

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
June 18, 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 and a moment of silent meditation in memory of resident Dorothy Young.

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 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. Dan Harrington-present, Ms. Courtney White-present, Mr. Jared Witt-present.

Late attendance: Mr. William Hallman (7:35 PM at approval of minutes)

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

MAYOR'S COMMENTS

Mayor Zimmerman provided an overview of highlights/accomplishments by the Council during the first half of the year to include but not limited to: withdrawal of WAWA application; dismissal of the suit against the Borough in the Rocky Hill Citizens Group v. Rocky Hill litigation; budget adoption with no local tax increase; postponement of revaluation process until 2010; renewal of South Bound Brook Police contract; increased services by the New Jersey State Police.

APPROVAL OF MINUTES

Regular Minutes - June 4, 2007 - Motion was made by White with a second by Banks on to approve the minutes as presented. Motion carried on roll call vote - all ayes; Hallman, Harrington-abstain.

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

The following agenda items were added under New Business:

- Tree/brush trimming reminder notice to residents/clarification of Ordinance;
- Appointment to Wastewater Management Plan Committee;
- Request for funding by Shade Tree Commission;
- Borough parking issues.

PUBLIC COMMENT

The floor was opened to the public for comments/questions; hearing none, the floor was closed.

APPROVAL OF VOUCHERS

Motion was made by Griner with a second by Hallman for the approval of the bill list (attached as appendix). Motion carried on roll call vote - all ayes.

DEPARTMENTAL REPORTS

Tax Collector's Report - May 2007
Court Administrator's Report - May 2007

Motion to accept the reports as submitted was made by Griner with a second by Harrington.
Motion carried on roll call vote - all ayes.

COMMITTEE REPORTS

Administration & Records - No report at this time.

Buildings & Grounds - Councilman Harrington advised that complaints were received regarding vandalism at Panicaro Park; trash removal at the parks is being followed up with Engineer Tanner; estimate received for carpeting for the Council/Court meeting room and Court Administrator's Office. It was the consensus of Council to have the meeting room painted and that additional quotes for the carpeting be obtained for presentation at the July meeting. Motion was made by Griner with a second by Banks for the expenditure of funds up to \$200.00 for paint supplies. Motion carried on roll call vote - all ayes.

Finance & Insurance - Nothing to report at this time;

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Public Safety & Emergency Services - Councilman Hallman gave an overview of the two Constables' reports received; Discussion ensued regarding the overhanging foliage issues on residential, Borough, and County properties. In regard to the overhanging foliage in front of street signs, it was agreed that Councilwoman White would obtain estimates for the trimming back of foliage in these situations and will meet with the County to determine the responsibility for this project. It was further agreed that the Mayor would draft a letter to residents for review by Attorney Cruz reminding them of their obligations for the overhanging foliage/brush on their properties. The Constables will not issue summonses until reminders are issued. Clarification to the language of the existing ordinance was suggested.

Streets & Roads - Councilwoman White advised that the pedestrian signs have been installed. The County will move the sign on Crescent and Route 518 further up due to problems encountered by large vehicles trying to make turns.

Water, Sewer & Environmental Protection - Utilities reports for April and May as provided by Superintendent Larry Merk were summarized by Councilman Banks.

Council Representative to the Planning Board - Report on one application reviewed by the Planning Board was provided.

Council Representative to School Board - No report at this time.

Council Representative to Board of Health - Councilman Hallman advised that the Board of Health has expressed concern with maintenance issues at Panicaro Park to include a bench that is in need of repair/replacement. Mayor Zimmerman reported that the park has been weeded and mulching is being addressed. The Board of Health will forward their contact list for posting on the Borough's website.

Zoning Official - No report at this time.

Grants Official - No report at this time.

SPECIAL BUSINESS

Public Hearing: Ordinance #3, 2007 - “AN ORDINANCE PROVIDING FOR THE ACQUISITION OF A FIRE PUMPER BY THE BOROUGH OF ROCKY HILL, IN THE COUNTY OF SOMERSET, NJ, APPROPRIATING \$360,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$324,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF” as filed in the Borough Clerk's Office was read by title. Proof of publication was received. The floor was opened to the public for comments/questions. Hearing none the floor was closed. Motion was made by Hallman with a second by Harrington for the adoption of the ordinance. Motion carried on roll call vote - all ayes.

