

**Borough of Rocky Hill
Borough Council
Minutes of the Regular Meeting
June 1, 2015**

The regular meeting of the Borough Council of the Borough of Rocky Hill was called to order by Mayor Jeff Donahue at 7:30 PM followed by the salute to the flag.

NOTICE OF COMPLIANCE WITH OPEN PUBLIC MEETINGS ACT

Mayor Donahue read the following statement into the record: This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting was included in a list of meetings transmitted to the Courier News and Somerset Spectator on January 7, 2015. Notice remains continuously posted as to required notices under the Statute. A copy of this notice is available to the public and is on file in the Office of the Borough Clerk.

ROLL CALL

Mr. Robert Ashbaugh-present, Mr. Tom Bremner-present, Mr. Billy Dawson-present, Ms. Connie Hallman-absent, Mr. Phil Kartsonis-present, Mr. Bob Uhrik-present.

Also present: Clerk Rebecca Newman, Deputy Clerk Christine Witt, Engineer Bill Tanner and Borough Attorney Albert Cruz.

MAYOR'S COMMENTS

The Mayor thanked Council Member Uhrik for leading the Memorial Day ceremony. The Mayor announced his appointment of Dr. Heather Pearson to the Board of Health. Bremner moved to approve the appointment, Uhrik seconded the motion, and motion carried on roll call vote:

For: Ashbaugh, Bremner, Dawson, Kartsonis, Uhrik

Against: None

Abstain: None

APPROVAL OF MINUTES

Regular Meeting Minutes – May 18 2015.

Kartsonis moved to approve the Regular Meeting minutes and Ashbaugh seconded the motion. Motion carried on roll call vote.

For: Ashbaugh, Bremner, Dawson, Kartsonis, Uhrik

Against: None

Abstain: None

PUBLIC COMMENT

Cliff Moore, Skillman Avenue, asked if the use of the parking area across from the post office to sell cars is a legitimate use? Council Member Kartsonis responded that the constables are verifying that this activity is taking place. The Zoning Officer confirmed that a zoning permit was issued to allow a second use on the property. The permit was granted with the conditions that no signs or banners are permitted, no more than two to three cars for sale may be on the property at one time, and they must be kept in the back—not on display. The Borough has an ordinance that prohibits unlicensed vehicles on a property for more than two weeks.

Cathy Cann, 31 Montgomery Avenue, complained that skateboarders are routinely congregating on her property to skateboard down Toth Lane. She reported that they are loud, leave trash, and don't wear helmets.

STATE POLICE REPORT

No report.

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ENGINEER'S REPORT

Report dated Jun 1, 2015 was distributed and filed in the Borough Clerk's office. Engineer Tanner provided an overview of the report.

Washington Street Sidewalk Contract

Grass areas will receive more topsoil and will be hydro seeded, as needed, including the area behind the Municipal Building. The fences, where spattered, will be fixed. The bike rack will be removed and installed behind the Municipal Building. The trash cans will be returned to the front of the post office.

Construction Projects

Posts have been installed at the entrance to the Green Acres. Chain, lock and keys are in the Engineer's office.

Installation of new ceiling in the elevator room—will draw up plans to install double lawyer of half-inch wallboard on exposed rafters and repair ventilation system.

Trees in the Park

Trees have been marked for removal or pruning. A scope of work will be sent out this week.

Montgomery Avenue Phase III

The cores were done this month and revealed that pavement base is in better condition than expected. Will finalize plans this month and send to NJDOT for approval to bid.

Solid Waste Removal Contract

The Borough received four bids and the lowest bidder is Premier Disposal of Glenn Gardner. Our current carter, Raritan Valley, came in the highest. The Borough needs 30 days to finalize the contract with Premier, and Raritan Valley has offered to extend their contract. Bremner moved to extend the Solid Waste Removal Contract with Raritan Valley Disposal for 30 days, Dawson seconded, and motion carried on roll call vote:

For: Ashbaugh, Bremner, Dawson, Kartsonis, Uhrik

Against: None

Abstain: None

The Borough has the option of signing a three-year or a five-year contract with Premier. The Mayor polled the Council, and Dawson, Bremner, and Ashbaugh were in favor of a five-year contract, and Uhrik and Kartsonis were in favor of a three-year contract.

CHIEF FINANCIAL OFFICER'S REPORT

Robert Morrison of Hodulik & Morrison discussed the Auditor's Report for 2014. The auditors found no reportable non-compliances. The auditor's recommendation is that the Borough closely monitors individual line items to avoid over expenditures.

