

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
JUNE 6, 2005**

The regular meeting of the Borough Council of the Borough of Rocky Hill was called to order by Mayor Brian Nolan at 7:35 PM. Mayor Nolan led the Pledge of Allegiance to the Flag followed by a moment of silent meditation. Mayor Nolan stated that the meeting has been properly advertised in the December 31, 2004, issue of the Somerset Spectator and is being held in accordance with the Open Public Meetings Act.

Roll Call: Mr. Richard Batchelder-present, Mr. George Morren-present, Mr. Edward Zimmerman-present, Mr. Jared Witt - present

Absent: Ms. Connie Hallman, Ms. Peggy Harris

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

APPROVAL OF MINUTES

Motion to approve the minutes of the regular meeting of May 16, 2005, was made by Morren with a second by Batchelder. Roll call: Motion carried on roll call vote – all ayes; Zimmerman-abstain

MAYOR'S COMMENTS

Mayor Nolan read a statement prepared by him summarizing the process followed by Council and the Planning Board for the recent zoning ordinance amendment adopted relative to the Schafer Tract Development in response to recent questioning by members of the public.

PUBLIC COMMENTS

The floor was opened for public comments.

Cliff Moore, resident, inquired as to the release date of the historic district pamphlet composed by the Planning Board. Mayor Nolan advised that the matter will be brought before the Planning Board at a public meeting.

Michael Petrane, Treasurer, Rocky Hill Community Group, requested Council's consideration of a donation of \$500.00 by the Borough which would be applied towards the purchase of ice cream and a band for the upcoming Fourth of July community event. After considerable discussion, it was agreed that the request should be handled through the Recreation Committee. Motion was made by Morren with a second by Witt for the expenditure of up to \$500.00 by the Recreation Committee contingent upon their approval for the purpose of purchasing ice cream and a band for the community event. Roll call: Batchelder-aye, Morren-aye, Witt-aye, Zimmerman-aye. Motion carried.

Marge Yuschak, 55 Washington St. – Ms. Yuschak expressed her displeasure with the condition of the trash bins that were received from Raritan Valley. Engineer Tanner advised Ms. Yuschak to contact the contractor and request a change out for another bin. It was noted that several complaints of the same nature had been received. Ms. Yuschak also advised of a clogged storm drain in the area of her residence causing problems to her property. Engineer Tanner will contact Ms. Harris for notification to the County of the problem.

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

ENGINEER'S REPORT

Engineer's Report for May 2005, dated June 2, 2005, from William Tanner, PE, was received and summarized by Engineer Tanner and is on file in the Borough Clerk's Office. In regard to the County Park project, Engineer Tanner advised that two change orders have been requested. The first is an upgrade to the irrigation pump since the operating pressure of the water system is lower than what was expected at a cost of \$3,700.00. He advised that the cost of the up-grade would be offset by the cost of the water system wet tap which is not now required which was estimated at \$5,000.00. This item would be eliminated and the monies applied towards the cost of the irrigation pump upgrade. The second request is for the addition of a second basketball court. It was noted that it was the intention of the Van Horne Park Committee to have two adjacent courts, however, the final concept plan did not include the second one. The cost is \$6,750.00 to allow for the construction of the gravel sub-base for both courts. Engineer Tanner advised that a copy of these requests have been provided to Montgomery Township. Motion to direct the Engineer to make the change orders was made by Zimmerman with a second by Witt. Roll call: Batchelder-aye, Morren-aye, Witt-aye, Zimmerman-aye. Motion carried.

In regard to the Princeton Avenue sidewalks, Engineer Tanner advised that right of way easements are needed by property owners to do the last two parcels. It was agreed that Engineer Tanner will send a letter of request to the property owners for a donation of the easements to the Borough for the sidewalks. Engineer Tanner will provide the letter to Mayor and Council for the review and approval prior to dissemination.

