

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
April 3, 2007**

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.

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 notice advertised in the December 16, 2006, edition of the Somerset Messenger Gazette and transmitted to the Courier News and 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, Mr. Brian Griner-present, Mr. William Hallman-present, Ms. Courtney White-present, Mr. Jared Witt-present.

Absent: Mr. Dan Harrington

Also present: Deputy Borough Clerk Raymond Whitlock, Borough Attorney Albert Cruz, Borough Engineer William Tanner, Chief Financial Officer G. Ross Bobal.

MAYOR'S COMMENTS

Mayor Zimmerman advised that in the case of Rocky Hill Citizens for Responsible Growth v. Borough of Rocky Hill, et als., the suit against the Mayor and Council has been dismissed. The suit against the Planning Board is ongoing; Accomplishment of resident Richard Novak, Assistant Vice President, Rutgers University was acknowledged by Mayor Zimmerman; Request to silence all phones, pagers, electronic devices was made.

APPROVAL OF MINUTES

Regular Minutes - March 19, 2007 - Motion was made by White with a second by Witt to approve the minutes as presented. Motion carried on roll call vote - all ayes; Griner, Hallman-abstain.

Executive Session Minutes - March 19, 2007 - Motion was made by White with a second by Witt to approve the minutes as presented. Motion carried on roll call vote - all ayes; Griner, Hallman-abstain.

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

None presented.

PUBLIC COMMENTS

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

STATE POLICE REPORT

Report not received; Mayor Zimmerman advised NJSP is ready to install computers in the substation.

ENGINEER'S REPORT

Report dated April 2, 2007, for March 2007 was received and distributed (copy on file in the Borough Clerk's Office). The following items were discussed:

County Park Project - Bids were received for the restrooms; low bid received from Kalogridis for a total of \$141,850.00; resolution of approval of the contract for the Borough's 20% of the total cost to be drafted for the next meeting. Authorization was given to Engineer Tanner to begin the bid process for the park mowing. Confirmation of the payment for fertilizing to Montgomery Township as listed on the bill list will be made prior to the check being issued. Formal action will need to be taken on fertilizing for this year (approximately five treatments will be needed). A formal quote from ARC for the cleaning of the restrooms and collection of trash in the park will be obtained by Engineer Tanner; a means of disposal of the trash needs to be resolved.

Trails Grant for VanHorne Park - Councilman Hallman will make contact with area Boy Scout representatives to ascertain interest in regard to helping with the trails.

Municipal Grass Mowing - Authorization was granted by Council for Engineer Tanner to solicit quotes.

Pond - As a follow-up to last month's meeting, Engineer Tanner met with resident, Jan Lovy, of Crescent Ave. regarding the pond overflow. Council was in agreement with Engineer Tanner's recommendation for the installation of an additional discharge from the pond and authorization was given by Council for

Minutes - April 3, 2007
Page 2

Engineer Tanner to begin the required DEP application process. Montgomery Township will be contacted in regard to their obligation.

Tier B Storm water Permit - It was agreed that a table will be set up with available storm water information at the Earth Day event.

Other:

Engineer Tanner will follow-up on the missing drain cover in the area of the tennis courts.

Councilman Hallman advised that the re-grading issue on Montgomery Ave. still needs to be addressed by the contractor. Engineer Tanner will follow up on this matter.

Skillman St. - Moore Property - Sketch of Skillman Road/Moore driveway was provided by Engineer Tanner in response to the driveway maintenance issue. Discussion ensued regarding the ownership of the road. Motion was made by Hallman with a second by Griner authorizing a title search to be done by Attorney Cruz not to exceed \$250.00. Motion carried on roll call vote - all ayes. Engineer Tanner will provide an updated sketch of the area in question to include the boundaries of the Moore property.

In response to suggestion by Councilwoman White, Engineer Tanner will follow-up with Karen

Zimmerman of the Joint Recreation Committee the priority need of public works services at the park.

It was noted that a sign is missing from the playground. The option of installing bollards to block vehicular access to the park will be explored as this is a continuing problem.

Public Comments/Questions: Hearing none, the floor was closed.

