

**BOROUGH OF ROCKY HILL  
COUNCIL MINUTES  
JUNE 5, 2006**

The regular meeting of the Borough Council of the Borough of Rocky Hill was called to order by Council President Richard Batchelder in the absence of Mayor George Morren at 7:33 PM. Mr. Batchelder led the Pledge of Allegiance to the Flag followed by a moment of silent meditation in memory of former Mayor Richard Hixon Jr. who served as Mayor from 1966-1971 and resident, Martha Courtelyou Allen, who was instrumental in the founding of the Rocky Hill Library and was Director of the Rocky Hill Pre-School. Mr. Batchelder 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. 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;  
Engineer William Tanner

**PUBLIC COMMENT:**

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

Courtney White, 49 Washington St. – Ms. White reported on traffic problems, i.e. buses being passed by motorists in the area of her residence and the First Reformed Church. Councilman Griner advised the NJSP of the recent incidents and was requested to contact South Bound Brook Police Department also. Ms. White thanked Council for the newly installed pavilion noting the numerous functions that have been held there thus far, to include Park Night which was attended by 60+ residents. Ms. White requested clarification as to the means of expending previously approved funds by the Recreation Committee. Ms. White was apprised of the process that is followed by Committees vs. Commissions, specifically, in that Committees are required to receive Council approval for expenditure of funds for specific items of purchase (even after the total budget appropriations have been approved). Considerable discussion ensued regarding the events/programs planned by the Recreation Committee.

Leah Jeffers-Temple, resident, expressed her support of the recently held Park Night.

Mary Seither, resident, expressed her support of Park Night; however, she noted that when she was involved in the planning of same in the past, the event was not paid for with taxpayers' money.

Peggy Harris, resident, read the Mayor's address of 1946, relative to the dedication of Panicaro Park. Ms. Harris urged that this park be used for more community events, and in response to concerns expressed about the safety aspect of using the park, monies should be expended to ensure safety compliance.

Larry Raffaelli, Zoning Officer, presented sketch (last rev. date 5/10/06) of the Mary Jacobs Memorial Library sign. Motion was made by Merritt with a second by Griner for approval of the sign subject to approval by the Planning Board. Motion carried on roll call vote – all ayes.

Mr. Raffaelli also suggested that some type of recognition be offered to former Mayor Brian Nolan and Council members in honor of their service. Councilman Batchelder will relate this suggestion to Mayor Morren.

Peg Merritt, resident, inquired as to the status of the replacement of benches in the Borough Hall Park, some of which was addressed by Councilman Zimmerman.

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

**APPROVAL OF MINUTES**

Regular Minutes – May 15, 2006 - Motion to approve the minutes was made by Zimmerman with a second by Merritt contingent upon the following correction: Recreation Committee Requests – “Councilman *Merritt* advised of requests received from residents for more equipment and upcoming park night events to be held at Panicaro Park.” Motion carried on roll call vote – all ayes.

**ENGINEER'S REPORT**

Engineer Tanner's report dated June 2, 2006, for May 2006, was distributed (copy on file in Borough Clerk's Office. The following items were discussed:

- Princeton Gamma Tech – Draft letter dated June 2, 2006, to Monica Maher, Project Manager, USEPA, regarding the Rocky Hill Municipal Well Super Fund Site Remediation was provided. The letter requests assurances from the EPA regarding the shut off of the test wells when the draw down limits are maximized (for recovery purposes), that the testing process will cease immediately if any contamination occurs and the Borough will be compensated for any costs incurred for remediation, and that the Borough be reimbursed for monies previously expended for the construction and ongoing maintenance of the treatment plant, and operational costs to date. The floor was opened to the public for comments/questions; hearing none the

floor was closed. Motion was made by Merritt with a second by Griner for authorization of the Mayor's signature on the letter. Motion carried on roll call vote – all ayes.

