

**BOROUGH OF ROCKY HILL  
COUNCIL MINUTES  
APRIL 3, 2006**

The regular meeting of the Borough Council of the Borough of Rocky Hill was called to order by Mayor George Morren at 7:30 PM. Mayor Morren led the Pledge of Allegiance to the Flag followed by a moment of silent meditation. Mayor Morren stated that the meeting has been properly advertised in the December 17, 2005, issue of the Somerset Messenger Gazette and is being held in accordance with the Open Public Meetings Act.

Roll Call: Mr. Richard Batchelder, Mr. Brian Griner-present, Mr. Brad Merritt-present, Ms. Eileen Uhrik, Mr. Jared Witt-present, Mr. Edward Zimmerman-present

Also present: Borough Clerk Raymond Whitlock, Borough Attorney Albert Cruz, Borough Engineer William Tanner

**APPROVAL OF MINUTES**

Regular Minutes – March 20, 2006 - Motion to approve the regular minutes of the meeting was made by Witt with a second by Griner. Motion carried on roll call vote – all ayes; Batchelder-abstain, Uhrik-abstain.

Executive Session Minutes – March 20, 2006 – Motion to approve the executive session minutes of the meeting was made by Merritt with a second by Griner. Motion carried on roll call vote – all ayes; Batchelder-abstain, Uhrik-abstain.

**PUBLIC COMMENTS**

Cliff Moore, resident, reported a strong sewer odor last evening in the eastern part of town. Mr. Merritt will make contact with Montgomery Township Public Works for follow-up and once again urged that complaints be reported to him immediately for follow-up.

Courtney White, representative of the Community Group, advised that the group's calendar has been distributed. Ms. White extended the opportunity for anyone interested in having matters contained in or with the calendar to contact her. Ms. White also requested that the residents' group that was formed in regard to the Montgomery Twp. WAWA application be kept abreast of any updates.

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

*(Agenda order of business changed at the direction of the Mayor.)*

**NEW BUSINESS ITEM: Request from Fire Company for the Borough to hire an architect to study the existing fire station for possible renovation** - Chief Todd Harris was present on behalf of the Rocky Hill Fire Department. Councilman Griner advised Mayor and Council that he has met with Chief Harris and representatives of the fire department regarding the need for additional space. The request is predicated foremost on safety issues that need to be addressed with the current building along with the need for additional space for the department. Chief Harris requested that funds be made available at this time in the amount of \$7800.00 to retain the services of a specialized architect who will provide three options for expansion to the existing building in an attempt to address the safety and space issues. It was noted that options were explored a few years ago for the expansion/restoration of the building, but the fire department was not pleased with the options offered or the costs associated with same that were provided by the former architect. Therefore, no action was taken on that proposal. Councilman Griner will provide a copy of the cost sheet for all services as provided by this new recommended architect to Mayor and Council for further review. Considerable discussion ensued regarding the anticipated funding of this project as it relates to the current budget under consideration for adoption. Also discussed was the need for the replacement of a fire truck in the near future and necessary funding for same. Motion was made by Merritt with a second by Zimmerman to authorize the Finance Committee to research the current budget as being adopted and to determine whether \$7800 is available for the funding of this project and report back to Mayor and Council with their findings. Motion carried on roll call vote – all ayes.

**ENGINEER'S REPORT**

Engineer Tanner's report dated March 30, 2006, for March 2006, was distributed (copy on file in Borough Clerk's Office. The following items were discussed:

County Park Project – Engineer Tanner advised that Montgomery Township will be approving funds for the Phase II projects. The restroom facilities shelter will be the first part of the project which will be purchased under State contract with installation of same going out to bid. The facility should be operational by the end of August to middle of September. The purchase and installation of the playground equipment will follow this project. Montgomery Township is awaiting costs from Engineer Tanner of the repairing of the outlet pipe on the pond off Crescent Ave. before committing to this matter. It was agreed that the Fire Company be contacted in regard to the pumping of the pond for cost savings. The VanHorne Committee recommended that mowing services for the park be bid out. It was suggested that the high-grass maintenance be broken down separately from the mowing whereas this maintenance aspect may be handled through the quote process as previously done. Engineer Tanner also advised of a suggestion

by Montgomery Township to inquire as to the availability of ARC volunteers for maintenance/clean up services for the park.

