

**BOROUGH OF ROCKY HILL  
COUNCIL MINUTES  
October 20, 2008**

The regular meeting of the Borough Council of the Borough of Rocky Hill was called to order by Mayor Edward Zimmerman at 7:30 PM followed by the salute to the Flag and a moment of silent meditation in memory of former resident and librarian Gloria Mack.

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

The following statement was read into the record by Mayor Zimmerman: This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting was included in a list of meetings advertised in the December 7, 2007, edition of the Courier News and transmitted to the Somerset Spectator. Notice has been posted accordingly and a copy of this notice is available to the public and is on file in the Office of the Borough Clerk.

**ROLL CALL**

Mr. Jim Banks-present, Ms. Linda Goldman-present, Mr. William Hallman-present, Ms. Julia Hasser-present, Ms. Courtney White

Absent: Mr. Brian Griner

Also present: Borough Attorney Albert Cruz, Deputy Clerk Raymond Whitlock

**MAYOR'S COMMENTS**

- Mayor Zimmerman extended well wishes to former Mayor George Morren;
- The hearing before the Council on Local Mandates on the State Police fees is scheduled for 10/22/08;
- Mayor Zimmerman, Planning Board Attorney Kimson, and representatives of EDEN Acres met to discuss an option for providing additional group home units in order to help satisfy the Borough's COAH obligations;
- Dr. Eveleigh of Toth Lane provided an overview of the re-enactment of the General George Washington and Tom Paine's Proof of Flammable Gas experiment scheduled for 11/5/08 on the Millstone River. Constables will be contacted for a presence at the event. Dr. Eveleigh advised that insurance coverage for the event is provided by Rutgers University. He also noted that the NJ State Police will be present. Council member Hallman suggested that information on the event be made with the science department heads of both Montgomery and Hillsborough High Schools.

**APPROVAL OF MINUTES**

Regular Meeting Minutes – October 6, 2008 – Motion was made by Goldman with a second by White for the approval of the minutes as presented. Motion carried on roll call vote – all ayes; Hasser-abstain.

Executive Session Minutes – October 6, 2008 – Motion was made by Banks with a second by White for approval of the minutes as presented. Motion carried on roll call vote – all ayes; Hasser-abstain.

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

New Business – Census- White

**PUBLIC COMMENT**

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

Jeanette Muser, 15 Montgomery Ave – Ms. Muser expressed her appreciation to Mayor and Council for sponsoring the Rocky Hill Newsletter and providing for the copying of same at Borough Hall. She noted that she wrote the newsletter and provided the paper for the copying. Council member White offered the assistance of the Community Group with the distribution of future newsletters. In response to questioning by Councilman Hallman, Ms. Muser advised that she rescinded her request to have the newsletter posted on the Borough's website whereas it did not fit the mission statement of the heritage project. A copy is available at the library.

Chuck Cook, 73 Washington St., advised that there is a dip in the road on Route 518 in the area of the library. Council member White will follow-up.

Ralph Terragrossa, 11 Montgomery Ave. – Mr. Terragrossa advised of the e-mail correspondence (dated 10/10/08) that was distributed to the Mayor and Council wherein he expressed his opposition to the construction of the tennis wall behind the Borough Hall. Mr. Terragrossa cited issues with the project to include a diminished quality of life to Rocky Hill due to the location of same and the imposition of substantial costs to the community. Response letter to Mr. Terragrossa dated 10/16/08 from Mayor Zimmerman was also received and distributed to Council. Mr. Terragrossa further elaborated on the issues pertaining to the wall again noting that the placement of the wall diminishes the value of the meadow and the tennis courts are used on rare occasions. He expressed displeasure with having heard about the construction of the wall by way of reading about same in the local newspaper. He advised that he has canvassed 34 families in the area who indicated they were unaware of the installation of the wall and are also opposed to the project. It was questioned whether a feasibility study was done or should be done for construction projects by the Borough. A petition opposing the construction of the wall was submitted to Mayor Zimmerman.

Mayor Zimmerman responded to the concerns expressed by Mr. Terragrossa. He advised that a contract has been executed for the construction of the wall, and the Borough may incur expenses if the project is delayed. He noted that several public meetings had been held wherein the construction of the wall was discussed and subsequently acted upon. The meetings and solicitation of the bids for the project were properly noticed. The continual position of providing open public government by the Council was emphasized. The Mayor further advised that in contrary to what has been related amongst the residents, the project is being funded through a County grant. He related that the Borough is taking advantage of the opportunity of using County tax dollars from the County Youth and Recreation Grant Program for the project in lieu of using local tax dollars. The size of the wall was redesigned to ensure that the total cost of same would be funded through the grant monies.