- County Park Project – Engineer Tanner advised that one bid was received for the shelter at VanHorne Park which exceeded the projected cost. The project will be re-bid. Approval was granted for the grass to be knocked down/rough cut at VanHorne Park around the gazebo as requested by Engineer Tanner. Concern was expressed that vehicles could have access to the park at the end of Young Drive. Engineer Tanner will discuss with Montgomery Township the feasibility of placing a section of split-rail fence with a “no trespassing” sign across the path. Engineer Tanner advised that the drainage concerns expressed in this area should be addressed upon completion of the ARC project.

- 2006/2007 Local Aid Grants – Three applications will be submitted for Hickory Court, sidewalks on Washington St., and Grove St. Applications to be signed by the Mayor.

- County Recreational Grant – Engineer Tanner advised that a grant was filed for \$15,000 for the Borough Parks, to include benches, picnic tables, and additional funds to apply to the recreation shelter. Councilman Merritt suggested that some of the funds received from this grant be used for repairs to the tennis courts as concurred with by Councilman Zimmerman.

- Montgomery Ave. Road and Drainage Improvements/ Princeton Ave. Sidewalks/Sidewalk Repair - Spreadsheet detailing the bid opening of May 10, 2006, for the above-referenced projects was distributed by Engineer Tanner. Two bids were received: Jonico Inc., Lambertville, NJ, and Star of the Sea Concrete, Old Bridge, NJ. Both bids exceeded the anticipated costs of the entire project. After considerable discussion and based on the grant monies available, it was the consensus to go forward with the following projects: Montgomery Ave. Improvements - \$153,300 (which does not include the sidewalks on the other side as originally requested; an alternative will be considered in alleviating the water issue - \$3,300 of the \$153,300 to be provided from municipal budget); Princeton Ave. Sidewalks - \$36,330 (Base project – does not include Soika project). The remainder of the grant monies (approx. \$34,000) will be considered for the Soika project upon reconsideration of the specifications of the project. The general sidewalk repair will be held over until next year. The floor was opened to the public for comments/questions; hearing none the floor was closed. A resolution will be prepared for formal approval and adoption at the next meeting.

Open to Public:

Peggy Harris, questioned the number of benches and tables being considered under the \$15,000 Recreational Grant and inquired as to the total cost of the pavilion to include Borough funds and grants received to date.

Peg Merritt questioned whether the flag pole and light were included in the grant request.

Engineer Tanner advised that generic requests for park equipment were made to hold down the grant; the allocation of the funds is forthcoming. He will provide the requested information regarding the costs associated with the pavilion.

Other:

Engineer Tanner will look into the problem at the firehouse as reported by Councilman Merritt wherein the curb, sidewalk, and pole need to be looked at due to the pole having been struck by a County truck during inclement weather.

**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. Councilman Witt questioned the requests for payment for flowers for planters and the tree removal at Borough Hall. Mr. Witt was advised that the flowers for planters are a routine expenditure by the Shade Tree Commission. Councilwoman Uhrig advised that the removal of the dead tree at Borough Hall had been previously discussed by the Shade Tree Commission, and a decision was made that it required immediate attention. Councilman Zimmerman requested that the Borough Clerk and/or the Buildings and Grounds Committee liaison be contacted in the future prior to the removal of trees on Borough property. Motion to approve the resolution was made by Merritt with a second by Witt. Motion carried on roll call vote – all ayes. (See Appendix 1 for Bill List).

*(A brief recess was held from 9:30 PM to 9:35 PM)*

**COMMITTEE REPORTS:**

Carried to the next meeting as directed by Council President Batchelder.

Councilman Griner reported on correspondence received from the NJSP reporting that the coverage for the Borough by the Kingwood Barracks has been delayed; it is anticipated that coverage will begin by the end of June.

**SPECIAL BUSINESS:**

**Renewal of Liquor License – Santa Fe Grille – Public Hearing/Resolution of Approval –**

Clerk Whitlock advised that the required paperwork is in order for the renewal of the license, and there have been no changes from last year in response to questioning by Councilman Zimmerman. The floor was opened to the public for comments/questions. Hearing none, the floor was closed. Motion to approve the renewal and accompanying resolution was made by Merritt with a second by Zimmerman. Motion carried on roll call vote – all ayes.