Letters were sent to the residents by Engineer Tanner regarding the change over of the garbage contract. Engineer Tanner has made contact with the vendor regarding the condition of some of the carts and replacements will be issued. He will also contact the vendor to rectify any outstanding issues with the delivery of carts.

A copy of the revised storm water management ordinance was distributed for review.

Cliff Moore inquired as to the status of his request for maintenance and property address assignment on Skillman St. After considerable discussion, it was agreed that research would be done through the "9-1-1" system to ascertain what address is assigned for the property. If it is confirmed that the address is confirmed as Skillman St. via that system, it was agreed that a street sign would be erected.

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 Batchelder with a second by Zimmerman. Motion carried on roll call vote – all ayes. (See Appendix 1 for Bill List)

SPECIAL BUSINESS

PUBLIC HEARING – RENEWAL OF RETAIL PLENARY CONSUMPTION LIQUOR LICENSE – SANTA FE GRILLE LLC

Clerk Whitlock stated for the record that the application is complete and confirmation has been received from the State of New Jersey that sales tax has been paid.

Letter from Brad and Margaret Merritt of 158 Washington St. opposing outside dining at both facilities was read into the record.

Jenna Klineman, owner of the Santa Fe Grille addressed Mayor, Council, and the public in regard to the issues presented. Ms. Klineman advised that her establishment has been the subject of minimal complaints, some of which were addressed promptly, and her establishment should be looked upon individually and aside from the other establishment in question. Ms. Klineman also advised that her license permits outside dining, and she will provide the necessary documentation in support of same.

Open to Public:

Brad Merritt, 158 Washington St., commented that he does not have much of a problem with the Santa Fe Grille.

Michael Petrane, 29 Montgomery Ave. commented that he feels that outside dining is an attractive accent to the town.

Marge Yuschak, 55 Washington St., expressed that she supports outside dining, however, the establishments should be mindful of the residents and a time restriction should be imposed.

Hearing no further comments, the floor was closed to the public.

Motion to approve the license renewal was made by Batchelder with a second by Witt. Roll call: Batchelder-aye, Morren-aye, Witt-aye, Zimmerman-aye. Motion carried.

PUBLIC HEARING – RENEWAL OF RETAIL PLENARY CONSUMPTION LIQUOR LICENSE – ROCKY HILL PUB

Ed and Gary Bleacher, owners of the Rocky Hill Pub appeared before Mayor and Council. They advised that it is not their intention to have outside dining. They have made landscaping improvements for safety purposes. They were unaware of noise complaints, and stated that they would take care of any problems.

Comments were posed by Arthur Coccilillo and residents of Crescent Ave. regarding the change in lighting, removal of trees, and expansion and changes to the parking lot.

Zoning Officer Larry Rafaelli, expressed his concern with the changes made and failure on the part of the owners to acquire proper approval for same.

Open to Public:

Brad Merritt, 158 Washington St., commented on the recent disturbance caused by individuals drinking outside the establishment and requested a guarantee that outside drinking would not be permitted by the owners.

Margaret Merritt, 158 Washington St. expressed concern with the safety hazard imposed by the installation of the railroad ties along the driveway.

Martin Engelbrecht, 88 Crescent Ave., commended the new owners on the improvement of the facility and recommended their application for renewal be approved.

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

Messrs. Bleacher agreed with the following conditions: they will not permit outside dining, they will ensure that beverages sold for off premises consumption are not consumed on the premises (outside on the premises), and they will meet with the zoning official and the planning board and address all zoning issues as required to include the removal of any improvements already in place.

Motion to approve the renewal of the license with the aforementioned conditions was made by Zimmerman with a second by Batchelder. Roll call: Batchelder-aye, Morren-aye, Witt-aye, Zimmerman-aye. Attorney Cruz will prepare a resolution of conditions to be attached to the renewal license for memorialization at the next meeting.

COMMITTEE REPORTS:

Administration & Records – Mr. Witt forwarded proposed changes/recommendations for the by-laws to Mayor and Council for review and future discussion. Further review of the General Code book will be also be done.