APPROVAL OF VOUCHERS

Bill List dated June 1, 2015 was presented for approval.

Bremner moved to approve all vouchers except voucher 8480. Dawson seconded the motion. Motion carried on roll call vote.

For: Ashbaugh, Bremner, Dawson, Kartsonis, Uhrik

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Against: None

Abstain: None

Ashbaugh moved to approve voucher 8480 and Dawson seconded. Motion carried on roll call vote.

For: Ashbaugh, Dawson, Kartsonis, Uhrik

Against: Bremner

Abstain: None

SPECIAL BUSINESS

Resolution 2015-51: A Chapter 159 Resolution Authorizing the Insertion of Revenue into the Municipal Budget

Ashbaugh moved to approve the resolution, Bremner seconded, and motion carried on roll call vote.

For: Ashbaugh, Bremner, Dawson, Kartsonis, Uhrik

Against: None

Abstain: None

UNFINISHED BUSINESS

Resolution 2015-52: Certifying that All Members of the Governing Body of Rocky Hill Borough, Somerset County, Have Reviewed, as a Minimum, the Sections of the 2014 Annual Audit Entitled "General Comments and Recommendations"

Bremner moved to approve the resolution, Dawson seconded, and motion carried on roll call vote.

For: Ashbaugh, Bremner, Dawson, Kartsonis, Uhrik

Against: None

Abstain: None

Resolution 2015-53: Authorizing the Borough of Rocky Hill to Join the Statewide JIF "Joint Insurance Fund"

Bremner moved to approve the resolution, Kartsonis seconded, and motion carried on roll call vote.

For: Ashbaugh, Bremner, Dawson, Kartsonis, Uhrik

Against: None

Abstain: None

Resolution 2015-54: Authorizing the Mayor and Clerk to sign an Indemnity and Trust Agreement for the Statewide Insurance Fund

Ashbaugh moved to approve the resolution, Kartsonis seconded, and motion carried on roll call vote.

For: Ashbaugh, Bremner, Dawson, Kartsonis, Uhrik

Against: None

Abstain: None

Discussion of Expenditure for the 125th Anniversary Celebration

The Council discussed costs associated with the celebration on June 27th. Bremner moved to approve the purchase of water bottles to be distributed at the 125th anniversary celebration in an amount not exceed \$1,100 from the Clean Communities Grant pending certification from the CFO that such funds are available. Ashbaugh seconded the motion, and motion carried on roll call vote.

For: Ashbaugh, Bremner, Dawson, Kartsonis, Uhrik

Against: None

Abstain: None

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NEW BUSINESS

Discussion of Building Codes and Properties in Unacceptable Disrepair
Tabled

COMMUNICATIONS:

Communications as listed, were distributed, disseminated and filed accordingly.

PUBLIC COMMENT

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

EXECUTIVE SESSION: Resolution 2015-55 to Retire into Executive Session (9:14 PM)

- A. Potential Litigation—In Re the Borough of Rocky Hill 2015 Affordable Housing Plan Declaratory Judgment Action

Bremner moved to retire to Executive Session, Dawson seconded, and motion carried on voice vote.

Executive Session ended and Regular Session resumed at 10:25 PM

RESULTS OF EXECUTIVE SESSION

None

ADJOURNMENT

Motion was made by Bremner with a second by Dawson to adjourn the meeting at 10:25 PM. Motion carried on voice vote.