Princeton Avenue Sidewalks/Montgomery Avenue Drainage-Sidewalks – Engineer Tanner advised of his intent to bid these projects together and award same by May. He also advised that it appears that in doing the drainage and sidewalk work on Montgomery Ave., it will be necessary to raise the curbs on both the east and west sides of the road. It was his opinion that monies will be available to accommodate this need. In response to a prior concern from resident, Connie Hallman, about drivers going around the speed humps, Engineer Tanner assured that the installation of the new curbs/sidewalks will alleviate this problem. Authorization was given for Engineer Tanner to go out to bid for these projects. In response to questioning by Councilman Witt, Engineer Tanner advised these projects should be completed by this summer.

Municipal Recreation Shelter – to be delivered the week of April 10<sup>th</sup>; Councilman Zimmerman advised that approval was granted by Zoning Officer Raffaelli for the moving of the nursery school shed to the far side of the parking lot.

ARC – Parking Lot - Councilman Griner, Engineer Tanner, and residents from Washington Knoll met with representatives from ARC and agreement was reached that the parking lot be constructed between the current ARC site and the water tower. Engineer Tanner expressed his opinion that there is still sufficient room in the event the water facility needs to be expanded. ARC has also agreed to landscaping requests as outlined in the Engineer's report. In response to questioning by Councilman Batchelder, Engineer Tanner advised there will also be sufficient room for any communications expansion.

Tier B Permit – Engineer Tanner advised that the Borough's land use ordinance needs to be reviewed and amended to comply with the State Storm Water Regulations under our Tier B Permit. He will make the appropriate suggested modifications and forward to Attorney Cruz for his review and subsequent authorization by Council and the Planning Board. It was noted that this amendment needs to be done by July 2006.

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

Bill Hallman, resident of Montgomery Ave., was provided with specifications of the sidewalk/curb heights to be constructed on Montgomery Ave.

Courtney White, requested on behalf of the Community Group, permission to clean up trash in VanHorne Park in observance of Earth Day. Permission was granted by Mayor and Council.

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

#### **APPROVAL OF VOUCHERS/BILL LIST**

##### **Resolution**

WHEREAS, the Treasurer has certified that sufficient funds are available to pay said vouchers, BE IT, THEREFORE, RESOLVED, that the following vouchers be approved for payment. Motion to approve the resolution was made by Merritt with a second by Batchelder. Motion carried on roll call vote – all ayes. (See Appendix 1 for Bill List).

#### **COMMITTEE REPORTS:**

**Administration & Records** – Mr. Witt apprised all of a price quote received from Paychex Payroll Service of approximately \$1400/yr. for monthly payroll services for approximately 11 employees. Based on prior approval by Mayor and Council authorizing monthly paychecks, it was agreed to start utilization of the service for the month of April or by the end of May at the latest.

**Buildings & Grounds** – Mr. Zimmerman provided an update on County approvals granted to date to the organizers of the Colavita Bike Race. Mr. Zimmerman also advised that the new recording system has been installed in the meeting room and concern was expressed that the meeting room should be secured to prevent theft/damage to same. It was suggested that all of the locks in Borough Hall be re-keyed for security reasons with an estimated cost provided of a couple of hundred dollars. Motion was made by Zimmerman with a second by Merritt to authorize the re-keying of the locks in Borough Hall. Roll call: Batchelder-aye, Griner-aye, Merritt-aye, Uhrick-aye, Witt-aye, Zimmerman-aye. Motion carried. Mr. Whitlock expressed his thanks on behalf of the residents on the east side of town to Mr. Zimmerman for the newly installed picnic table.