Mayor Zimmerman re-emphasized that the project has been the subject of discussion for several years and all meetings have been noticed to the public accordingly. There is considerable use of the tennis courts, to include the holding of summer youth tennis camps, and it was the consensus to construct the wall primarily for the benefit of the youth of the community. The rise in the population of children within the Borough was noted and this project was viewed as an opportunity to promote wellness and recreation for same. Also noted were the improvements to the soccer fields behind Borough Hall to include the recent purchase of soccer nets.

In response to concern raised about the location of the wall, Mayor Zimmerman advised that the location was based on the placement of a pre-existing wall that was present in the 1970's. Close proximity to the tennis courts was a logical location and the placement between the two trees was recommended in order that the view of the meadow was not obstructed. Adequate visibility of both sides of the wall was also taken consideration in order that activities were not obstructed from the public view. Concern was expressed for the safety and security of the children and the Borough wanted to prevent the occurrences of prohibited activities behind the wall, i.e. loitering, drinking, etc.

Mayor Zimmerman related that contrary to the opinion that public input was not sought, he had in fact spoken to several of the neighboring residents regarding the placement of the wall. Based on those

discussions and concerns expressed by those residents, the position was changed from the originally proposed location (behind the tennis courts) to the current position.

In regard to concern expressed about a potential, negative affect on the value of the neighboring properties, Mayor Zimmerman advised that he had related this concern to the Borough's Tax Assessor who offered that there should not be a detraction to the value of the neighboring properties noting that Montgomery Ave. is already a busily traveled area.

Monica Lange, 6 Montgomery Ave. - Ms. Lange expressed her opinion that the Green Acres Park is an asset and same is being destroyed by the construction of the wall. In regard to the rationale used for the positioning of the wall, she disagreed that the Borough's children would engage in prohibited activities.

Jim Tropp, 13 Montgomery Ave. - Mr. Tropp also expressed his opinion that the positioning of the wall for safety purposes for the children (preventing them from hiding behind it) is an excuse for where it is being positioned, and he suggested that it be placed somewhere else.

Peggy Harris, Crescent Ave. - Ms. Harris expressed displeasure with the inference that former Council member may not have provided open public government. She noted that when this project (tennis wall) was discussed two years ago, a resident requested that the local paper (Gazette) be notified, and it was agreed that it would be. Ms. Harris also related that although there is some small playground equipment at Panicaro Park, request has been made on several occasions for more equipment in that park. She offered that the grant monies seem to be used primarily in one location.

Chuck Cook - Mr. Cook provided the background on the size and location on the practice wall that previously existed. He expressed his opinion that due to the composition of the proposed wall, sound should not be an issue to the residents. He further expressed his opinion that the location of the wall between the two trees promotes the safety of the children. Mr. Cook expressed his appreciation for the soccer fields and equipment that will be provided noting that the practice wall can be used as a multi-purpose wall.

Phil Hayden, 38 Washington St. - Mr. Hayden questioned whether the Borough is responsible to notice property owners within 200 ft. for a project of this sort. He also inquired as to whether the Borough sought approval from the New Jersey State Historic Preservation Office (SHPO) citing statute requirements pertaining to properties located within the Historic District. Attorney Cruz responded that the Borough is exempt from complying with the provisions of the Municipal Land Use Law relative to noticing property owners within 200 feet. Mayor Zimmerman will follow-up with the Borough Engineer on whether the SHPO regulations were addressed or need to be addressed.

Cliff Moore, Skillman Ave. - Mr. Moore expressed his appreciation of the Green Acres Park noting his daily use of same. He related that based on his experience, the park is used on a daily basis to include use of the tennis courts, dog walking, and other activities.

Bob Crowe, Montgomery Ave. - Mr. Crowe was provided with the dimensions and positioning of the wall. It was clarified that the view from Montgomery Avenue will not be blocked.