Respectfully submitted:
Christine Witt
Deputy Borough

June 1, 2015

**List of Bills - (0110101001) CASH
CURRENT FUND**

Check#	Vendor	Description	Payment	Check Total
8476	48 - ROCKY HILL COMMUNITY GROUP	PO 5372 Clean Community Grant: Earth Day C	500.00	500.00
8477	578 - County of Somerset- Open Space Tax	PO 5202 1 st Half County Open Space Taxes	9,737.66	9,737.66
8478	71 - DIFRANCESCO BATEMAN PC	PO 5374 Legal services April 2015	1,407.56	1,407.56
8479	102 - HODULIK & MORRISON	PO 5129 Municipal Audit 2014	16,000.00	16,000.00
8480	115 - JML LANDSCAPING INC.	PO 5376 Brush clean up	1,958.00	1,958.00
8481	449 - JOSEPH MONZO	PO 5371 Poatage Reimbursement for mailing o	11.70	11.70
8482	585 - KEY TECH LABORATORIES	PO 5373 Core Drilling	800.00	800.00
8483	319 - REPUBLIC SERVICES #865	PO 5382 Spring Big Trash pick up	2,300.00	2,300.00
8484	247 - SOMERSET COUNTY TREASURER	PO 5200 1st Half County Taxes	102,569.97	102,569.97
8485	247 - SOMERSET COUNTY TREASURER	PO 5377 Board of Health County contract Ma	1,033.86	1,033.86
8486	247 - SOMERSET COUNTY TREASURER	PO 5378 Storm Inlet Maintenance at 161 Rt.	1,003.48	1,003.48
8487	259 - NEW JERSEY STATE TREASURER	PO 5375 Storm water managment fee	500.00	500.00
8488	577 - Somerset County Treasurer- Library	PO 5201 1 st half County Library Taxes	14,836.53	14,836.53
TOTAL				152,658.76

Total to be paid from Fund 01 CURRENT FUND 152,158.76
 Total to be paid from Fund 02 STATE AND FEDERAL GRANT FUND 500.00
 =====
 152,658.76

**List of Bills - (0810101001) CASH
UTILITY OPERATING**

Check#	Vendor	Description	Payment	Check Total
7016	415 - AQUA PRO TECH LABS	PO 5379 Water Dept. testing	33.00	33.00
7017	102 - HODULIK & MORRISON	PO 5129 Municipal Audit 2014	6,500.00	6,500.00
7018	321 - MIRACLE CHEMICAL CO	PO 5380 Water Dept. chemicals	30.20	30.20
7019	163 - MONTGOMERY TOWNSHIP	PO 5383 2015 Sewer Fee per agreement	50,750.00	50,750.00
7020	289 - VERIZON	PO 5381 Water dept phone	30.49	30.49
TOTAL				57,343.69

Total to be paid from Fund 08 UTILITY OPERATING 57,343.69
 =====
 57,343.69

**BOROUGH OF ROCKY HILL
COUNTY OF SOMERSET**

RESOLUTION 2015- 51

Providing for the Insertion of a Special Item of Revenue in the 2015 Budget Pursuant to N.J.S.A. 40A:4-87 (Chapter 159, P. L. 1948)

WHEREAS, N. J. S. A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount.

SECTION 1

NOW, THEREFORE BE IT RESOLVED on this 1st day of June, 2015, that the Borough of Rocky Hill hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$ 4,000 which item is now available as an additional revenue for Rocky Hill Borough from the State of NJ-Clean Communities

SECTION 2

BE IT FURTHER RESOLVED that a like sum of \$ 4,000 and the same is hereby appropriated under the caption of:

State of NJ – Clean Communities Grant

Adopted: June 1, 2015

Attest:



Rebecca Newman, RMC
Borough Clerk



Jeff Donahue, Mayor

**Certifying that All Members Of
the Governing Body of Rocky Hill Borough,
Somerset County, Have Reviewed, as a Minimum,
The Sections of the 2014 Annual Audit Entitled
"General Comments and Recommendations"**

RESOLUTION 2015- 52

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2014 has been filed by a Registered Municipal Accountant with the Borough Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments
Recommendations

and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the annual audit entitled:

General Comments
Recommendations

as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

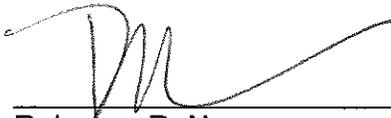
WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52-27BB-52 - "A local officer or member of a local governing body, who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provision of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED on this 18th day of May 2015, that the Borough Council of the Borough of Rocky Hill hereby states that it has complied with the regulation of the Local Finance Board of the State of New Jersey dated July 30, 1968, and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

ATTEST:



Rebecca P. Newman
Borough Clerk



Jeffrey Donahue
Mayor

CERTIFICATION

I, Rebecca P. Newman, Acting Borough Clerk of the Borough of Rocky Hill do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Borough Council on May 18th, 2015

Rebecca P. Newman
Borough Clerk

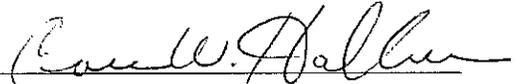
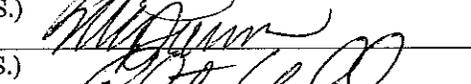
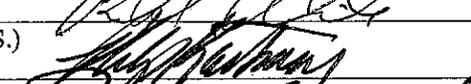
sent to LFB 6/10/15

