

Borough of Rocky Hill
Planning Board
Minutes of the Regular Meeting
January 19, 2017

The regular meeting of the Planning Board of the Borough of Rocky Hill was called to order by Chair Michael Goldman at 7:30 PM followed by the salute to the flag.

PLEDGE OF ALLEGIANCE

NOTICE OF COMPLIANCE WITH OPEN PUBLIC MEETINGS ACT

OATH OF OFFICE/APPOINTED MEMBERS

1. Oath of Office Robert Ashbaugh
2. Oath of Office Irene Battaglia
3. Oath of Office Mark Blasch
4. Oath of Office Tim Corlis
5. Oath of Office Michael Giambra
6. Oath of Office Michael Goldman

ROLL CALL

Attendee Name	Title	Status	Arrived
Robert Ashbaugh	Councilman	Present	
Jeff Donahue	Mayor	Absent	
Michael Goldman	Chair	Present	
Linda Goldman	Class IV	Present	
Irene Battaglia	Class IV	Present	
Brian Nolan	Class IV	Present	
Michael Giambra	Mayor's Alternate	Present	
Dan Kluchinski	Alternate 2	Present	
Tim Corlis	Alternate 1	Present	
Robert Ayrey	Class IV	Absent	
Raymond Whitlock	Class IV	Present	
Mark Blasch	Zoning Officer	Present	

Also present: Planning Board Recording Secretary Christine Witt. Attorney Jolanta Maziarz, and Planner Tamara Lee.

NOMINATIONS/APPOINTMENTS

1. Nomination of Planning Board Chair
Mr. Goldman was nominated as Planning Board Chair.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Raymond Whitlock, Class IV
SECONDER:	Brian Nolan, Class IV
AYES:	Robert Ashbaugh, Michael Goldman, Linda Goldman, Irene Battaglia, Brian Nolan, Michael Giambra, Dan Kluchinski, Tim Corlis, Raymond Whitlock, Mark Blasch
ABSENT:	Jeff Donahue, Robert Ayrey

2. Nomination of Planning Board Vice Chair

Mr. Nolan was nominated as Planning Board Vice Chair.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Raymond Whitlock, Class IV
SECONDER:	Robert Ashbaugh, Councilman
AYES:	Robert Ashbaugh, Michael Goldman, Linda Goldman, Irene Battaglia, Brian Nolan, Michael Giambra, Dan Kluchinski, Tim Corlis, Raymond Whitlock, Mark Blasch
ABSENT:	Jeff Donahue, Robert Ayrey

3. Nomination of Planning Board Secretary

Ms. Battaglia was nominated as Planning Board Secretary.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Linda Goldman, Class IV
SECONDER:	Raymond Whitlock, Class IV
AYES:	Robert Ashbaugh, Michael Goldman, Linda Goldman, Irene Battaglia, Brian Nolan, Michael Giambra, Dan Kluchinski, Tim Corlis, Raymond Whitlock, Mark Blasch
ABSENT:	Jeff Donahue, Robert Ayrey

4. Appointment of Planning Board Recording Secretary

Ms. Witt was appointed Planning Board Recording Secretary by Chair Goldman.

RESULT:	ADOPTED [UNANIMOUS]
AYES:	Robert Ashbaugh, Michael Goldman, Linda Goldman, Irene Battaglia, Brian Nolan, Michael Giambra, Dan Kluchinski, Tim Corlis, Raymond Whitlock, Mark Blasch
ABSENT:	Jeff Donahue, Robert Ayrey

5. Appointment of Subcommittees

Mr. Goldman appointed Mr. Kluchinski, Mr. Nolan, Zoning Official Mark Blasch, and himself to the Historic Preservation Subcommittee.

RESULT:	ADOPTED [UNANIMOUS]
AYES:	Robert Ashbaugh, Michael Goldman, Linda Goldman, Irene Battaglia, Brian Nolan, Michael Giambra, Dan Kluchinski, Tim Corlis, Raymond Whitlock, Mark Blasch
ABSENT:	Jeff Donahue, Robert Ayrey

REORGANIZATION RESOLUTIONS

1. 2017 Meeting Schedule

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Raymond Whitlock, Class IV
SECONDER:	Michael Goldman, Chair
AYES:	Robert Ashbaugh, Michael Goldman, Linda Goldman, Irene Battaglia, Brian Nolan, Michael Giambra, Dan Kluchinski, Tim Corlis, Raymond Whitlock, Mark Blasch
ABSENT:	Jeff Donahue, Robert Ayrey

