. Bremner seconded the motion, and the motion carried on roll call vote—all ayes.

For: Bremner, Donahue, Hochberg, Pausch, Steen  
Against: None  
Abstain: None

**FINAL PUBLIC COMMENT**

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

**Executive Session-Resolution 2012-24 to Retire into Executive Session (9:20 PM)**

Motion was made by Bremner to approve the resolution and retire to into executive session. Motion seconded by Donahue. Motion carried on voice vote—all ayes.

For: Bremner, Donahue, Hochberg, Pausch, Steen  
Against: None  
Abstain: None

**Results of Executive Session (10:10 PM)**

None.

**ADJOURNMENT:**

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

Respectfully submitted:

Christine Witt  
Deputy Borough Clerk

February 6, 2012

List of Bills - (0110101001) CASH  
CURRENT FUND

2-Sided  
see back for water & escrow

Check#	Vendor	Description	Payment	Check Total
7092	60 - COURIER NEWS	PO 3688 Advertisements: contract award Boro	20.24	20.24
7093	493 - Corby Associates	PO 3603 Tree Damage on playground equipment	1,408.50	1,408.50
7094	71 - DIFRANCESCO BATEMAN PC	PO 3700 Legal services Dec. 2011: contractu	1,830.48	1,830.48
7095	392 - DR SUSAN FISHER	PO 3682 Board of Health website renewal 201	119.40	119.40
7096	72 - DUO BLDG MAINTENANCE	PO 3689 Janitorial services Feb. 2012	185.00	185.00
7097	334 - GANN LAW BOOKS	PO 3703 Gann Law Books 2012 Edition, subscr	148.00	148.00
7098	496 - HyViz	PO 3636 Fire Hydrant Markers	944.60	944.60
7099	354 - IKON Office Solutions Inc	PO 3684 Copy machine rental Jan. 2012	124.50	124.50
7100	500 - MUNI. CLERK'S ASSOC. OF NJ	PO 3702 Municipal Clerk's Association of Ne	175.00	175.00
7101	210 - PSE&G	PO 3705 Street Lights Jan. 2012	756.94	756.94
7102	223 - ROBERT WELLS TREE & LANDSCAPE	PO 3686 Removal of tree at Borough Hall and	2,600.00	2,600.00
7103	247 - SOMERSET COUNTY TREASURER	PO 3704 Dec. 2012 Health Dept. Fees	955.08	955.08
7104	248 - SOMERSET CTY GOV. OFFS. ASSOC.	PO 3694 January 2012 meeting, Mayor	35.00	35.00
7105	252 - SOUTH BRUNSWICK TOWNSHIP	PO 3681 2011 Animal Calls	304.74	304.74
7106	452 - SPRINT-NEXTEL CORP	PO 3685 Mayor and Clerk Blackberries Jan. 2	166.72	166.72
7107	259 - NEW JERSEY STATE TREASURER	PO 3697 Storm water management fee 2012	500.00	500.00
7108	289 - VERIZON	PO 3691 Borough phone Jan. 2012	251.34	251.34
7109	289 - VERIZON	PO 3692 EMS phone Jan. 2012	63.20	63.20
7110	291 - VITAL SERVICES GROUP	PO 3698 Tax assesment notices 2012	51.77	51.77
7111	320 - WESTERN PEST SERVICES	PO 3701 Annual pest control contract 2012	372.36	372.36
7113	Somerset Canty Treasur	PO3693 Plowing & Salting Jan. 21, 2012		11,012.87
TOTAL				11,012.87
Total to be paid from Fund 01 CURRENT FUND			11,012.87	11,012.87

BOROUGH OF ROCKY HILL  
COUNTY OF SOMERSET

RESOLUTION 2012-22

Establishing the Election of Members of the Montgomery Township Board of Education  
As the First Tuesday after the First Monday in November

**WHEREAS**, P.L. 2011, c. 202 authorizes changing the election date of school board members from the third Tuesday in April to the first Tuesday after the first Monday in November (the General Election); and

**WHEREAS**, Such action requires the adoption of a resolution by a school district or the municipality or municipalities constituting such district, as set forth in P.L. 2011, c. 202; and

**WHEREAS**, P.L. 2011, c. 202 requires that the change to a November election remain in effect for four years; and

**WHEREAS**, P.L. 2011, c. 202 eliminates the annual voter referendum on the proposed general fund tax levy (i.e., the base budget which is at or below the statutory tax levy cap) in school districts where board of education members are elected at the General Election; and

**WHEREAS**, P.L. 2011, c. 202 requires that an additional general fund tax levy proposal (i.e., for an expenditure in excess of the tax levy cap) be presented to voters as a separate question at the General Election; and

**WHEREAS**, The Borough of Rocky Hill believes that the financial interest of its constituents is safeguarded by the state's tax levy cap and the thorough review of the proposed school budget by the Executive County Superintendent and the Executive County School Business Administrator; and

**WHEREAS**, The Borough of Rocky Hill believes that more citizens will participate in the selection of school board members at the General Election than on the third Tuesday in April and that the higher level of participation will foster positive interest in our public schools; and

**WHEREAS**, The Borough of Rocky Hill is committed to the non-partisan status of school board membership and the non-partisan conduct of school elections, and believes this principle will not be compromised by conducting board member elections in November.

