

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
MARCH 6, 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 and 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. Brad Merritt-present, Ms. Eileen Uhrik-present, Mr. Jared Witt-present, Mr. Edward Zimmerman-present

Absent: Mr. Brian Griner

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

APPROVAL OF REGULAR MINUTES

Motion to approve the regular minutes of the February 21, 2006, meeting noting some minor typographical errors was made by Batchelder with a second by Zimmerman. Motion carried on roll call vote – all ayes; Merritt-abstain.

PUBLIC COMMENTS

Dr. Ronnie Davidson, appeared before Mayor and Council insisting that the contract for police services with the South Bound Brook Police Department not be renewed. Her request is based on an incident which involved her husband as a carjacking victim in a neighboring town and the lack of response by a South Bound Brook police officer while on a motor vehicle stop within the Borough. Dr. Davidson referred to a letter received by her from Chief Verry of the South Bound Brook Police Department noting the internal investigation has been closed with the department finding the officer not at fault.

Gary Warden, 85 Princeton Ave., was provided at his request with the terms of the current contract with SBB.

Mark Germaine, 15 Washington St., offered his sentiments to Dr. Davidson and requested that the Borough investigate the legal ramifications of occurrences such as this and the responsibilities of police officers while on patrol within the Borough.

Vic Fedorov, Princeton, NJ, requested that the Borough discuss economy and population issues in a public forum prior to discussing development issues.

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

ENGINEER'S REPORT

Engineer Tanner's report dated March 3, 2006, for February 2006, was distributed (copy on file in Borough Clerk's Office). The following items were discussed:

Phase II of the County park project – an update was provided regarding erosion remediation and the status of the recreation shelter, playground equipment, and park amenities.

Princeton Ave. Drainage – Motion was made by Zimmerman with a second by Merritt to authorize Engineer Tanner to ascertain quotes and authorize drainage remediation work (construction of drainage swale) in the area of the Warden property, 85 Princeton Ave., provided said cost does not exceed remaining funds. Motion was carried on roll call vote – all ayes. Engineer Tanner noted that he will further investigate drainage issues on the Cahill and Johnson properties at a future date.

Princeton Ave. Sidewalks – Letter was received from Assessor George Sopko provided an estimated cost of the easement purchase on the Soika property which was provided to Mayor and Council. Also provided by Engineer Tanner was a sketch of the proposed sidewalk and anticipated easement area. Mayor Morren and Engineer Tanner will meet and further discuss the options with the Soikas. Engineer Tanner noted that this project along with sidewalk repair and the Montgomery Ave. sidewalk project should be sent out to bid in April.

Municipal Recreation Shelter (Pavilion) – Shelter being delivered during the week of 3/20/06. In response to concerns about drainage effect on the tennis courts, Engineer Tanner will ensure that the concrete slab will be sloped towards the parking lot to alleviate any problems.

Crescent Ave. Pond – Engineer Tanner will discuss further at the next meeting of the Van Horne Park Committee.

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

Gary Warden, 85 Princeton Ave. – expressed concern with the location, size, and effect on existing trees of the proposed drainage remediation in the area of his property. Engineer Tanner agreed that the catch basin should be moved further down the street to avoid any problems.

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

The order of business as outlined on the agenda was changed at the direction of Mayor Morren.

Rev. Bill Schutter, of the First Reformed Church of Rocky Hill, appeared before Mayor and Council requesting authorization of the use of the Borough Hall grounds for a church celebration to be held in the fall. Motion to authorize the use of the Borough grounds was made by Merritt with a second by Zimmerman. Motion carried on roll call vote – all ayes.

Tom Licker, representative of Colavita Racing, a professional cycling organization, appeared before Mayor and Council. Mr. Licker provided an overview of the organization and a prospectus of the requested bike event to be held within the Borough on September 17, 2006, between the hours of 8:00 AM and 1:00 PM. The Borough will be requested to provide police and emergency service assistance for the event. In response to questioning by Council and members of the public, an event contingency plan will be developed to address any emergencies occurring within the Borough during the event, approval for the event will be sought by neighboring towns (Hillsborough, Montgomery, Franklin Twps.), and verification of insurance will be provided. A form of agreement will be considered by the Borough after the above issues have been addressed.

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 – Ms. Uhrick has spoken to one of the applicants for the Deputy Zoning Official position. Interview of other applicant and possible appointments to be considered at next meeting.

Buildings & Grounds – Relocation of shed behind Borough Hall to be considered and further discussed.

Finance & Insurance – Tax Collector's monthly report for February 2006 and Annual Report for 2005 were distributed. Mr. Batchelder provided update on the budget process noting new budget figures provided. Mr. Batchelder has corrected some of the problems with the Borough e-mails and will address continued issues.

Public Safety & Emergency Services – Mr. Zimmerman provided an overview of the Constables' report; report from Mr. Griner regarding two incidents with fireworks behind Borough Hall investigated by State Police was provided.

Streets & Roads – Motion was made by Merritt with a second by Zimmerman to authorize Engineer Tanner to enter into a cooperative contract with the County to proceed with road striping within the Borough. Motion carried on roll call vote – all ayes.

