

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
JULY 17, 2006**

The regular meeting of the Borough Council of the Borough of Rocky Hill was called to order by Mayor George Morren at 7:33 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-present, 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

OATHS OF OFFICE

Oaths of office were administered by Attorney Cruz to Donna Griffiths as Borough Clerk (term 7/1/06-6/30/09) and Raymond Whitlock Jr. as Deputy Borough Clerk (unexpired term thru 12/31/06).

APPROVAL OF MINUTES

June 19, 2006 – Motion to approve the minutes was made by Merritt with a second by Witt with the following amendment: Page 2 – Buildings & Grounds – amended to read, “*a pledge for* donation in the amount of \$5,000 has been received...”. Motion carried on roll call vote – all ayes.

PUBLIC COMMENTS

Courtney White, resident – Ms. White inquired as to the meeting being held in Montgomery Township concerning the WAWA application on Thursday. Mayor Morren will report back to Ms. White as to the status of that meeting.

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

(The order of agenda business was changed at the direction of the Mayor.)

SPECIAL BUSINESS:

COAH – GROWTH SHARE/HOUSING ELEMENT REQUIREMENTS

Planner Susan Kimball and Planning Board Attorney Valerie Bollheimer appeared before Mayor and Council. Also present was Charles Pihokken, Chairman of the Planning Board. Ms. Kimball advised that a COAH Subcommittee has met (to include Mayor Morren, Councilman Batchelder, Charles Pihokken, Albert Cruz, Valerie Bollheimer, Susan Kimball) to discuss the options available to the Borough in meeting COAH requirements relative to third round substantive certification. Ms. Kimball provided an overview of the housing element requirements, the method for calculating the Borough's growth share requirement, and the process for the adoption of the Housing Element and Fair Share and Spending Plans. It was noted that petition must be filed by the end of this year. Third round certification will be for the period 1/1/04-12/31/13.

Ms. Kimball provided an estimate of the third round growth share obligation (9 units). This figure is based on the recently approved development of the Schafer Tract and potential for development to the Scassera property. Options were offered for meeting the Borough's obligation to include RCA's and the accessory apartment option. The criteria in implementing the accessory apartment option (possibly 4 apts.) was provided and recommendation was made that the establishing criteria not be encumbered with age restrictions. It was noted that an administrator would need to be designated to oversee this program. The Borough would be requesting permission of COAH to divide the entire obligation into two phases; Phase I addressing the Schafer obligation (4 units) and Phase II addressing the Scassera obligation (5 units).

Ms. Bollheimer indicated that the Borough's spending plan has to be updated and she provided original escrow agreements for the establishment and management for a Housing Trust Fund utilized for developer fees which will be signed by the Mayor, Clerk, Amboy Bank representative, and COAH. In addition, letter dated July 17, 2006, from Attorney Bollheimer addressed to Mayor and Council was received on behalf of the Planning Board endorsing the adoption of Ordinance #4, 2006, amending the Developer Fees ordinance, finding same to be consistent with the Master Plan.

Planner Kimball indicated a presentation will also be made to the Planning Board at the August 8, 2006, meeting of the Board. In response to questioning by Council, Ms. Kimball indicated that if the build-out of the Scassera property does not occur, we would not have the obligation but because our growth projections are lower than those of the MPO (Metropolitan Planning Organization (NJTPA), we have to include this project. Ms. Kimball responded to questioning about the build out/lay out of the affordable housing units and how the obligation is calculated. It was agreed that restrictions on number of bedrooms for the accessory apartments would be considered. Ms. Kimball also advised that we would be able to amend the plan if another way of meeting the obligation is found.

Public Comments:

Raymond Whitlock Jr. questioned whether there is a need to comply with the COAH requirements based on the limited amount of developal land. Discussion ensued regarding the risk that may be taken by not complying. The Borough's professionals expressed concern with the possibility of losing control of development and the Borough being subject to litigation. However, It was noted that this option will be brought to the Planning Board for further consideration.

Motion was made by Merritt with a second by Griner authorizing the Mayor and Clerk to sign the escrow agreement for the establishment of a Housing Trust Fund by the Borough. Motion carried on roll call vote – all ayes.

ORDINANCE #4 – 2006 – PUBLIC HEARING/SECOND READING

Ordinance #4-2006 as filed in the Borough Clerk's Office and entitled,"

AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE 9, TITLED "DEVELOPMENT FEES SECTION", SECTIONS 902 AND 903, TITLED "BOROUGH OF ROCKY HILL DEVELOPMENT REGULATIONS ORDINANCE", was read by title. The floor was opened to the public for comments. Hearing none, the floor was closed. As noted earlier, letter of support on behalf of the Planning Board dated July 17, 2006, in support of the adoption of the ordinance was received. Motion to approve/adopt the ordinance was made by Merritt with a second by Batchelder. Roll call: Batchelder-aye, Griner-aye, Merritt-aye, Uhrik-aye, Witt-aye, Zimmerman-aye. Motion carried. (Attached as Appendix 1).