Buildings & Grounds – Mr. Zimmerman reported that the flagpole in Panicaro Park has not been painted to date for unknown reasons; mulch has been delivered for the nursery school and Panicaro Park, however, it was noted that the growth of maples in the park is posing a problem. It was agreed that the landscaper be consulted with as to a possible solution and cost for same. Tennis camp is scheduled to begin on 6/24/05.

Finance & Insurance – Tax Collector's report for May 2005 was received and distributed. Mr. Batchelder provided an update on the installation and training for the general ledger software. Mr. Batchelder also provided information on the QSend – QAlert System setup. E-mail addresses for the Borough directory will be provided by Mr. Batchelder to Mr. Witt per his request.

Public Safety & Emergency Services – Mr. Morren reported on the constable reports dog census underway, and State funds received for motor vehicle violations.

Streets & Roads – Mr. Batchelder reported on behalf of Ms. Harris that Ms. Harris and the County would be meeting next week to mark the placement of pedestrian crosswalk signs; speed survey has been done on Montgomery and Washington Sts. and she is awaiting the results.

Water, Sewer & Environmental Protection – It was noted that Larry Merk did a report on the analysis of supplying water to Van Horne Park; results to be discussed with Engineer Tanner and Mr. Zimmerman.

Council Representative to Planning Board – No report at this time.

Council Representative to School Board – Mr. Witt will ascertain the names of the Rocky Hill senior graduates for recognition by the Borough.

Council Representative to Board of Health – No report at this time.

Zoning Official – Larry Rafaelli commented on his recent move to the Borough Hall and noted his office hours of Wednesdays from 3:30 to 6:00 PM. Mr. Rafaelli provided an update on zoning business.

COMMUNICATIONS

Communications as listed on the agenda were discussed and ordered filed. Mayor Nolan noted that an application for the Schafer Tract has been filed. It was noted that there is a conflict of interest with the Borough's engineer. It was suggested that neighboring municipal engineers be contacted (Montgomery, Princeton Boro, Princeton Twp.) for services contingent upon the hourly rates charged.

It was noted that the Planning Board will meet next week and it is anticipated that they will adopt their by-laws.

UNFINISHED BUSINESS:

Quotes – Lighting of Flag pole at Panicaro Park – Clerk Whitlock noted that quotes were requested from three vendors, however, only one response was received from Naomi Electric at a cost of \$2675.00.

Mr. Zimmerman suggested that no action be taken at this time due to the fact that the pole has not been painted yet and the funds are not available at this time. Mayor and Council concurred with the recommendation that attempts be made to acquire a grant or corporate sponsor for the funding of same.

Resolution – Christopher's Law – Mayor and Council concurred that a resolution be prepared for approval and memorialization of same to be acted on at the next meeting.

NEW BUSINESS

Discuss Borough Council By-Laws – discussion carried to a later date.

PUBLIC COMMENT

Larry Rafaelli, Zoning Officer. - Mr. Rafaelli commented that changes need to be made to the Development Regulation Ordinance and New Property Maintenance Code. Mr. Rafaelli was advised to bring this to the attention of the Planning Board.

EXECUTIVE SESSION

Motion by resolution to move into executive session was made by Batchelder with a second by Morren to discuss matters of possible litigation – Rocky Hill Borough Council vs. Princeton Gamma Tech. Roll call: Batchelder-aye, Morren-aye, Witt-aye, Zimmerman-aye. Motion carried.

RESULTS OF EXECUTIVE SESSION

Motion to return to open session was made by Batchelder with a second by Morren. Roll call: Batchelder-aye, Morren-aye, Witt-aye, Zimmerman-aye. Motion carried. No results to report at this time.

ADJOURNMENT:

Motion to adjourn the meeting at 11:00 PM was made by Morren with a second by Batchelder. Motion carried on voice vote – all ayes.

Respectfully submitted:

Donna M. Griffiths
Deputy Clerk