Doug Eveleigh, 1 Toth Lane - Mr. Eveleigh offered his opinion that the project should be put into context with the existing uses of the park. An athletic track with stations for the development of recreation was one of the primary purposes of the park; not solely to remain in a pristine state. He noted that the tennis courts were a donation from the Community Group several years back, and there is a continual rise and fall of use of the courts over time.

Jessica Delahoy, 33 Washington St. - expressed her opinion that too much emphasis is placed on sports; we value the Green Acres Park for its pristine nature, and the older residents are being excluded from the use of same. In regard to the rationale used for the positioning of the wall, she also disagreed that the Borough's children would engage in prohibited activities behind the wall.

Susan Bristol, 104 Washington St. - Ms. Bristol questioned whether this project was discussed with the Planning Board and whether there was a site plan review of same. Mayor Zimmerman responded that he discussed the project with Planning Board Chairman Pihokken and was advised that the project did not fall within the jurisdiction of the Planning Board. In response to questioning by Ms. Bristol about whether a landscape architect had been consulted with as to the location of the wall between the trees, Mayor Zimmerman advised that follow-up would have to be made with the Borough Engineer. Ms. Bristol expressed her opinion that it is incumbent upon the Borough to have a professional study done by a landscape architect to protect the trees that may die as a result of the construction. She further related that the project should have been discussed with the entire Planning Board, the Borough should not be doing only what is required by law but for the good of the community, and she questioned that a delay in the project would add additional cost to the taxpayers.

Mayor and Council Remarks:

Mayor Zimmerman again related that a contract has been awarded for this project and a delay in the project could cost taxpayer dollars. The Borough has been diligent in providing notice of Borough business by way of postings and advertisement. He noted that the Borough's website is kept up-to-date regularly by Council member Goldman, and there is a live feed option provided on the website for use by the public. He welcomed suggestion from the public for a better way to communicate the business of the Borough short of noticing on an individual basis (which would not be a feasible option due to the cost). In response to the concern expressed about not providing passive recreation for the seniors of the community, Mayor Zimmerman noted the Borough has expended a substantial amount of money at Van Horne Park for passive recreation which includes the installation of nature trails and wildflower plantings. Mayor Zimmerman reiterated that a considerable amount of time was spent on the planning of the tennis wall project, and the re-design and placement of same was based on safety, usage, and other issues of concern..

Councilman Hallman related that the County grant monies may only be used for youth athletic installations. He noted that the existing playground equipment is geared toward use by the younger children, and the construction of this wall will be an asset to the adolescent children of the community. The decision for the placement of the wall was made keeping in mind the safety of the children while preserving an unobstructed view by the residents.

Council member Goldman addressed the public from her perspective both as a resident and Council member. Ms. Goldman advised that as a senior of the community (without children or pets), she uses all of the parks within the Borough for walking purposes. The construction of the wall has been a topic of discussion since she came on Council and the placement, sound, and view aspects of the project were all taken into consideration. Assurance was made that the view scape would not be compromised. Approval of the project was based on the good of the public and the children of the community, and the project was not done to arbitrarily "wreck" nature. She noted the concern expressed for the preservation of the pristine nature of the park also noting, however, the lack of regard for the littering and leash laws that are in effect.

Ms. Goldman stressed that we are a small community and the Mayor and Council are doing the best it can to make information available to the residents. The vast amount of volunteer hours in carrying out the business of the Borough and in keeping the website updated by both Ms. Goldman and Ms. Fisher (for the Board of Health business) was noted. Request for additional volunteers was offered to the public.

The public comment portion of the meeting was closed (approx. 9:00 PM).

**APPROVAL OF VOUCHERS TO BE PAID**

Motion was made by Hasser with a second by Banks for approval of the bill list as presented. Motion carried on roll call vote – all ayes.

**DEPARTMENTAL REPORTS**

Tax Collector – September 2008

Court Administrator – September 2008

The Court Administrator's report was summarized by Mayor Zimmerman. Motion was made by Goldman with a second by Hallman for the acceptance of the reports. Motion carried on roll call vote – all ayes.

**COMMITTEE REPORTS:**

**Administration & Records** – Council member Goldman advised of updates to the website to include the Board of Health resident fact sheet and planning/zoning forms; a copy of the Heritage Day event of 2001 booklet has also posted on the website as concurred with by Ms. Muser; the Borough is receiving reimbursement (approx. \$900.00) from the County via PARIS grant funds for the recently purchased fireproof filing cabinet used for vital records storage. The transition of the computers is under way; request was made for the restoration of the remote access to the MSI software for the CFO and Tax Collector; expression was extended to Mayor Zimmerman and Sean Dineen for their help with the computer transition. A model annual report for Committee reports as developed by Ms. Goldman was distributed to Council.