(The order of agenda business resumed)

ENGINEER'S REPORT

Report dated July 14, 2006, for June 2006 was received from Engineer Tanner. The following items were discussed:

Route 518 Curb and Sidewalk Damage – Letter was forwarded (copy provided) to the County Public Works Department regarding this issue and same has since been repaired.

Park Fence – In regard to the previously requested fence installation at Young and Princeton Aves., a quote has been received from JML to install two sections of fence at a cost of \$650.00. The proposal will be forwarded to Montgomery Township also for consideration. Motion was made by Batchelder with a second by Merritt for the approval of the expenditure of funds (20% share of the \$650 quote) for the fence and installation contingent upon approval by Montgomery Township. Motion carried on roll call vote – all ayes.

County Park Project – Arrangements have been made with the County Sheriff's Department to have a crew available on 7/29/06 to weed the baseball fields, paths, and beds around the Borough Hall. Engineer Tanner will request they schedule another day for street and curb weeding along Route 518.

Engineer Tanner reported on some remaining erosion problems at the Park but advised that monies are still available to address these problems. A new catch basin will be installed to help alleviate the problems. He also reported on the recent rejection of the bids (for the second time) for the shelter/restrooms. Due to the high costs of the structure, an alternative structure is being considered by the Park Committee, which would be a completely assembled, stand alone restroom. Photographs of the structure were provided for review. It was noted that the structure is good from a maintenance standpoint and vandal proof. It was suggested that different options for a shelter/picnic area could be explored. The proposal will be offered to Montgomery Township for their consideration. It was suggested by Council members that the structure could be customized to include storage, an awning, etc. for aesthetic purposes.

ARC Parking Lot – Site plans of the area to be expanded along with a landscape plan as prepared by ARC was submitted for review. Engineer Tanner indicated that all issues raised at the site meeting in the spring have been addressed, specifically relating to drainage issues and sufficient landscaping buffers. In response to questioning by Mr. Batchelder, Engineer Tanner advised that there is still sufficient room for any potential expansion of the Borough's facilities. Mayor and Council expressed satisfaction with the plan submitted and same will be forwarded to the Planning Board for consideration of approval.

Leaf Collection Quotes - Engineer Tanner indicated that this project will be bid rather than quoted and he will report back at the August meeting on same.

Public comments:

In regard to the Park restroom facility, resident Courtney White suggested landscaping to soften the appearance. Larry Raffaelli indicated that he has seen the structures before and is pleased with the concept.

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 conditioned upon Check #4251 being voided due to same being for an incorrect amount. Motion carried on roll call vote – all ayes. (See Appendix 2 for Bill List).

DEPARTMENTAL REPORTS:

Tax Collector's Report: Report for June, 2006, was received. Motion to accept the report as submitted was made by Zimmerman with a second by Merritt. Motion carried on roll call vote – all ayes.

Treasurer's Report: None presented at this time.

COMMITTEE REPORTS:

Administration & Records – Nothing to report at this time.

Buildings & Grounds – Councilman Zimmerman expressed appreciation to all those involved in the July 4th celebration. He reported that the most recent Park Night event was held in Panicaro Park noting contributions received for same from Councilman Griner, Mr. Moore, and Mr. Corlis. The last Park Night event will be held on August 4th at the Borough Hall grounds and Mr. Zimmerman will be donating monies for this event.

Finance & Insurance – Councilman Batchelder distributed Expenditures Report dated July 16, 2006, noting that a transfer has been made from the Water/Sewer line item to the Legal Expenses line item to cover legal costs associated with the WAWA application.

Public Safety & Emergency Services – Councilman Griner advised that the State Police are now on patrol within the Borough. He also advised that assignment of the station commander has been postponed. In response to questioning by Mr. Merritt, Mr. Griner advised the constables were notified of the concern with overgrown vegetation, but a report has not been submitted to date as to their findings. The status of the dog census will also be requested of the constables.

Streets & Roads – Councilwoman Uhrig reported that a report of a sign down at Rt. 518 and Princeton Ave. was received and has been addressed.

Water, Sewer & Environmental Protection – Councilman Merritt advised that a report from the Utilities Superintendent has not been received to date. A meeting has been scheduled with Montgomery Township to discuss the Borough's sewer bill and an anticipated new contract. The meeting will be attended by Mayor Morren, Councilman Merritt, and Deputy Clerk Whitlock.

Council Representative to Planning Board – Councilman Batchelder reported that the Schafer/Pulte application has been approved by the Board. The sign for the Mary Jacobs Library was also approved.

Council Representative to School Board – Nothing to report at this time.

Council Representative to Board of Health – Notice of a meeting to be held with representatives of the Somerset County Board of Health on July 20, 2006, Re: Avian Flu was received

Zoning Official – Activity Report for June 2006 was provided by Zoning Official Larry Raffaelli (copy on file in Borough Clerk's office). In regard to recent concerns about signage and zoning violations, Mr. Raffaelli advised he has been addressing signage issues on public lands, however, he is unable to address all concerns within the Borough but he advised that he responds immediately to complaints.

