



Borough of Rocky Hill  
Borough Council Agenda  
October 2, 2017  
7:30 PM

1. CALL TO ORDER

2. SALUTE TO THE FLAG

3. NOTICE OF COMPLIANCE WITH OPEN PUBLIC MEETINGS ACT -

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 14, 2017. 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.

4. ROLL CALL

5. MAYOR'S COMMENTS

6. APPROVAL OF MINUTES

A. Borough Council - Summer Meeting - Sep 18, 2017 7:30 PM

**B. Executive Session Minutes**

7. PUBLIC COMMENT– (MEMBERS OF THE PUBLIC WISHING TO ADDRESS THE MAYOR AND COUNCIL ARE REQUESTED TO STAND AND STATE THEIR NAME AND ADDRESS FOR THE RECORD.)

8. STATE POLICE REPORT

9. ENGINEER'S REPORT

10. CHIEF FINANCIAL OFFICER'S REPORT

11. APPROVAL OF VOUCHERS TO BE PAID

A. Bill List Dated 10/2/2017

**12. SPECIAL BUSINESS**

A. RESOLUTION-2017-60 Resolution Authorizing Municipal Alliance Grant for Fiscal Year 2017-2018

B. RESOLUTION-2017-61 Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for Crosswalk Signs

C. ORDINANCE-2017-03 An Ordinance Amending Chapter 189 Section 29 of the Code of the Borough of Rocky Hill Titled Parking

D. ORDINANCE-2017-04 An Ordinance Amending Part Ii Entitled "General Legislation" of the Revised General Ordinances of the Borough of Rocky Hill by the Addition and Creation of Chapter 200 Entitled "Massage Establishment Licensing"

### **13. UNFINISHED BUSINESS**

- A. ORDINANCE-2017-02 An Ordinance Repealing Ordinance No. 2015- Titled "An Ordinance Authorizing the Creation of a New Position to Assist in the Operations of the Office of Emergency Management to be Known as the Office of Emergency Management Specialist" and Replacing it with Ordinance 2017-02 Authorizing the Creation of Three Per Diem Fire Fighters Positions as Part of the Rocky Hill Hook and Ladder Company

### **14. NEW BUSINESS**

- A. Discussion Regarding a Message Board
- B. Court Administrator Position Discussion

### **15. COMMUNICATIONS**

- 16. FINAL PUBLIC COMMENT– (MEMBERS OF THE PUBLIC WISHING TO ADDRESS THE MAYOR AND COUNCIL ARE REQUESTED TO STAND AND STATE THEIR NAME AND ADDRESS FOR THE RECORD.)

### **17. ADJOURNMENT**



Borough of Rocky Hill  
Borough Council  
Minutes of the Regular Meeting  
September 18, 2017

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

**NOTICE OF COMPLIANCE WITH OPEN PUBLIC MEETINGS ACT**

**ROLL CALL**

Attendee Name	Title	Status	Arrived
Robert Ashbaugh	Councilman	Present	
Billy Dawson	Councilman	Present	
John Hagemann	Councilman	Present	
Anthony Sciaraffo	Councilman	Present	
Mark Sibley	Councilman	Present	
Robert Uhrik	Councilman	Late	7:32 PM
Phil Kartsonis	Mayor	Present	

Also present: Clerk Rebecca Newman, Deputy Clerk Christine Witt, CFO Joe Monzo, Engineer Bill Tanner, and Attorney Ed Purcell.

**MAYOR'S COMMENTS**

None.