CHIEF FINANCIAL OFFICER'S REPORT

- CFO Bobal acknowledged receipt of \$6,000 check from Sunyses Inc. as listed under Communications.
- It was noted that the 4% cap bill was signed by the Governor; the budget as introduced will be further considered by Council in light of this legislation.
- Mayor Zimmerman advised of a meeting that he will be attending with the County regarding possible revaluation of the Borough. In response to questioning, Councilman Griner was advised that rollback taxes will be imposed on the Schafer/Pulte property at the end of this year according to the Tax Assessor.
- Mayor Zimmerman advised that grant monies are forthcoming from the County for a Historic Preservation Grant awarded to the Borough in 2003.

APPROVAL OF VOUCHERS TO BE PAID

Motion was made by Witt with a second by Griner for the approval of the bill list with the exception of payment of \$991.20 to Montgomery Township for fertilization of the park which needs to be further clarified. Motion carried on roll call vote - all ayes. (Appendix 1).

SPECIAL BUSINESS

PUBLIC HEARING: ORDINANCE #1, 2007 - "ORDINANCE AMENDING AND SUPPLEMENTING SECTION OF ORDINANCE #7, 2005, TITLED, "AN ORDINANCE TO ESTABLISH THE FEES TO BE CHARGED FOR INSPECTION AND REPRODUCTION OF GOVERNMENT RECORDS" - Ordinance as filed in the Borough Clerk's Office was read by title.

Proof of publication was reviewed by Attorney Cruz and found to be in order. The floor was opened to the public. Hearing no comments/questions, the floor was closed. Motion to adopt was made by Griner with a second by Hallman. Motion carried on roll call vote - all ayes.

STATUS UPDATE FROM TOM LICKER, EVENT COORDINATOR - ROCKY HILL CYCLING CLASSIC

Tom Licker provided Event Progress Report dated 4/2/07, Race Announcement information, Event Contingency Plan 2007. It was noted by Mayor Zimmerman that the fund raising aspect of the race has been coordinated by Councilwoman White and there should be sufficient funds raised to cover the Borough's responsibility for police services.

Mr. Licker provided an overview of the operations aspect of the race. The event is scheduled for June 30, 2007, at 7:00 AM. Discussion ensued in response to the progress report provided. Concern was raised in regard to the registration and portable restroom facilities locations. It was recommended by Council that an alternate location for the registration area be chosen instead of in front of the post office due to anticipated congestion. Fireman's Field or rear of post office will be explored by Mr. Licker. Question was raised regarding the change of the course (to the Sourlands Area of Montgomery Twp.) from the original plan whereas the change does not allow for the participation of the Borough's residents as initially planned.

Mr. Licker will re-evaluate the course in response to the Mayor's concern. Councilwoman White and Mr. Licker will meet to further discuss the staging, barricades, fencing, finish line. Concern was expressed that an approval permit has not been received to date from the USAC. Mr. Licker advised that he will meeting with representatives from Franklin Township next week to obtain the outstanding items needed in order to apply for the permit. Mr. Licker provided his assurance that the permit will be secured and he will provide confirmation of receipt of the permit ASAP. It was agreed that Mr. Licker will report back to Mayor and Council at the first meeting in May and June with a status update on the event. The importance of a well-planned event was emphasized to Mr. Licker.

Public Comments/Questions:

Peggy Harris, resident - Ms. Harris was provided with a map of the road closings by Mr. Licker; Ms. Harris raised concern with parking on the side streets whereas there is currently a parking problem due to a new restaurant in the area. She suggested that consideration be given to not having parking on the side streets in consideration of the residents. In response to questioning, Ms. Harris was advised that Princeton Ave. between Crescent Ave. and Route 518 may have to be closed; there will not be vendors in that area; residents will be provided with hand delivered notice by Mr. Licker of the closures one and one half months prior to the event; the public will have access to the post office, however, not via vehicle.

Councilwoman White stated that while there may be some inconvenience to the residents for a short period of time due to this event, she encouraged everyone's support as this is a worthwhile event to the community.

