

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
EXECUTIVE SESSION**

September 19, 2016

Present: Mayor Jeff Donahue, Mr. Tom Bremner, Mr. Billy Dawson, Mr. John Hagemann, Mr. Phil Kartsonis, Mr. Bob Uhrik, Deputy Clerk Christine Witt, Borough Attorney Albert Cruz, and Borough Planner Tamara Lee

8:55 PM

Litigation in the Matter of the Borough of Rocky Hill for a Judgment of Compliance of Its Third Round Housing Element and Fair Share Plan, Docket No. SOM-L-901-15

Attorney Cruz updated the Mayor and Council on the affordable housing litigation. The appellate division overruled the trial division and found two periods of obligation: the present need for affordable housing and the prospective need for 10 years. The present need may include a gap period. The New Jersey Supreme Court will hear this case in late November and may give additional guidance.

The Borough's temporary immunity runs until October 31st, but should be extended if the Borough remains in the litigation. Some municipalities have been opting out of the litigation. If the Borough decides to opt out of the litigation, the town would need to file a plan by October 31st and may not have protection of the court from builders' remedies suits.

Planner Lee informed the Council that the rules of have become more restrictive and a boarding house does not count as affordable housing. Ms. Lee has continued to explore the cottage community proposal. The Borough will need an economic feasibility study to determine whether there is enough profitability in the market rate units to support affordable housing units.

Contract Negotiations: Montgomery Board of Health

The rates of the 2017 contract for health services with Montgomery Township will go up 2% to \$10,710. Animal Control services may be added for \$2,700.

Executive session ended at 10:07 PM.

Respectfully submitted,
Christine Witt
Deputy Borough Clerk