2. Designation of Official Newspaper

The Courier News and Somerset County Spectator were designated the official newspapers.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Linda Goldman, Class IV
SECONDER:	Brian Nolan, Class IV
AYES:	Robert Ashbaugh, Michael Goldman, Linda Goldman, Irene Battaglia, Brian Nolan, Michael Giambra, Dan Kluchinski, Tim Corlis, Raymond Whitlock, Mark Blasch
ABSENT:	Jeff Donahue, Robert Ayrey

3. Appointment of Board Attorney

Woolson Anderson Maziarz PC was appointed as the Planning Board law firm.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Linda Goldman, Class IV
SECONDER:	Raymond Whitlock, Class IV
AYES:	Robert Ashbaugh, Michael Goldman, Linda Goldman, Irene Battaglia, Brian Nolan, Michael Giambra, Dan Kluchinski, Tim Corlis, Raymond Whitlock, Mark Blasch
ABSENT:	Jeff Donahue, Robert Ayrey

4. Appointment of Board Engineer

Van Cleef Engineering Associates was appointed as the Planning Board engineering firm.

RESULT:	ADOPTED [9 TO 0]
MOVER:	Raymond Whitlock, Class IV
SECONDER:	Irene Battaglia, Class IV
AYES:	Robert Ashbaugh, Michael Goldman, Linda Goldman, Irene Battaglia, Brian Nolan, Michael Giambra, Tim Corlis, Raymond Whitlock, Mark Blasch
ABSTAIN:	Dan Kluchinski
ABSENT:	Jeff Donahue, Robert Ayrey

5. Appointment of Board Planner

Tamara Lee Consulting was appointed as the Planning Board planner.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mark Blasch, Zoning Officer
SECONDER:	Robert Ashbaugh, Councilman
AYES:	Robert Ashbaugh, Michael Goldman, Linda Goldman, Irene Battaglia, Brian Nolan, Michael Giambra, Dan Kluchinski, Tim Corlis, Raymond Whitlock, Mark Blasch
ABSENT:	Jeff Donahue, Robert Ayrey

CHAIRMAN'S COMMENTS

None.

APPROVAL OF THE MINUTES

1. Planning Board - Regular Meeting - Dec 15, 2016 7:30 PM
2. Motion to Approve Minutes of December 15, 2016

RESULT:	ADOPTED [7 TO 0]
MOVER:	Linda Goldman, Class IV
SECONDER:	Irene Battaglia, Class IV
AYES:	Robert Ashbaugh, Michael Goldman, Linda Goldman, Irene Battaglia, Michael Giambra, Dan Kluchinski, Mark Blasch
ABSTAIN:	Brian Nolan, Tim Corlis, Raymond Whitlock
ABSENT:	Jeff Donahue, Robert Ayrey

OPEN PUBLIC COMMENT

The floor was open to public comment, hearing none, the floor was immediately closed.

APPLICATIONS (NONE PENDING)

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

1. Discussion of Bylaws

The Board resumed its discussion of the bylaws. Mr. Ashbaugh suggested that the language regarding the effect of abstentions be changed to reflect the language in Robert's Rules of Order. The Board discussed the section on multiple disqualifications and found that is in accordance with the law. The Board acknowledged that a development committee may deem an application complete and that such a committee is permitted, not required. A Master Plan review committee will be appointed next year. Mr. Whitlock suggested that applicants

provide proof of payment of taxes at the time of application and at the time of decision since some applications are heard of an extended period of time.

2. Application Form Review

The Board compared two forms of the amended application, one in the traditional format and one in a Frequently Asked Questions (FAQ) format. The majority of the Board favored the FAQ format. Comments will be incorporated into the draft FAQ version of the application form and presented again at the next meeting.

FINAL OPEN PUBLIC COMMENT

The floor was open to public comment, hearing none, the floor was immediately closed.

EXECUTIVE SESSION (IF NEEDED)

1. Motion to retire into Executive Session (8:42 PM)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brian Nolan, Class IV
SECONDER:	Raymond Whitlock, Class IV
AYES:	Robert Ashbaugh, Michael Goldman, Linda Goldman, Irene Battaglia, Brian Nolan, Michael Giambra, Dan Kluchinski, Tim Corlis, Raymond Whitlock, Mark Blasch
ABSENT:	Jeff Donahue, Robert Ayrey

2. Resolution to Retire into Executive Session to Discuss Affordable Housing Litigation

RESULTS OF EXECUTIVE SESSION (IF ANY)

ADJOURNMENT

Mr. Nolan moved to adjourn the meeting at 9:10 PM, Mr. Whitlock seconded, and motion carried on voice vote.