**APPROVAL OF MINUTES**

A. Borough Council - Summer Meeting - Jul 17, 2017 7:30 PM

**RESULT:** ACCEPTED [UNANIMOUS]  
**MOVER:** Billy Dawson, Councilman  
**SECONDER:** Mark Sibley, Councilman  
**AYES:** Ashbaugh, Dawson, Hagemann, Sciaraffo, Sibley, Uhrik

B. Borough Council - First Meeting of Month - Sep 5, 2017 7:30 PM

**RESULT:** ACCEPTED [5 TO 0]  
**MOVER:** Mark Sibley, Councilman  
**SECONDER:** Anthony Sciaraffo, Councilman  
**AYES:** Ashbaugh, Hagemann, Sciaraffo, Sibley, Uhrik  
**ABSTAIN:** Dawson

**PUBLIC COMMENT**

Minutes Acceptance: Minutes of Sep 18, 2017 7:30 PM (Approval of Minutes)

Ken Rizzi, 14 Crescent Avenue, thanked to the Council for the police agreement with Franklin Township and pointed out that many cars speed late at night. Mr. Dawson responded that he would be setting the schedule, and the Franklin police will be working shifts outside of rush hour.

A. Eagle Scout Presentation - Ethan Rizzi

Ethan Rizzi, 14 Crescent Avenue, proposed the installation of a boardwalk from Crescent Avenue near the Princeton Business Park to Van Horne Park as a Boy Scout Eagle Project. The purpose of the project is to re-establish the path that previously existed but has not been maintained. Mr. Rizzi proposes to provide the labor and a sign to mark the entrance of the path and requested that the Borough provide professional planning services and materials. Engineer Bill Tanner offered to provide the survey and design for the project.

### **STATE POLICE REPORT**

A. State Police Report August 2017

### **ENGINEER'S REPORT**

A. Engineers Report September 2017

The water tower generator should arrive in 2-3 weeks. The water restrictions on new connections are still in place. The Borough will go out for back-up bids for leaf collection but will plan to use Branchburg Township. Big trash pick up will be scheduled for October 18th and brush and limb pick up for the 19th and 20th.

B. Sewer Update ( Bill Tanner)

Flow charts show that the Borough has unusually high flows in the sewer lines which may indicate problems with the manholes or pipes. The Water, Sewer and Environmental Protection committee will investigate and make a recommendation.

### **CHIEF FINANCIAL OFFICER'S REPORT**

A. Community Grant Update (CFO)

The CFO met with Clean Communities Coordinator William Epps. Funds for 2011-2017 have been allocated, and there is approximately \$10,000 remaining. Those fund may be used for drain cleaning and street sweeping.

B. Best Practices 2017 Discussion

The CFO reviewed the questionnaire with the Council.

### **DEPARTMENTAL REPORTS**

A. Tax Collectors Report August 2017

B. Municipal Court Report August 2017

### **APPROVAL OF VOUCHERS**

## A. Bill List Dated 9/18/2017

All voucher except #6417 and #6419 (this voucher was void).

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mark Sibley, Councilman
<b>SECONDER:</b>	Billy Dawson, Councilman
<b>AYES:</b>	Ashbaugh, Dawson, Hagemann, Sciaraffo, Sibley, Uhrik

## B. Motion to Approve Voucher 6417

<b>RESULT:</b>	<b>ADOPTED [5 TO 0]</b>
<b>MOVER:</b>	Mark Sibley, Councilman
<b>SECONDER:</b>	Robert Ashbaugh, Councilman
<b>AYES:</b>	Ashbaugh, Dawson, Sciaraffo, Sibley, Uhrik
<b>ABSTAIN:</b>	Hagemann

## COMMITTEE REPORTS

Administration & Records -B. Dawson

No report.

Buildings & Grounds - J. Hagemann

Mr. Hagemann proposed introducing an ordinance prohibiting overnight parking in the Municipal Building parking lot.

Finance & Insurance - R. Uhrik

No report.

Public Safety & Emergency Services - B. Dawson

The Franklin Police began traffic control in Rocky Hill and issued several tickets. The Public Safety Committee had a meeting with the Fire Department and Rescue Squad. The radar sign data shows that the average peak speed is 36 mph on Crescent Avenue and 41 mph on Montgomery Avenue. Mr. Dawson is considering moving the signs at the end of the month.

Streets & Roads -M. Sibley

Mr. Sibley reported that there are broken signs throughout the Borough, and he is planning for an extensive realignment of signs: many signs are old and rusted. Mr. Sibley suggested reaching out to the Recycling Coordinator about potentially establishing an "adopt a highway" campaign.