Water, Sewer & Environmental Protection – Mr. Merritt provided an overview of the February and March utilization reports as provided by Superintendent Merk.

Council Representative to Planning Board – Mr. Batchelder provided an overview of applications before the Planning Board.

Council Representative to School Board – None at this time.

Council Representative to Board of Health – None at this time; renewal of contract with South Brunswick under New Business.

Zoning Official – No report at this time.

SPECIAL BUSINESS

ORDINANCE #1 – 2006 – PUBLIC HEARING/SECOND READING

Ordinance #1-2006 as filed in the Borough Clerk's Office and entitled."

AN ORDINANCE PROVIDING FOR THE CONSTRUCTION OF PHASE 2 OF PARK IMPROVEMENTS IN AND BY THE BOROUGH OF ROCKY HILL, IN THE COUNTY OF SOMERSET, NEW JERSEY, APPROPRIATING \$75,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$70,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF was read by title. The floor was opened to the public for comments.

Attorney Cruz provided an explanation of the ordinance at the request of resident Gary Warden. Motion to approve the ordinance was made by Merritt with a second by Batchelder. Roll call: Batchelder-aye, Merritt-aye, Uhrick-aye, Witt-aye, Zimmerman-aye. Motion carried. (Attached as Appendix 2)

Resolution - 2004 Borough Financial Audit – Motion by Batchelder with a second by Zimmerman was made by form of resolution to accept the recommendations outlined in the audit report by Borough Auditor Morrison. Roll call: Batchelder-aye, Merritt –aye, Uhrik –aye, Witt-aye, Zimmerman-aye. Motion carried. Affidavit signed by members of Council (See Appendix 3).

Resolution – Temporary Emergency Appropriation – Motion to approve the resolution authorizing the temporary emergency appropriation of \$4,000.00 for General Administration was made by Batchelder with a second by Witt. Roll call: Batchelder-aye, Merritt-aye, Uhrik-aye, Witt-aye, Zimmerman-aye. Motion carried. (Attached as Appendix 4)

COMMUNICATIONS

Communications as listed on the agenda were discussed, disseminated and/or ordered filed. Mayor Morren noted correspondence to the Montgomery Township Planning Board concerning the WAWA application and to the State regarding our Well Head Protection Ordinance.

UNFINISHED BUSINESS:

Proposed Open Space Tax Ordinance - A draft ordinance for consideration of an open space tax was distributed. Mayor Morren expressed his interest in presenting this item as a referendum question in November. Mayor Morren is requesting consideration be given to this proposal whereby a reallocation of funds already expended for Green Acres projects and Van Horne Park would be considered. The commitment of an open space tax would entitle the Borough to higher priority consideration of funds through the Green Acres Program in the future. Mr. Merritt expressed his displeasure with the language of acquiring lands via “eminent domain” and requested consideration be given to deleting this provision. It was agreed that figures be provided by the Borough Auditor as to an estimate of recurring costs for projects that would be covered under this tax and a dollar and sunset amount should be further discussed.

Indemnification of Officials and Public Employees Draft – It was agreed that Attorney Cruz will speak with Insurance Agent Ted Merritt to acquire information regarding our exclusions and deductibles under the Borough’s current insurance plan. Also to be discussed will be coverage for the Rescue Squad and Fire Department.

Sunesys – Attorney Cruz will make contact with representatives from Sunesys and provide an update.

NEW BUSINESS:

2006 Contract for Local Board of Health Services between Township of South Brunswick and Borough of Rocky Hill – *(Council member Eileen Uhrik was recused from taking any action on this matter)* Board of Health President Mary Germaine and Health Officer Steve Pappenberg appeared before Mayor and Council. Renewal of contract for services for 2006 was presented. Ms. Germaine advised the contract is identical to last year’s contract with the exception of a 3.5% rate increase being requested. Mr. Pappenberg in addressing a previous concern that South Brunswick may not be able to accommodate our needs based on impending State and County mandates, noted that there does not appear to be a conflict at this time. Motion to approve the contract was made by Zimmerman with a second by Witt. Roll call: Batchelder-aye, Merritt-aye, Witt-aye, Zimmerman-aye. Motion carried.

PUBLIC COMMENT

Cliff Moore, resident, advised the Rocky Hill ambulance should be arriving in Mississippi by tomorrow. Mr. Moore was commended by Mayor Morren and Council for all his efforts to include raising the funds for the transport of the vehicle.

Dr. Ronnie Davidson was advised by Attorney Cruz as to the means of obtaining agenda information and Council meeting dates in response to her questioning as to the scheduling of the renewal of the South Bound Brook Police Department contract.

Gary Warden, 85 Princeton Ave., expressed concern with the high cost imposed upon motorists for towed vehicles. It was agreed that Council would explore the availability of local tow agencies for consideration of use by the State Police and South Bound Brook Police Department

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

ADJOURNMENT:

Motion to adjourn the meeting at 9:45 PM was made by Merritt with a second by Batchelder. Motion carried on voice vote – all ayes.

Respectfully submitted:

Donna M. Griffiths
Deputy Clerk