MEETING TOPICS



**BOROUGH OF ROCKY HILL
SOMERSET COUNTY**

2017-1

2017 Meeting Schedule

BOROUGH OF ROCKY HILL PLANNING BOARD

RESOLUTION NO. RHPB 2017-01

RESOLUTION TO ADOPT 2017 MEETING SCHEDULE:

BE IT RESOLVED by the Planning Board of the Borough of Rocky Hill, County of Somerset, State of New Jersey that the following is hereby established as a schedule of regular public meetings of the Planning Board for the year 2017, all meetings starting at 7:30 PM in the Rocky Hill Borough Hall, 15 Montgomery Avenue, Rocky Hill, New Jersey:

February 16, 2017

March 16, 2017

April 20, 2017

May 18, 2017

June 15, 2017

July 20, 2017

August 17, 2017

September 21, 2017

October 19, 2017

November 16, 2017

December 21, 2017

January 18, 2018 (Re-Org meeting)

Attest:

Christine Witt
Recording Secretary

Dated: January 19, 2017

ATTEST:

By:
Christine Witt
Planning Board Recording Secretary

By:
Michael Goldman, Chair



**BOROUGH OF ROCKY HILL
SOMERSET COUNTY**

2017-2

Designation of Official Newspaper

WHEREAS, official newspapers must be designated for purposed adherence to the Open Public Meetings Act and for other official public communication purposes; and

WHEREAS, the Somerset Spectator has been deemed to be the most local weekly newspaper; and

WHEREAS, the Courier News has been determined to be the most appropriate daily area newspaper.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the Borough of Rocky Hill of Somerset, State of New Jersey that the Somerset Spectator and Courier News are hereby designated as the official Borough newspapers for the Borough of Rocky Hill, County of Somerset, State of New Jersey for the year 2017.

ATTEST:

By:

Christine Witt
Planning Board Recording Secretary

By:

Michael Goldman, Chair



**BOROUGH OF ROCKY HILL
SOMERSET COUNTY**

2017-3

Appointment of Board Attorney

WHEREAS, there exists a need for the services of a planning board attorney to the Planning Board as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 and 20.5; and

WHEREAS, Jolanta Maziarz, Esq., of Woolson Anderson Maziarz, PC, has submitted a proposal indicating she will provide legal services for the Borough of Rocky Hill Planning Board at a rate not to exceed \$140.00 per hour for attorney time and \$60.00 per hour for all paralegal services; and

WHEREAS, Jolanta Maziarz, Esq., of Woolson Anderson Maziarz, PC., has completed and submitted a Business Entity Disclosure Certification which certifies that she has not made any reportable contributions to a political or candidate committee in the Borough of Rocky Hill in the previous one year, and that the contract will prohibit her from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that a resolution authorizing the award of contracts for professional services without competitive bids and the contract itself be available for public inspection;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Rocky Hill, in the county of Somerset, as follows:

1. The Chairman and Secretary are authorized and directed to execute a contract for professional services with Jolanta Maziarz, Esq., of Woolson Anderson Maziarz, PC, as attorney to the Board for the period January 1, 2017 through December 31, 2017.
2. This contract is awarded without competitive bidding as a "professional

service” under the provisions of the Local Public Contracts Law because the services are performed by a person or persons authorized by law to practice a recognized profession, and it is not required to obtain competitive bids.

3. Payment under the contract will not exceed amount appropriated in the municipal budget or obtained by escrow, for such purpose, and payment shall be contingent upon certification of available funds.

4. That the Business Disclosure Entity Certification and the Determination of Value will be placed on file with this resolution.

ATTEST:

By:

Christine Witt
Planning Board Recording Secretary

By:

Michael Goldman, Chair



**BOROUGH OF ROCKY HILL
SOMERSET COUNTY**

2017-4

Appointment of Board Engineer

WHEREAS, there exists a need for the services of a professional engineer to the Planning Board as a non-fair and open contract pursuant to provisions of N.J.S.A. 19:44A-20.04 and 20.5; and

WHEREAS, the firm of Van Cleef Engineering Associates has submitted a proposal indicating they will provide engineering services for the Borough of Rocky Hill Planning Board at the rate not to exceed \$150.00 per hour; and

WHEREAS, the firm of Van Cleef Engineering Associates has completed and submitted a Business Entity Disclosure Certification which certifies that Van Cleef Engineering Associates has not made any reportable contributions to a political or candidate committee in the Borough of Rocky Hill in the previous one year, and that the contract will prohibit Van Cleef Engineering Associates from making any reportable contributions through the term of the contract; and

WHEREAS, the Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that a resolution authorizing the award of contracts for professional services without competitive bids and the contract itself be available for public inspection;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Rocky Hill, in the County of Somerset, as follows:

1. The Chairman and Secretary are authorized and directed to execute a contract for professional services with William Tanner, P.E., of Van Cleef Engineering, as professional engineer to the Board for the period January 1, 2017 through December 31, 2017.
2. This contract is awarded without competitive bidding as a “professional service” under the provisions of the Local Public Contracts Law because the services are performed by a person or persons authorized by law to practice

a recognized profession, and it is not required to obtain competitive bids.