**Renewal of Liquor License – CAJO Enterprises LLC – Public Hearing/Resolution of Approval –**

(formerly Rocky Hill/Washington St. Pub) – Clerk Whitlock noted that the required tax clearance certificate has not been received to date as well as the background investigation report from the NJSP. The floor was opened to the public for comments/questions. Hearing none, the floor was closed. Per recommendation by Attorney Cruz, motion was made by Witt with a second by Griner to hold over the approval of the resolution until such time as the required paperwork is received. Motion carried on roll call vote.

Attorney Cruz will contact the license holder's attorney for follow-up.

**Resolution – Amendment of 2006 Salary Resolution**

– Motion was made by Witt with a second by Zimmerman to amend the salary resolution to include the 4% salary increase afforded to other Borough employees for 2006 to Chief Financial Officer/Treasurer Bobal, as a statutory employee. Motion carried on roll call vote - all ayes.

**Resolution – Authorizing Public Question on the General Election Ballot of November 7, 2006, for a .02 Open Space Tax**

– Council President Batchelder explained the resolution outlining the Borough's request to dedicate .02 of the general tax funds for the purpose of the open space tax which will cover the debt on the VanHorne Park. He also noted that the dedication will not result in an increase in the general tax rate. Motion was made by Merritt with a second by Griner for approval of the resolution authorizing placement of the non-binding referendum question on the ballot. Motion carried on roll call vote – all ayes. Certified copy of the resolution to be forwarded to the County Clerk.

**Resolution – Endorsement of Rocky Hill Classic Bike Race**

– Resolution was presented for the Borough's endorsement of the Rocky Hill Classic thus allowing the use of the Borough's streets for the Classic bicycle race. Considerable discussion ensued regarding this event which is being hosted by Event Management Group, LLC. Council members expressed concern that a follow-up presentation has not been made since the initial presentation at the beginning of the year by Mr. Licker of the Event Management Group and the following concerns still need to be addressed: emergency services, i.e. ambulance services for the riders and who will provide same; whether the event documents outlining the safety and insurance issues have been provided to the Borough's insurance agent and are acceptable; who will be providing police coverage; more information on how the funding and sponsorship aspect of the event will be conducted needs to be provided; model/references have not been provided; lack of address/contact information needs to be addressed. Other points of concern centered around liability issues to the Borough, waivers, race marshals, driver information, use of port-o-johns, bleachers, details of the course markings, clarification of the formation of the committee/company and responsible party for same; whether the proper permits have been obtained with proof of same being provided.

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

Peggy Harris, resident, expressed concern with the street closures (to include whether there will closures for merchants) requesting clarification of same. Ms. Harris also suggested that resident input be obtained.

Peg Merritt, resident, questioned whether bleachers would be installed and requested clarification as to the logistics of the start/finish line as well as whether bathroom facilities will be provided.

Adele Batchelder, resident, expressed concern with the sponsorship aspect of the race noting that no one is present from the four recipient entities (fire, rescue, community group, library) which will comprise the non-profit company to be formed. Ms. Batchelder also voiced her opinion that a dissenting view should not be construed as being "political".

Mary Seither, resident, inquired if the other towns involved have signed endorsements for the race to go through their towns.

Susan Kleinman offered her comments based on her past experiences of being involved in a similar fund raising event. Ms. Kleinman expressed concern with the limited amount of time remaining for the planning of an event of this nature and stressed the importance of having adequate insurance in place.

Considerable concern was expressed by Council as to whether there is sufficient time to address all the outstanding issues before the September 17, 2006, race date. It was the consensus that Council is favorable to the event, however, too many outstanding issues need to be addressed. It was agreed that Mr. Licker be requested to appear before Mayor and Council to address the aforementioned concerns at the next Council meeting. Notification of the presentation will be provided to the residents via the Borough's website. Action on the resolution held over.