**Buildings & Grounds** – Councilman Banks advised that structure supports have been installed in the basement. Conversion of the downstairs closet and records room is underway. Mr. Banks advised that the "Welcome to Rocky Hill" signs can not be retouched as previously related. Additional funds of \$50 per sign (total of five signs) was requested. The total cost for the five signs will be \$1750.00. Motion was made by Goldman with a second by Hasser for the approval of the additional \$250.00 contingent upon certification of funds. Motion carried on roll call vote – all ayes.

**Finance & Insurance** – Mayor Zimmerman reported on a meeting held earlier this afternoon with the Tax Assessor, Engineer, and Borough Clerk regarding the impending tax revaluation process. The County granted an extension to the Borough for the reval until 2010 (imposition in 2011). It was noted that the last reassessment was done by the Borough in 1997. In light of the current housing market, Mayor Zimmerman recommended the start of the project for completion by 2010. Engineer Tanner will be updating the tax maps and Assessor Sopko will be preparing a proposal for a reassessment (in lieu of revaluation) for possible action at the second meeting in November.

**Public Safety & Emergency Services** – Councilman Hallman reported on the continued receipt of e-mail reports from South Bound Brook. Mayor Zimmerman thanked Councilman Hallman for the new constable gear and equipment that has been received.

**Streets & Roads** – Council member White advised that the pedestrian signs are scheduled to be taken down after Halloween. The status of the sidewalk projects was provided by Mayor Zimmerman in reference to an inquiry from a resident via Ms. White. South Bound Brook has been patrolling Princeton Ave. in response to complaints and will continue to do so. The Community Group has scheduled the Holiday Tree Lighting ceremony for 12/7/08. Discussion ensued regarding the status of the animal census to be done in response to request from the Board of Health. Suggestion was made for the members of the Council to do the census. Mayor Zimmerman offered that neither Council nor the Constables should conduct the census whereas the project should be done by an objective, independent person(s). Attempt will be made to recruit someone for the project. Councilman Hallman related that the Board of Health will be providing copies of the license application and ordinances pertaining to pets for distribution by the census worker.

**Water, Sewer & Environmental Protection** – No report at this time.

**Council Representative to Planning Board** – Council member Goldman reported on a special meeting held by the Board for the purpose of hearing the Rocky Hill Inn application for exterior renovations. The

application was held over due to inadequate notice by the property owner. Public hearing was held by the Board on 10/14/08 for the adoption of the Housing Element and Fair Share Plan. The hearing was carried to the November meeting to allow for any final revisions or recalculations by Planner Kimball. It was suggested that the transmittal letter to be sent to COAH with the adopted plan should relate that the wrong employment data for the Borough was provided by the Department of Labor.

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

**Council Representative to Board of Health** – Councilman Hallman reported that a meeting was held on 10/14/08 and discussion ensued regarding the need for a cover on the sandbox; discussion will be continued with the nursery school personnel. South Brunswick Health Department will advise by 11/5/08 as to whether they need to terminate their contract with the Borough. A shared services agreement with the County or Montgomery Township will be explored.

**Zoning Official's Report** – Zoning Official Whitlock followed up on the demolition of a garage building at 7 Montgomery Ave. A construction permit was issued by the Construction Official due to the condition of the building. Zoning Official Whitlock apprised the Construction Official of the requirement for Planning Board approval for properties within the Historic District for future purposes.

**Grants Committee** – No report at this time.

### **SPECIAL BUSINESS**

#### **Resolution 2008-71 – Somerset County Multi-Jurisdictional Multi-Hazard Mitigation Plan** –

Engineer Tanner recommended the adoption of the resolution adopting the plan for the purpose of being eligible for FEMA funding. Motion was made by Goldman with a second by Hallman approving the resolution. Motion carried on roll call vote - all ayes.

### **UNFINISHED BUSINESS:**

**State Police Rural Policing Fee Update** – Hearing before the Local Mandate Board is scheduled for 10/22/08 at 10:00 AM. Mayor Zimmerman and Attorney Cruz will attend the hearing and report back via e-mail. In response to the Attorney General's Office that municipalities are not entitled to the State Police call (CAD) information as requested, the municipalities have agreed that a contract for services will not be signed until the information is received.