3. Payment under the contract will not exceed amount appropriated in the municipal budget or obtained by escrow, for such purpose, and payment shall be contingent upon certification of available funds.

4. That the Business Disclosure Entity Certification and the Determination of Value will be placed on file with this resolution.

ATTEST:

By:

Christine Witt
Planning Board Recording Secretary

By:

Michael Goldman, Chair



**BOROUGH OF ROCKY HILL
SOMERSET COUNTY**

2017-5

Appointment of Board Planner

WHEREAS, there exists a need for the services of a planning consultant to the Planning Board as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 and 20.5; and

WHEREAS, Tamara Lee Consulting, P.P., has submitted a proposal indicating she will provide planning services for The Borough of Rocky Hill Planning Board at the rate of \$115.00 per hour and \$125 per hour for legal or court work; and

WHEREAS, Tamara Lee Consulting, P.P. has completed and submitted a Business Entity Disclosure Certification which certifies that she has not made any reportable contributions to a political or candidate committee in the Borough of Rocky Hill in the previous one year, and that the contract will prohibit her from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that a resolution authorizing the award of contracts for professional services without competitive bids and the contract itself be available for public inspection;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Rocky Hill, in the County of Somerset, as follows:

1. The Chairman and Secretary are authorized and directed to execute a contract for professional services with Tamara Lee Consulting, P.P., as Planning Consultant to the Board for the period January 1, 2017 through December 31, 2017.
2. This contract is awarded without competitive bidding as a "professional service" under the provisions of the Local Public Contracts Law because the services are performed by a person or persons authorized by law to practice

a recognized profession, and it is not required to obtain competitive bids.

3. Payment under the contract will not exceed amount appropriated in the municipal budget or obtained by escrow, for such purpose, and payment shall be contingent upon certification of available funds.

4. That the Business Disclosure Entity Certification and the Determination of Value will be placed on file with this resolution.

ATTEST:

By:

Christine Witt
Planning Board Recording Secretary

By:

Michael Goldman, Chair

Borough of Rocky Hill
 Planning Board
 Minutes of the Regular Meeting
 December 15, 2016

The regular meeting of the Planning Board of the Borough of Rocky Hill was called to order by Chair Michael Goldman at 7:30 PM followed by the salute to the flag.

PLEDGE OF ALLEGIANCE

NOTICE OF COMPLIANCE WITH OPEN PUBLIC MEETINGS ACT

ROLL CALL

Attendee Name	Title	Status	Arrived
Robert Ashbaugh	Councilman	Present	
Jeff Donahue	Mayor	Absent	
Michael Goldman	Chair	Present	
Linda Goldman	Planning Board Member	Present	
Irene Battaglia	Mayor's Alternate	Present	
Brian Nolan	Planning Board Member	Absent	
Michael Giambra	Alternate 1	Present	
Dan Kluchinski	Alternate 2	Present	
Tim Corlis	Planning Board Member	Absent	
Robert Ayrey	Planning Board Member	Present	
Raymond Whitlock	Planning Board Member	Late	8:11 PM
Mark Blasch	Zoning Officer	Present	

CHAIRMAN'S COMMENTS

Mr. Goldman announced that the historic subcommittee approved a fence application for 106 Washington Street. The Planning Board Secretary explained that the Planning Board would now be using the Accela system for agendas and minutes. The Board discussed the role of public participation in Planning Board meetings.