Public Hearing: Ordinance #4, 2007 - “AN ORDINANCE SETTING GUIDELINES FOR VIDEOTAPING ANY PORTION OF THE PUBLIC MEETING OF THE MUNICIPALITY'S GOVERNING BODY” as filed in the Borough Clerk's Office was read by title. Proof of publication was received. The floor was opened to the public for comments/questions. Hearing none, the floor was closed. Motion was made by Griner with a second by Banks for the adoption of the ordinance. Motion carried on roll call vote - all ayes.

Public Hearing: Resolution 2007-45 - Annual Renewal of Alcoholic Beverage Control License for 2007/08 - CAJO Enterprises /One 53 - Mayor Zimmerman recused himself from this matter; Council President Jared Witt presided. Borough Clerk Griffiths advised that the appropriate application and fees have been paid for the renewal of the license, however, the tax clearance certificate has not been received from the State. Therefore, action can not be taken on the renewal. An application for an Ad Interim Permit has been filed by the applicant for an extension through July 31, 2007, which requires approval by the governing body (**Resolution 2007-46**). Attorney Cruz provided an overview of the approval process.

Council President Witt opened the public hearing for the renewal application due to the fact that the licensee was present to address any comments/concerns.

Alan Querec, 179 Washington St., reiterated his concern (as previously expressed at prior meeting) with the parking problems being encountered due to the employees of the establishment parking in front of the residences. Mr. Querec stated that the only issue he has with the establishment is with the employee parking. Mr. Querec commented that he realizes that this is not sufficient reason to deny approval of the application but urges that the license holder would be a good neighbor by seeking off-street parking for their employees.

Peggy Merritt - 158 Washington St. , questioned whether the light on timer that goes off at 3:00 AM needs to be left on that late.

Peggy Harris, resident, advised that she expressed concern with the employee parking with a manager at the establishment who assured her that the situation would be taken care of, however, nothing has been resolved. Ms. Harris gave an overview of the approval granted to the Santa Fe Grille wherein they were told that employees needed to secure off-street parking.

Peggy Querec, 179 Washington St., raised issues with the employee parking situation questioning why the establishment did not enter agreement with the Episcopal Church to address parking needs.

Edward Zimmerman, 3 Lemore Circle, advised that the parking issues were raised with the Planning Board, however, the Board approved the application based on the plans submitted and the parking issues are not within their purview. Mr. Zimmerman concurred that there is a Borough-wide parking problem that needs to be addressed.

In response to questioning by Councilman Harrington, Mr. Querec and Ms. Harris indicated that there are between 2-4 cars in front of their residences at a time.

Council President Witt recognized the public comments regarding the parking problems encountered by the residents concurring that there is a Borough-wide parking problems that exists.

Karen Wendell, co-owner of One 53 and Borough resident, was present to address the public comments.

Ms. Wendell advised that the establishment is currently paying for off-street parking privileges at Peppi's Hair Salon for their patrons. She further advised that the employees have been made aware that they should not be parking in front of the Querec and Harris residences. A sign has been posted at the employee time clock showing the location of these two residences so that they aware that they should not park there.

Ms. Wendell has been attempting to address the concerns of these residents.

Hearing no other comments, the floor was closed. Councilman Griner thanked Ms. Wendell for making a good faith effort in accommodating the residents' requests. In response to Councilman Banks' offer to help with making contact with the church for some type of parking arrangement, Ms. Wendell indicated that the church has been contacted but has indicated that they can not accommodate parking for the employees early in the day.

Motion was made by Griner with a second by Harrington for the adoption of **Resolution #2007-46** confirming endorsement of the Ad Interim Permit by the Borough Clerk at this time. Motion carried on roll call vote - all ayes.

Action on the renewal application carried to the next meeting. (Mayor Zimmerman returned to the dais).

Introduction: ORDINANCE #6, 2007 - "AN ORDINANCE AUTHORIZING THE LEASE RENEWAL OF CERTAIN MUNICIPAL LANDS AND BUILDINGS BEING THE SOUTH ROOM ON THE FIRST FLOOR OF BOROUGH HALL, 15 MONTGOMERY AVE., IN THE BOROUGH OF ROCKY HILL, TO THE ROCKY HILL COOPERATIVE NURSERY SCHOOL"/ SECOND AMENDMENT TO BUSINESS LEASE - ROCKY HILL COOPERATIVE NURSERY SCHOOL - Ordinance as filed in the Borough Clerk's office was read by title. Councilman Harrington advised that the nursery school is looking for a one year renewal. The school is experiencing an enrollment decline and has requested that there be no increase in the fees. Motion was made by Griner with a second by Banks for the introduction of the ordinance as presented. Motion carried on roll call vote - all ayes. Public hearing scheduled for 7/16/07.