COMMUNICATIONS:

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

Additional Communications (not listed on agenda):

- Somerset County Planning Board - Invitational Flyer to Habitat Conservation Program - 4/25/07;
- Public Hearing Notice - Franklin Township - Amendment to Development Ordinance
- NJLM Seminar Information - Open Public Records Act - Update on current Case Decisions

Mayor's Communications:

- E-mail received from Patriot Media - Transfer of ownership of company to Comcast.
- Letter dated 3/31/07 from Somerset County Board of Taxation, RE: Revaluation meeting 4/10/07
- Letter dated 3/26/07 from Bridgewater Township, RE: Inquiry of Borough to be receiving district for RCA funds.
- CD Addendum of Millstone Valley Scenic Byway Application from Montgomery Township
- Invitation of participation by Council members in 9/23/07 John Basilone Parade, Raritan Borough
- Letter dated 3/29/07 from DEP, RE: Flyer - "Be a Good Neighbor - Be Bear Aware"; information to be included on Borough website
- Letter dated 3/30/07 from Somerset County Freeholders, RE: Long-Term Consolidated Services Plan
- Request for Resolution of Support from Manville Borough - Installation of Wayside Horn Warning Systems at railroad crossings in Somerset County; Mayor Zimmerman will

follow-up
with Mayor Corradino of Manville Borough.

UNFINISHED BUSINESS:

Discussion of Tennis Camp - Follow-up to the previous request by the Princeton Tennis Program (PTP) to utilize the Borough's tennis courts for a tennis camp from 6/25-8/17/07 (Mon-Fri; 9AM-12PM) was provided by Councilwoman White. In return for use of the courts, the PTP will be offering the 40 free slots on a first come, first serve basis. The PTP is requesting the use of the bathroom facilities in Borough Hall in lieu of portable restroom facilities. PTP has advised that an adult will accompany children into the building and they are willing to pay for weekly bathroom maintenance services. After discussion it was agreed to allow access to the restroom facilities. Motion was made by Hallman with a second by Griner to allow access to the restroom facilities based on the aforementioned terms (supervision/cleaning). Motion carried on roll call vote - all ayes.

Draft Ordinance Discussion - Rules for Public Videotaping of Municipal Meetings - Draft ordinance was provided by Attorney Cruz; discussion carried to next meeting.

Spring Clean-Up Scheduling - Borough Clerk Griffiths advised that Raritan Valley Disposal has requested this be scheduled on a Tuesday, normal trash collection day, preferably May 1st or May 15th. Motion was made by Witt with a second by Griner authorizing the date of Tuesday, May 1, 2007. Motion carried on roll call vote - all ayes. Notice will be posted on the website and at the library and post office.

NEW BUSINESS:

Discussion of Soccer Field Use - Request was made by the Montgomery Travelers Soccer Club for use of the Borough soccer fields (behind tennis courts) from 8:30 to 12:00 Saturdays from 4/7/07 through 6/9/07.

A certificate of insurance was provided. Motion was made by Griner with a second by Banks to authorize use provided no vehicles drive across or park on the Borough grounds (unpaved areas). Motion carried on roll call vote - all ayes.

Minutes - April 3, 2007
Page 4

PUBLIC COMMENT

Peggy Harris, resident - In response to questioning, Ms. Harris was advised by Mayor Zimmerman that there has been no decision made as to the continued agreement for police services with South Bound Brook.

Councilwoman White reminded all of the Egg Hunt scheduled for this Saturday.

Hearing no comments/questions, the floor was closed.

EXECUTIVE SESSION - Litigation - Rocky Hill Citizens for Responsible Growth v. Borough of Rocky Hill

Attorney Cruz advised in open session that on 3/30/07, the Fourth, Fifth, Sixth, and Seventh Counts of the Complaint in Lieu of Prerogative Writs were dismissed by Judge Accurso because the challenge to the settlement between the Borough of Rocky Hill and David K. Schafer and Ordinance #4-07, was filed out of time. Therefore, the claims against the Mayor and Council are dismissed and the Mayor and Council are no longer part of the litigation. He further advised that the litigation continues with the challenge to the Planning Board. Briefs are to be submitted and a trial date will be scheduled for the end of June-mid July.

It was agreed that an executive session would not need to be held.

ADJOURNMENT:

Motion to adjourn the meeting at 9:25 PM was made by Griner with a second by Banks.
All voted in favor of adjournment.

Respectfully submitted:

Donna M. Griffiths, RMC
Borough Clerk