**Finance & Insurance** – Mr. Batchelder requested that all review the budget again in light of the request received this evening from the Fire Company for any fund availability and report back to him with any suggestions. Mr. Batchelder also advised that the e-mail problems have been rectified and urged users to "clean out" their e-mail message boxes to free up space.

**Public Safety & Emergency Services** – Mr. Griner provided an overview of the Court report for February 2006. Mayor Morren reported that the Chief of South Bound Brook would be appearing before Council at such time as a regular agreement with SBB is presented.

**Streets & Roads** – Ms. Uhrick advised that this topic was covered via the Engineer's report.

**Water, Sewer & Environmental Protection** – Mr. Merritt reiterated that reports of the sewer odor be reported to him.

**Council Representative to Planning Board** – Mr. Batchelder advised that a meeting was held on the Schafer Tract Development last week and architectural reviews are still outstanding.

**Council Representative to School Board** – School elections to be held on April 18, 2006; a slight budget increase will be sought.

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

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

**SPECIAL BUSINESS:**

**INTRODUCTION OF ORDINANCE #3-2006 – AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK**

Ordinance #3 -2006 as filed in the Borough Clerk's Office, was read by title. Motion to introduce the ordinance was made by Batchelder with a second by Merritt. Roll call: Batchelder-aye, Griner-aye, Merritt-aye, Uhrik-aye, Witt-aye, Zimmerman-aye. Motion carried. Second reading/public hearing on the ordinance will be held on May 1, 2006, at 7:30 PM in Borough Hall.

**INTRODUCTION OF MUNICIPAL BUDGET RESOLUTION – 2006 Rocky Hill Borough**

**Municipal Budget** – Councilman Zimmerman was provided with clarification as to how the recommended municipal tax rate increase of .04 was determined and was advised that the proposed Schafer Tract Development was not factored into the budget figures for this year. The budget notice was read into the record by Clerk Whitlock noting the anticipated summary of revenues and appropriations and amount to be raised by taxation of: \$413,220.14. Motion to introduce and approve the resolution was made by Batchelder with a second by Merritt. Roll call: Batchelder-aye, Griner-aye, Merritt-aye, Uhrik-aye, Witt-aye, Zimmerman-aye. Motion carried. The second reading/public hearing on the budget will be held on May 1, 2006, at 7:30 PM in Borough Hall. Councilman Batchelder will post the budget on the Borough's website.

**Resolution – Adoption of Emergency Temporary Budget to be the 2006 Introduced Budget –**

Motion to approve the resolution was made by Merritt with a second by Zimmerman. Roll call: Batchelder-aye, Griner-aye, Merritt-aye, Uhrik-aye, Witt-aye, Zimmerman-aye. Motion carried.

**Resolution – Opposing Senate Bill S1219** – Resolution in opposition of Senate Bill S1219 sponsored by Senator Robert Martin was discussed. It was agreed that while members support the intent of the Open Public Meetings Act, the bill as written is somewhat ambiguous. It was further agreed that members of the governing body should respond independently on the bill as they deem necessary.

**COMMUNICATIONS:**

Communications as listed on the agenda were discussed, disseminated and/or ordered filed.

-Notice was received from Raritan Valley Disposal informing the Borough of erroneous billing for the previous nine months and that a corrected bill (for additional monies due) would be forthcoming.

-Mayor Morren noted copy of a letter from Southampton Township requesting statistics from the Borough as to the amount of monies that has been turned over to the State from revenues collected through motor vehicle enforcement by the State Police for the periods 2004 and 2005. This request is predicated on the recent proposal by the State to charge municipalities for the services of State Police coverage. It was the consensus that Mayor Morren provide the requested information to Southampton.

-Copy of correspondence from the Borough's professionals addressed to Montgomery Township requesting an update on the review of the WAWA application was received.

