

# Borough of Rocky Hill

## Council Minutes

### Special meeting

April 14, 2004

A special meeting of the Rocky Hill Borough Council was called to order by Mayor Brian Nolan at 7:30 P.M. followed by the Pledge of Allegiance to the Flag of our Country and a moment of silent meditation. It was announced that notice of this meeting had been faxed to The Somerset Messenger Gazette, The Somerset Spectator, The Courier News, The Princeton, and the Trenton Times. A legal ad was also placed in The Somerset Spectator. Public Notice was also placed in the Rocky Hill Post Office and Public Library. All were placed on March 30, 2004 in accordance with "The Open Public Meetings Act".

#### **Roll Call:**

##### **Present**

- Mr. Richard Batchelder
- Mr. Martin Engelbrecht
- Ms. Connie Hallman
- Ms. Peggy Harris
- Mr. George Morren
- Mr. Edward Zimmerman

#### **Special Business**

Before opening Public Hearing on Ordinance 8-04 Mayor Nolan read the following statement:

I wish to announce that a private meeting was held last week between Mr. David Schafer, his Attorney Donald Daines and a Planner from T&M Associates. Attending from Rocky Hill were myself, Special Land Use Attorney Albert Cruz and the Rocky Hill Planner Susan Kimball.

The meeting was arranged by legal council of both parties to determine if there could be efforts by both sides to resolve differences with regard to the Schafer 15 acre tract in Rocky Hill. Some preliminary progress was made which resulted in Mr. Schafer through his attorney formally withdrawing without prejudice his recently filed development application concurrent with the Borough of Rocky Hill agreeing to not further pursue for now the Ordinance concerning this tract.

The group agreed to meet again to explore the gaps further and as soon as something appears to be acceptable to both sides it will be brought back to the Planning Board for discussion and to provide for public input regarding elements of any future Ordinance for this tract.

Both parties discussed the need to allow time for further discussion towards future progress if possible, but to also not have the matter drag on if no progress was being made. Progress will be measured by agreements to have subsequent meetings. Settlement discussions of this type are not unusual and as you might expect are private and the discussions in them cannot be used in subsequent litigation. I therefore cannot comment further on specific details of the discussions.

Mayor Nolan opened the Public Hearing on Ordinance 08-04 Concerning Zoning of the fifteen acres owned by Mr. David Schafer.

Mr. Cliff Moore asked if there was time frame for negotiations and was told no time frame was set by the parties but Mayor Nolan thought they would be completed fairly soon.

Mr. Mark Germain asked what effect this had on other zoning in town and was told it had no effect.

There being no other comment Mr. Morren moved, second by Ms. Harris to close the Public Hearing. On a voice vote all present voted aye.

Ms, Harris made a motion, second by Mr. Batchelder to table further action on Ordinance 8-04. On a roll call vote all present voted aye.

#### **Public Comment**

Nothing at this time.

#### **Adjournment**

The meeting was adjourned at 7:41PM with a motion by Mr. Batchelder, second by Mr. Engelbrecht. On a voice vote all present voted aye.

Respectfully submitted,

Raymond E. Whitlock Jr.  
Borough Clerk