**CERTIFICATION OF GOVERNING BODY OF THE ANNUAL AUDIT
GROUP AFFIDAVIT FORM
NO PHOTO COPIES OF SIGNATURES**

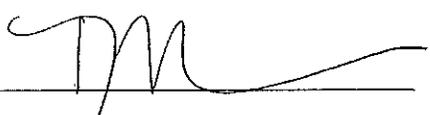
STATE OF NEW JERSEY
COUNTY OF *Somerset*

We, members of the governing body of the *Borough of Rocky Hill* of, in the County of Somerset, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected (or appointed) members of the *Borough Council* of the *Borough of Rocky Hill* in the county of *Somerset*;
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year *2014*;
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

(L.S.) 	(L.S.) 
(L.S.) 	(L.S.) _____
(L.S.) 	(L.S.) _____
(L.S.) 	(L.S.) _____

Sworn to and subscribed before me this 1st day of JUNE 2015
Notary Public of New Jersey


Clerk

The Municipal Clerk (or Clerk of the Board of Chosen Freeholders as the case may be) shall set forth the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be sent to the Bureau of Financial Regulation and Assistance, Division of Local Government Services, P.O. Box 803, Trenton, New Jersey 08625.

2015-53

STATEWIDE INSURANCE FUND

INDEMNITY AND TRUST AGREEMENT

THIS AGREEMENT made this 15th day of June 2015, in the County of Morris, State of New Jersey, by and between the Statewide Insurance Fund (hereinafter "FUND"), and THE BOROUGH OF ROCKY HILL in the County of SOMERSET a duly constituted local unit of government (hereinafter "LOCAL UNIT");

WHEREAS, two or more local units have collectively formed a joint insurance fund as such an entity is authorized and described in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the LOCAL UNIT has agreed to become a member of the FUND in accordance with and to the extent provided for in the Bylaws of the FUND and in consideration of such obligations and benefits to be shared by the membership of the FUND; and

WHEREAS, the LOCAL UNIT has complied with relevant law with regard to the acquisition of insurance;

NOW, THEREFORE, it is agreed as follows:

1. The LOCAL UNIT, upon entering the FUND, agrees to be bound by and to accept and comply with each and every provision of the FUND's Bylaws, Risk Management Program, as it applies to the LOCAL UNIT and the applicable statutes and administrative regulations pertaining to joint insurance funds.

2. The LOCAL UNIT agrees to participate in the FUND with respect to those coverage listed in the LOCAL UNIT's "Resolution to Join" in accordance with the FUND's Bylaws and Risk Management Program.

3. The LOCAL UNIT agrees to become a member of the FUND until **January 1, 2018**, at 12:01 a. m. eastern standard time. The commencement date shall be the effective date as established by the FUND's Bylaws and policies.

4. The LOCAL UNIT certifies that it has not been canceled for non-payment of insurance premiums for a period of at least two (2) years prior to the date hereof, or, if self-insured, that it has never defaulted on any claims.

5. In consideration of membership in the FUND, the LOCAL UNIT agrees that it shall jointly and severally assume and discharge the liability of each and every member of the FUND in accordance with statute and regulation, and by execution hereof the full faith and credit of the LOCAL UNIT is pledged to the punctual payment of any

sums which shall become due to the FUND in accordance with the Bylaws thereof, this Agreement or any applicable statute or regulation.

6. If the FUND, in the enforcement of any part of this Agreement, shall incur necessary expense or become obligated to pay attorney's fees and/or court costs, the LOCAL UNIT agrees to reimburse the FUND for all such reasonable expenses, fees and costs on demand.

7. The LOCAL UNIT and the FUND agree that the FUND shall hold in trust all monies paid by the LOCAL UNIT to the FUND and those monies will be used in accordance with all applicable statutes, the FUND's Bylaws and the Risk Management Program.

8. If required by the Commissioner of Insurance or applicable statutes or regulations, the FUND shall establish separate trust fund accounts in accordance with N.J.S.A. 40A:10-36, et seq. and any other statutes or regulations that may be applicable. Said trust accounts shall be used solely for the payment of claims made against members of the FUND, excess insurance premiums and/or the administration of the FUND, or for such other purposes as now or hereunder permitted by statute or regulation.

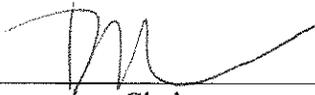
9. Each LOCAL UNIT which shall become a member of the FUND shall be obligated to execute an agreement similar in form to this Agreement.