**UNFINISHED BUSINESS:**

**Proposed Open Space Tax Ordinance** – It is anticipated that the cost for funding the existing Green Acres obligation would require a .03 cents tax appropriation. It was agreed to request Borough Auditor Morrison's presence at the May 1, 2006, meeting. He will be requested to address the finality of this figure along with interpretative language that could be included on the ballot question regarding this issue. Mayor and Council would like the language to explain that there will be a dedication of monies from the general appropriations that will be transferred to the open space tax thus assuring the residents that this tax is not in addition to the general tax levied by the municipality. It was also suggested that a press release explaining the intent of the ordinance should be considered prior to the placement of the question on the ballot.

**WAWA Application Expenses by Rocky Hill** – Letter was received from Special Counsel Valerie Bollheimer estimating the costs that may be expended in conjunction with further planning and legal obligations relative to the WAWA application if the process is continued to the Township Committee and/or Board of Adjustment level of Montgomery Township. The Borough has expended approximately \$14,500 for services in 2005 to include some services provided in 2006. It was agreed that the Finance Committee should review the line items of the budget applicable to this matter and report back as to what has been spent for 2006 to date and what the available balance is in the 2006 budget. Council authorized Mayor Morren to direct Attorney Bollheimer to proceed with the process in the meantime.

**Draft Ordinance #4-06 – Auto Towing in the Borough** – A draft ordinance (as adopted by South Bound Brook) was provided for Mayor and Council’s review. It was noted by Attorney Cruz that the licensing aspect of the ordinance would be carried out by the Borough of Rocky Hill and the administering of the ordinance would be provided by the South Bound Brook Police Department, excluding towing by State Police. Attorney Cruz will determine whether the fees listed in the ordinance are the most up-to-date and report back. It was recommended that assurances be made with South Bound Brook in regard to the renewal of a contract for services that the provisions as outlined in the adopted ordinance of the Borough of Rocky Hill be adhered to. Attorney Cruz will also research similar ordinances of some other towns for comparison purposes.

**ORDINANCE #2-06 - AN ORDINANCE GRANTING A TWENTY (20) YEAR NON-EXCLUSIVE FRANCHISE TO SUNESYS, INC. FOR THE USE OF A LIMITED PORTION OF THE BOROUGH OF ROCKY HILL’S PUBLIC ROAD RIGHTS-OF-WAY FOR THE PURPOSE OF TELECOMMUNICATIONS TRANSMISSION SERVICE**

Attorney Cruz advised that a copy of the draft ordinance was provided to Sunesys Inc. and they have requested that the contract period as outlined be revised to May 1, 2006 through April 30, 2026. Additional amendments to the ordinance as outlined by Councilman Witt will be made accordingly and amended copy will be provided by Attorney Cruz to Clerk Whitlock. Map depicting the proposed locations within the Borough (Washington to Princeton to Crescent) was referenced by Attorney Cruz. Motion was made by Merritt with a second by Zimmerman to introduce the ordinance with relevant corrections. Roll call: Batchelder-aye, Griner-aye, Merritt-aye, Uhrik-aye, Witt-aye, Zimmerman-aye. Motion carried. Second reading/public hearing scheduled for May 1, 2006.

**NEW BUSINESS:**

**Rabies Clinic** – to be held on Thursday, April 20, 2006, from 4:00 to 6:00 PM at the firehouse.

**Spring Clean Up Date** – to be held on Monday, May 1, 2006 – trash on curb by 7:00 AM.

**Court Fees Request** – addressed under Communications.

**PUBLIC COMMENT**

There being no public comments/questions, the floor was closed to the public.

**ADJOURNMENT:**

Motion to adjourn the meeting at 10:08 PM was made by Merritt with a second by Witt. Motion carried on voice vote – all ayes.

Respectfully submitted:

Donna M. Griffiths  
Deputy Clerk