APPROVAL OF THE MINUTES

- September 15, 2016 Meeting Minutes

RESULT:	ADOPTED [5 TO 0]
MOVER:	Mark Blasch, Zoning Officer
SECONDER:	Irene Battaglia, Mayor's Alternate
AYES:	Ashbaugh, Goldman, Battaglia, Kluchinski, Blasch
ABSTAIN:	Michael Goldman, Michael Giambra, Robert Ayrey
ABSENT:	Jeff Donahue, Brian Nolan, Tim Corlis
AWAY:	Raymond Whitlock

Executive Minutes September 15, 2016

- Motion to approve Executive Session Minutes

Minutes Acceptance: Minutes of Dec 15, 2016 7:30 PM (APPROVAL OF THE MINUTES)

RESULT:	ADOPTED [5 TO 0]
MOVER:	Robert Ashbaugh, Councilman
SECONDER:	Linda Goldman, Planning Board Member
AYES:	Ashbaugh, Goldman, Battaglia, Kluchinski, Blasch
ABSTAIN:	Michael Goldman, Michael Giambra, Robert Ayrey
ABSENT:	Jeff Donahue, Brian Nolan, Tim Corlis
AWAY:	Raymond Whitlock

OPEN PUBLIC COMMENT

The floor was open to public comment, hearing none, the floor was closed.

APPLICATIONS

None.

UNFINISHED BUSINESS

1. Approving a Porch Addition at 97 Washington Street

RESULT:	ADOPTED [4 TO 0]
MOVER:	Linda Goldman, Planning Board Member
SECONDER:	Mark Blasch, Zoning Officer
AYES:	Robert Ashbaugh, Linda Goldman, Irene Battaglia, Mark Blasch
ABSTAIN:	Michael Goldman, Robert Ayrey
ABSENT:	Jeff Donahue, Brian Nolan, Tim Corlis
AWAY:	Raymond Whitlock
RECUSED:	Michael Giambra, Dan Kluchinski

2. Approving a Stained Glass Window at 97 Washington Street

RESULT:	ADOPTED [3 TO 0]
MOVER:	Irene Battaglia, Mayor's Alternate
SECONDER:	Mark Blasch, Zoning Officer
AYES:	Robert Ashbaugh, Irene Battaglia, Mark Blasch
ABSTAIN:	Michael Goldman, Linda Goldman, Robert Ayrey
ABSENT:	Jeff Donahue, Brian Nolan, Tim Corlis
AWAY:	Raymond Whitlock
RECUSED:	Michael Giambra, Dan Kluchinski

3. Discussion of Bylaws

The first 14 pages have already been reviewed. The Goldmans will collate the changes, and the Board can continue to review at the next meeting.

NEW BUSINESS

1. Revised Application Form and Escrow Deposits

Minutes Acceptance: Minutes of Dec 15, 2016 7:30 PM (APPROVAL OF THE MINUTES)

Mr. Goldman suggested that the application form include a section that requires applicants to acknowledge and sign that they will be responsible for any additional professional fees beyond the initial escrow deposit. An escrow deficiency usually results in a lien against a property. A recent application that was heard for 53 Crescent Avenue was filed by applicants that do not own the property. There is currently an escrow deficiency for that application. The Board discussed recommending to Council that the ordinance be amended to increase the amount of escrow deposits, but did not come to a conclusion. The Board decided to keep the application and escrow agreement as one document with the applicant being made aware and acknowledging that costs may be higher than the initial deposit.

Mr. Ashbaugh suggested that the introduction to the application form should be in the form of Frequently Asked Questions (FAQ's) and volunteered to draft a proposal.

FINAL OPEN PUBLIC COMMENT

The floor was open to public comment, hearing none, the floor was closed.

ADJOURNMENT

Mr. Ashbaugh moved to adjourn at 9:15 PM, and Mr. Ayrey seconded. Motion passed on voice vote.



**BOROUGH OF ROCKY HILL
SOMERSET COUNTY**

2017-6

Resolution to Retire into Executive Session to Discuss Affordable Housing Litigation

ATTEST:

By:
Christine Witt
Planning Board Recording Secretary

By:
Michael Goldman, Chair

EXPLANATION: THIS RESOLUTION ALLOWS THE PLANNING BOARD TO RETIRE INTO EXECUTIVE SESSION.

BOROUGH OF ROCKY HILL

RESOLUTION 2017-06

WHEREAS, Section 8 of the Open Public Meetings Act (N.J.S.A. 10:4-12(b) (1-9) permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Planning Board is of the opinion that such circumstances exist.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Rocky Hill, County of Somerset, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action on the executive Session of January 19, 2017.
2. The general nature of the subject matter to be discussed is as follows: -
Potential litigation-In re the Borough of Rocky Hill 2015 Affordable Housing Declaratory Judgment Action.
3. Minutes of said discussion will be made available as soon as it is deemed in the public interest to do so.
4. The Planning Board may take official action on those items discussed in executive session upon completion of the executive session.

This Resolution takes effect immediately.

Christine Witt, Planning Board Secretary