Resolution of Approval 2007-47 - Award of Contract - Trimming of Trees/Young Drive - Quotes were solicited for the trimming of trees/brush along Young Drive to the ARC property and around the water plant and beds. Three quotes were received as follows:

- James Irish Tree Experts - \$1135.00
- Robert Wells Tree & Landscape - \$1200.00
- Drummond Tree Service - \$1800.00

Motion was made by Griner with a second by Harrington to adopt Resolution 2007-47 awarding

the contract in the amount of \$1135.00 to James Irish Tree Experts. Motion carried on roll call vote - all ayes.

COMMUNICATIONS:

Communications as listed on the agenda were disseminated and/or ordered filed. Additional correspondence received as follows:

- Letter was received from the NJDEP dated 6/14/07 requesting that information be provided to residents concerning underground storage tank remediation grant and loan programs available. Information to be posted on the Borough's website.
- Letter from the Clean Communities Council regarding grant information was received.

UNFINISHED BUSINESS:

Rocky Hill Classic Bicycle Race Update - Tom Licker, Event Manager - Mr. Licker appeared before Mayor and Council with an update on the impending bike race. Progress report dated 6/18/07 was received and distributed. It was agreed that Council members will remove the pedestrian signs on Route 518 and Crescent Ave. and Route 518 and Princeton Ave. Appreciation was expressed to Randie Zimmerman for the sign painted by her for the race which is on display on Route 518.

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NEW BUSINESS:

Resolution 2007-48 - Award of Contract - Fertilization for Van Horne Park - Engineer Tanner has requested the award of contract for fertilization services at VanHorne Park. Engineer Tanner indicated that Montgomery Township has approved the contract. Secretary Griffiths advised that certification of funds has been received from the CFO. Motion was made by Griner with a second by Harrington for the award of the contract to True Green Chem Lawn in the amount of \$2481.33 (Borough's 20% share). Motion carried on roll call vote - all ayes.

Parking Issues - previously discussed.

Shade Tree Request for Funding - Gabrielle Dietrich of the Shade Tree Commission appeared before Mayor and Council. Ms. Dietrich advised that donation has been made to the Borough from Salon D'Azzuro for the planting of the Borough's pots, however, an additional \$200.00 is needed to complete the project. Discussion ensued regarding the recurring problem with getting the pots watered. Suggestion was made to request the help of business owners with pots near their establishments and to distribute flyers from the Shade Tree Commission to local residents where the pots are located.

Public Comment:

Cliff Moore, resident, suggested that contact be made with the girl scouts for interest in helping with the watering of the pots.

Peggy Harris, resident, commented that there has not been much of a problem in the past noting

that flyers have been put in the doors of residents requesting their help.

Motion was made by Griner with a second by Witt for the expenditure of funds not to exceed \$200.00 for the plantings. Motion carried on roll call vote - all ayes.

Mayor's Wellness Program - Mayor Zimmerman provided an update on the Mayor's Cook-Off and expressed his appreciation to Karen Wendell of Restaurant One 53 for their help with the event.

Municipal Waste Water Management Plan Committee Appointment - Somerset County Planning Board - Recommendation for the appointment of the following individuals to a Municipal Waste Water Management Plan Committee as recommended by the Somerset County Planning Board was made by Mayor Zimmerman: Councilman Banks, Councilman/Planning Board Member Griner, Engineer Tanner, Water Superintendent Merk. Motion was made by Witt with a second by White approving the appointments by the Mayor. Motion carried on roll call vote - all ayes.

PUBLIC COMMENT

Peggy Harris, resident, noted that the pedestrian signs were taken down at the four way stop at Crescent Ave. and Princeton Ave. and recommended that consideration be given to putting one on the Princeton Ave. side for pedestrian traffic to the library and park. Councilwoman White will review.

Cliff Moore, resident, recommended the need for pedestrian crossing sign enforcement in the area of the Santa Fe Grille.

Peggy Merritt concurred that this is a bad intersection and there should be enforcement by the police.

It was also noted that there is a need for enforcement of the 15 minute parking signs in front of the post office. Mayor Zimmerman suggested that a review of the current ordinance be done.

ADJOURNMENT:

Motion to adjourn the meeting at 9:10PM was made by Witt with a second by Griner. Motion carried on voice vote - all ayes.

Respectfully submitted:

Donna M. Griffiths, RMC
Borough Clerk