Grants Committee – Councilman Griner advised that contact is being made with a referral about finding grants to be secured and identifying areas where grants are needed.

SPECIAL BUSINESS (continued):

Shade Tree Commission Report

Marilyn Crane appeared before Mayor and Council providing an update on behalf of the Commission. Ms. Crane advised that an arborist recommended the removal of the tree from the Borough Hall grounds to prevent a hazardous situation. She further advised that potted plantings have been placed within the Borough to include placement along Route 518 which has been routinely done. She stressed that care needs to be given to the plantings to maintain same and requested assistance of homeowners with the watering of same. She questioned whether the Borough should continue with this practice due to the continued need for maintenance. A suggestion was made that consideration be given to pruning low tree limbs at Panicaro Park. In regard to tree trimming done by PSE&G around their power lines, Ms. Crane suggested that the Borough consider hiring a private arborist to ensure the proper trimming. She is currently seeking quotes for same. Ms. Crane emphasized the need for routine maintenance (other than grass cutting) at the Crescent Point Park and the Borough Hall property.

Suggestions were made that a replacement tree be considered for the recently removed tree at Borough Hall and the tree behind the flag pole at Panicaro Park be looked at for removal to allow room for the ease of the flow of the flag. Concern was expressed with a tree located on Montgomery Ave. in need of attention. Also discussed was whether proper notification by PSE&G is being made to Borough representatives prior to any cutting.

Ms. Crane advised she has reached out to PSE&G and is awaiting a response from them. Question was raised as to whether there are funds available to retain the services of a private arborist on behalf of the Borough.

Resolution of Approval – Chapter 159 Somerset County Youth Athletic Grant for \$15,000 –

Motion to approve the resolution was made by Griner with a second by Zimmerman. Motion carried on roll call vote – all ayes.

Approval of Corrective Action Plan in response to Borough Audit for period ending 2004 – Corrective Action Plan as prepared by CFO Bobal was received. Motion to accept the corrective action plan was made by Merritt with a second by Uhrik. Motion carried on roll call vote – all ayes.

COMMUNICATIONS:

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

Councilman Zimmerman advised of notice received from Kevin Cann of the Recreation Committee of his resignation as the Chair of the Committee. He will remain as a member of the Committee. Melissa Bernardi is serving as the Acting Chair.

UNFINISHED BUSINESS:

Renovations for State Police Sub-station – Summary of the renovations (door replacement) and office equipment needed was provided by Councilman Zimmerman. Motion was made by Zimmerman with a second by Griner for the expenditure of funds up to \$2,000.00 (\$900 – Police O.E./\$1100 – Emergency Management) for this project. Motion carried on roll call vote – all ayes; Merritt-abstain. Mr. Zimmerman will look into how the signage for the front of the building will be handled.

Update on Classic Bicycle Race and Consideration of Approval of Resolution of Endorsement –

Council members Griner, Uhrik, and Zimmerman met with Tom Licker of Event Management Group as agreed to at the last meeting. An outline of the meeting was provided. It was reported that costs incurred by the Borough for the event would be for public safety issues such as barriers and police services. Contact has been made with State Police to ascertain if any costs will be incurred for additional manpower and it was noted that funds are available for special details for use of the South Bound Brook Police Department. The other issue of cost may arise if no sponsorships are sold. The estimated cost in that case would be approximately \$1000-1400. It was agreed that action on any outstanding funding issues would need to be addressed in January 2007. Resolution endorsing the Classic Race and allowing the use of the Borough of Rocky Hill streets was presented. Motion to approve the resolution with the inclusion of the event date of May 19, 2007, was made by Zimmerman with a second by Griner. Roll call: Batchelder-naye, Griner-aye, Merritt-naye, Uhrik-naye, Witt-aye, Zimmerman-aye. Vote resulted in a tie thus requiring the vote of Mayor Morren-aye. Motion carried.

Possible Replacement of Copy Machine/Fax Machine – held over until next meeting.

NEW BUSINESS:

Review Proposals and Approve Chimney Repair for Borough Hall – Quotes were received for the installation of a new chimney liner and installation of a cap across the top and chase of the chimney as follows: Home Comfort Chimney Sweep - \$2250.00; St. John's Chimney Sweep - \$3800.00. Motion to accept quote from Home Comfort Chimney Sweep in the amount of \$2250.00 was made by Zimmerman with a second by Merritt. Motion carried on roll call vote – all ayes.

Amendment to October Council Meeting Schedule – The first meeting of the month (10/2/06) will be cancelled due to scheduling conflicts. It was agreed that the third meeting of the month (10/16/06) will be the only meeting for the month of October 2006. Proper notice will be made by the Clerk.

PUBLIC COMMENT

Peggy Harris, resident, urged that the constables be made aware of the overgrown shrubbery at Crescent Point Park.

ADJOURNMENT:

Motion to adjourn the meeting at 10:05 PM was made by Merritt with a second by Batchelder. All voted in favor of adjournment.

Respectfully submitted:

Donna M. Griffiths
Borough Clerk