**NOW, THEREFORE, BE IT RESOLVED**, That, pursuant to P.L. 2011, c. 202, The Borough of Rocky Hill changes the annual election date for school board members from the third Tuesday in April to the November General Election, beginning in 2012;

**BE IT FURTHER RESOLVED**, That, pursuant to P.L. 2011, c. 202, the annual organization meeting of the Montgomery Township Board of Education will take place in the first week of January following the November General Election and that the board of education's next organization meeting will take place in the first week of January 2013; and

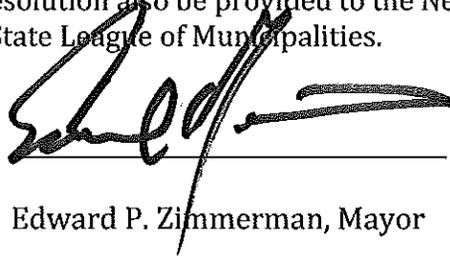
**BE IT FURTHER RESOLVED**, That, pursuant to P.L. 2011, c. 202, members of the Montgomery Township Board of Education whose terms would have expired by May 2012 will continue to serve in office until the January 2013 organization meeting; and

**BE IT FURTHER RESOLVED**, That this resolution be transmitted to the Somerset County Clerk; the Somerset County Board of Elections and/or Superintendent of Elections; the Montgomery Township municipal clerk and school board secretary or secretaries; the Department of State, Division of Elections; the Department of Education's Executive County Superintendent; and the Department of Community Affairs, Division of Local Government Services; and

**BE IT FURTHER RESOLVED**, That a copy of this resolution also be provided to the New Jersey School Boards Association and New Jersey State League of Municipalities.



Rebecca P. Newman  
Borough Clerk



Edward P. Zimmerman, Mayor

**CERTIFICATION**

I, Rebecca P. Newman, 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 February 6, 2011.

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Rebecca P. Newman, Borough Clerk

**BOROUGH OF ROCKY HILL**  
**SOMERSET COUNTY**

**RESOLUTION 2012-23**

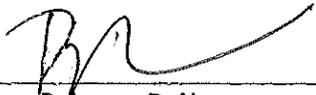
**RECYCLING TONNAGE GRANT RESOLUTION**

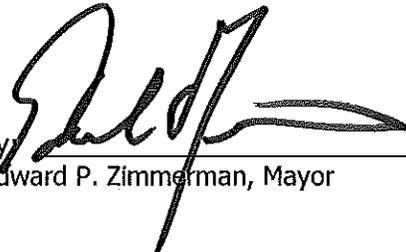
- WHEREAS,** The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and
- WHEREAS,** It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the 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 impose on municipalities certain 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 **2011 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 Borough Council of the Borough of Rocky Hill that the Borough hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Nancy Paquette 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 purposes of recycling.

ATTEST:

By:   
\_\_\_\_\_  
Rebecca P. Newman  
Borough Clerk

By:   
\_\_\_\_\_  
Edward P. Zimmerman, Mayor

CERTIFICATION

I, Rebecca P. Newman, Borough 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 February 6, 2012.

\_\_\_\_\_  
Rebecca P. Newman  
Borough Clerk

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

BOROUGH OF ROCKY HILL

RESOLUTION 2012- 24

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 6, 2012
2. The general nature of the subject matter to be discussed is as follows: -  
**Contract Negotiations: Township of Montgomery: Sewer Agreement**
3. Minutes of said discussion will be made available as soon as it is deemed in the public interest to do so.
4. The Borough Council may take official action on those items discussed in executive session upon completion of the executive session.

This Resolution takes effect immediately.



Rebecca P. Newman

Borough Clerk

**CERTIFICATION**

I, Rebecca P. Newman, 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 October 17, 2011.

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Rebecca P. Newman

Borough Clerk

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

BOROUGH OF ROCKY HILL

RESOLUTION 2012-25

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 20, 2012.
2. The general nature of the subject matter to be discussed is as follows: -  
**Contract Negotiations: Township of Montgomery: Sewer Agreement.**
3. Minutes of said discussion will be made available as soon as it is deemed in the public interest to do so.
4. The Borough Council may take official action on those items discussed in executive session upon completion of the executive session.

This Resolution takes effect immediately.



Rebecca P. Newman

Borough Clerk

**CERTIFICATION**

I, Rebecca P. Newman, 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 20, 2012.

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Rebecca P. Newman  
Borough Clerk