**INTRODUCTION OF ORDINANCE #4-2006 – AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE 9, TITLED “DEVELOPMENT FEES SECTION”, SECTIONS 902 AND 903, TITLED “BOROUGH OF ROCKY HILL DEVELOPMENT REGULATIONS ORDINANCE”.**

Ordinance #4 -2006 as filed in the Borough Clerk’s Office, was read by title. Explanation of the ordinance which amends and supplements Article 9 titled “Development Fees Section”, Sections 902 and 903, by increasing the fee percentages pursuant to N.J.A.C. 5:94-6.6(a) and 6.7(a) was provided. Adoption of the ordinance is recommended by Borough Planner Kimball and Borough Attorney Cruz. Motion to introduce the ordinance was made by Merritt with a second by Witt. Motion carried on roll call vote – all ayes. Second reading/adoption of the ordinance will be held on July 17, 2006, at 7:30 PM in Borough Hall.

**Resolution – Confirming resignation of Raymond Whitlock, Borough Clerk, effective July 1, 2006, and appointment of Donna Griffiths as Borough Clerk for a three year term effective July 1, 2006 and ending June 30, 2009.** Motion was made by Merritt with a second by Uhrik for the approval of said resolution. Motion carried on roll call vote – all ayes.

**Resolution – Confirming resignation of Donna Griffiths, Deputy Clerk, effective July 1, 2006, and appointment of Raymond Whitlock Jr. as Deputy Clerk effective July 1, 2006 and ending on December 31, 2006.** Motion was made for the approval of the resolution by Griner with a second by Merritt. Motion carried on roll call vote – all ayes.

**COMMUNICATIONS:**

Motion was made by Zimmerman with a second by Merritt for the acceptance of communications as listed on the agenda which were disseminated to the appropriate council liaison and/or ordered filed. Motion carried on roll call vote – all ayes. Ms. Harris, resident, was provided with information on the NJ League of Municipalities correspondence addressed to the NJ State Attorney General on State Police Services. In response to Ms. Harris’ concern regarding correspondence relative to the WAWA application, Clerk Whitlock advised the matter is not scheduled on any of the Township agendas and the DEP is conducting testing on the PGT site through June 2006.

**UNFINISHED BUSINESS:**

**Towing Fee Schedule** – Councilman Griner was provided with clarification as to the fees outlined in the draft ordinance. Clerk Whitlock advised that he is in receipt of names of individuals interested in being placed on the towing list for the Borough.

**Recreation Committee Request to hold Park Night** - Prior request was made by the Recreation Committee for another Park Night event to be held on June 23, 2006, to include a band and ice cream for an estimated cost of \$300.00. Councilmen Batchelder and Merritt reaffirmed their position that they are supportive of the community’s park nights; however, they do not agree that public funds should be expended for same. It was suggested that the Recreation Committee funds be used to address matters of infrastructure, safety issues, etc. It was also suggested that the Community Group consider sponsoring the event. After considerable discussion, it was agreed that the Recreation Committee would seek donations for the entertainment and ice cream for the June 23<sup>rd</sup> Park Night and the event would be held at Panicaro Park. ~~Various donations were offered Councilmen Batchelder and Zimmerman offered personal donations~~ in support of the event. Motion was made by Merritt with a second by Griner for the use of Panicaro Park by the Recreation Committee for June 23<sup>rd</sup> contingent upon there being no expenditure of public funds for same. Motion carried on roll call vote – all ayes.

**NEW BUSINESS:**

**NJ League of Municipalities Convention** – Clerk Whitlock requested that he be provided with the dates and hotels of choice by anyone interested in attending so that reservations may be made.

**Replacement of Xerox Copying Machine and HP Fax Machine at Borough Hall** – Proposal provided by Xerox for the copy machine was provided for review and further discussion at the next meeting.

**PUBLIC COMMENT**

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

**ADJOURNMENT:**

Motion to adjourn the meeting at 11:00 PM was made by Witt with a second by Uhrik. All voted in favor of adjournment.

Respectfully submitted:

Donna M. Griffiths  
Deputy Clerk