10. To the extent required by law, the LOCAL UNIT shall provide notice of this Agreement to the Office of the State Comptroller.

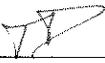
BOROUGH OF ROCKY HILL

Member Name

ATTEST:



Clerk

By:  _____

Title: MAYOR

STATEWIDE INSURANCE FUND

By: _____

Chairman

ATTEST: _____

Secretary

Dated: _____

2015-54

STATEWIDE INSURANCE FUND

RESOLUTION TO JOIN (RENEW) THE FUND

WHEREAS, a number of local units have joined together to form the Statewide Insurance Fund ("FUND"), a joint insurance fund, as permitted by N.J.S.A. 40A:10-36, *et seq.*; and

WHEREAS, the Borough of Rocky Hill ("LOCAL UNIT") has complied with relevant law with regard to the acquisition of insurance; and

WHEREAS, the statutes and regulations governing the creation and operation of joint insurance funds contain elaborate restrictions and safeguards concerning the safe and efficient administration of such funds; and

WHEREAS, the LOCAL UNIT has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

WHEREAS, the LOCAL UNIT agrees to be a member of the FUND for a period of three (3) years, effective from **January 1, 2015** terminating on **January 1, 2018** at 12:01 a.m. standard time; and

WHEREAS, the LOCAL UNIT has never defaulted on claims, if self-insured, and has not been canceled for non-payment of insurance premiums for two (2) years prior to the date of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the LOCAL UNIT does hereby agree to join the Statewide Insurance Fund; and

BE IT FURTHER RESOLVED that to the extent required by law, the Local Unit shall provide notice of the Indemnity and Trust Agreement to the Office of the State Comptroller; and

BE IT FURTHER RESOLVED that the LOCAL UNIT will be afforded the following coverage(s) as marked "Yes":

	<u>YES</u>	<u>NO</u>
Workers' Compensation & Employer's Liability	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Liability, Property, Crime-Faithful Performance and Fidelity, Inland Marine, Boiler and Machinery, Comprehensive General Liability, Auto Liability, Auto Physical Damages and Professional Liability	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Pollution Liability	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Umbrella	<input checked="" type="checkbox"/>	<input type="checkbox"/>

BE IT FURTHER RESOLVED that REBECCA P. NEWMAN (*name of member employee*) is hereby appointed as the LOCAL UNIT's Fund Commissioner and is authorized to execute the application for membership and the accompanying certification on behalf of the LOCAL UNIT; and

BE IT FURTHER RESOLVED that the LOCAL UNIT's Fund Commissioner is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying the membership in the FUND as required by the FUND's Bylaws and to deliver same to the Administrator of the FUND with the express reservation that said documents shall become effective only upon the LOCAL UNIT's admissions to the FUND following approval of the FUND by the New Jersey Department of Banking and Insurance.

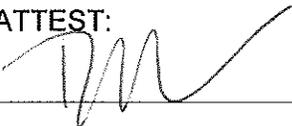
Member name: BOROUGH OF ROCKY HILL

By: _____



Title: MAYOR

ATTEST:



(Clerk)

Dated: 6/3/15

This Resolution agreed to the 1st day of June, 2015, by a vote of:

5 Affirmative 0 Abstain 0 Negative 1 Absent

EXPLANATION: THIS RESOLUTION ALLOWS THE BOROUGH COUNCIL TO RETIRE INTO EXECUTIVE SESSION.

BOROUGH OF ROCKY HILL

RESOLUTION 2015-55

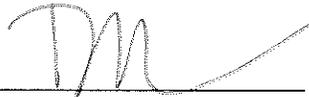
WHEREAS, Section 8 of the Open Public Meetings Act (N.J.S.A. 10:4-12(b) (1-9) permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Borough Council is of the opinion that such circumstances exist.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council 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 June 1, 2015.
2. The general nature of the subject matter to be discussed is as follows: - **A. Potential Litigation-In Re the Borough of Rocky Hill 2015 Affordable Housing Plan 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 Borough Council may take official action on those items discussed in executive session upon completion of the executive session.

This Resolution takes effect immediately.



Rebecca P. Newman

Borough Clerk

CERTIFICATION

I, Rebecca P. Newman, Borough Clerk, of the Borough of Rocky Hill, County of Somerset, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Borough Council at a regular meeting of said Council held on June 1, 2015.

Rebecca P. Newman

Borough Clerk