**Recreation Agreement with Montgomery Township – Update** – Nothing to report at this time.

**Draft Ordinance Discussion – Parks and Recreational Areas** - A model of the Montgomery Township Parks and Recreational Areas ordinance was distributed. Mayor Zimmerman appointed a subcommittee consisting of Council members Goldman, Hallman, and White to review the ordinance and tailor same to the needs of the Borough.

### **NEW BUSINESS:**

**Towing Operator Application and License** - Model towing operator applications from South Bound Brook and Montgomery Township were distributed. Also distributed was a model license issued by Montgomery Township to towing operators. Mayor Zimmerman noted that interest has been expressed by a local towing operator for inclusion on the Borough's towing list. Borough Clerk Griffiths advised that the Borough needs to adopt an application and license in order to effect the ordinance requirements. The Borough's ordinance has been reviewed by Lt. Prudente of the South Bound Brook Police. It was the consensus that the Borough application should be modeled after South Bound Brook's application since their police department will be completing the background investigation on applicants. Attorney Cruz will review the application to ensure that the Borough's ordinance requirements are included in same and report back to Borough Clerk Griffiths for drafting of an application and license for possible approval at the next meeting.

**COMMUNICATIONS:**

Communications as listed were distributed, disseminated and filed accordingly. Additional correspondence was received as follows:

- Council member Goldman offered the nomination of Borough Attorney Albert Cruz in response to the request from the NJ Institute of Local Government Attorneys for nominations for "The Fred G. Stickel Memorial Award" listed under Communications. Attorney Cruz's involvement with the Complaint filed with the Local Mandates Board as well as his other services to the Borough were noted. The nomination was seconded by Council member White. All members voted unanimously in the affirmative on the nomination. Mayor Zimmerman and Council member Goldman will complete the nomination form.

- Copy of letter dated 10/17/08 from Attorney Cruz to Bollinger Insurance, Re: Christopher Obchinetz v. Maple Shade Township, et als. was received. Attorney Cruz advised that he has received a response from the insurance company and they have advised that they will defend the case.

**FINAL PUBLIC COMMENT**

Doug Eveleigh, Toth Lane - In response to the status of the Deer Committee appointed several years ago, Mayor Zimmerman advised that he would give consideration to the reappointment of the Committee in light of the continuing problems. Mr. Eveleigh volunteered to serve on the Committee.

Susan Bristol, Washington St. - In response to questioning, Ms. Bristol was advised that historic preservation applications are reviewed by a Historic Preservation Consultant retained through the Planning Board. Ms. Bristol suggested that the Borough develop a master plan for Borough projects in order to avoid the issues that were addressed this evening. Mayor Zimmerman responded that while he agrees with the concept of adopting such a plan, the cost of same would need to be explored. Ms. Bristol offered that grant opportunities may be available for this type of project.

Ralph Terragrossa, Montgomery Ave. - Mr. Terragrossa expressed his appreciation to the Mayor for responding to his e-mail correspondence. He also inquired if a natural barrier could be installed around the tennis courts/wall. Mayor Zimmerman responded that a natural barrier was considered but it was concluded that this would detract from the open view. He offered that this option can be revisited after the completion of the wall. In response to questioning, Mr. Terragrossa was advised that his children as well as others would be able to utilize the tennis wall asphalt area for skateboarding purposes noting it to be public lands for use by all.

Peggy Harris, Crescent Ave. - Ms. Harris noted that the pear trees along Washington St., particularly in front of the former Raffaelli house, are in need of trimming. She suggested that arrangements be made by the Shade Tree Committee to have the branches trimmed before the utility company does it. Mayor Zimmerman advised that he would follow-up with Gabrielle Dietrich of the Shade Tree Commission. Councilman Banks offered to help Ms. Dietrich with the project. Ms. Harris advised that she would consider an appointment to the Shade Tree Commission in January as offered by Mayor Zimmerman.

Mayor Zimmerman thanked the public for their attendance at the meeting.

**ADJOURNMENT:**

Motion to adjourn the meeting at 9:50 PM was made by Goldman with a second by Banks. All voted in favor of adjournment.

Respectfully submitted:

Donna M. Griffiths, RMC  
Borough Clerk