Water, Sewer & Environmental Protection - B. Uhrik

All water tests normal.

Council Representative to Planning Board - R. Ashbaugh

St. Elizabeth's Church expansion was approved by the Planning Board. Trinity Church has submitted an application for a speaker system on the roof.

Council Liaison to Recreation Committee- a. Schiaraffo

The Borough received a check from Montgomery Township for fees collected for the use of Van Horne Park.

Council Representative to Board of Health - B. Uhrik

The Flu Clinic will be held October 24th from 1-3. Montgomery Township is moving forward on national accreditation. The Health Department held a chronic disease symposium. Mr. Uhrik is working on an ordinance to regulate massage parlors and suggested considering an ordinance for vape shops.

A. Health Department Ordinance Discussion

Zoning Official's Report - M. Blasch

No report.

Grants Committee - P. Kartsonis

No report.

**SPECIAL BUSINESS**

A. RESOLUTION-2017-55 Certifying that All Members Of the Governing Body of Rocky Hill Borough, Somerset County, Have Reviewed, as a Minimum, The Sections of the 2016 Annual Audit Entitled "General Comments and Recommendations"

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Robert Uhrik, Councilman  
**SECONDER:** Mark Sibley, Councilman  
**AYES:** Ashbaugh, Dawson, Hagemann, Sciaraffo, Sibley, Uhrik

B. RESOLUTION-2017-56 A Resolution Advising the Somerset County Board of Chosen Freeholders of Municipal Participation in the Second Update of the Somerset County Multi-Jurisdictional Hazard Mitigation Plan

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Robert Uhrik, Councilman  
**SECONDER:** Robert Ashbaugh, Councilman  
**AYES:** Ashbaugh, Dawson, Hagemann, Sciaraffo, Sibley, Uhrik

C. RESOLUTION-2017-57 Authorizing the Borough of Rocky Hill to Join the Statewide Insurance Fund from 1/1/18 to 1/1/21 and Authorizing the Mayor and Clerk to Sign the Indemnity and Trust Agreement

Minutes Acceptance: Minutes of Sep 18, 2017 7:30 PM (Approval of Minutes)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Robert Ashbaugh, Councilman
<b>SECONDER:</b>	Mark Sibley, Councilman
<b>AYES:</b>	Ashbaugh, Dawson, Hagemann, Sciaraffo, Sibley, Uhrik

**UNFINISHED BUSINESS**

- A. ORDINANCE-2017-02 An Ordinance Repealing Ordinance No. 2015- Titled "An Ordinance Authorizing the Creation of a New Position to Assist in the Operations of the Office of Emergency Management to be Known as the Office of Emergency Management Specialist" and Replacing it with Ordinance 2017-02 Authorizing the Creation of Three Per Diem Fire Fighters Positions as Part of the Rocky Hill Hook and Ladder Company

The ordinance was introduced, and the public hearing will take place on October 2, 2017.

<b>RESULT:</b>	<b>TABLED [UNANIMOUS]</b>	<b>Next: 10/2/2017 7:30 PM</b>
<b>MOVER:</b>	Billy Dawson, Councilman	
<b>SECONDER:</b>	Robert Ashbaugh, Councilman	
<b>AYES:</b>	Ashbaugh, Dawson, Hagemann, Sciaraffo, Sibley, Uhrik	

**NEW BUSINESS**

- A. Per Diem Proposal (Chief Harris)  
Chief Harris recommended moving the position of OEM specialist to the fire department.
- B. Franklin Township Police Agreement (Discussion)  
Police service began with 8 tickets issued on the first day. The police will patrol 3 times a week for four-hour shifts. The question of court security needs to be resolved.
- C. Van Horne Park Discussion - Matt Rosenthal  
Matt Rosenthal of Montgomery NFL Flag Football presented a proposal to erect a storage shed in Van Horne Park. The shed will be purchased by Flag Football and donated to Montgomery Township. Borough Council consented to the purchase and will follow up with Montgomery Township regarding the acceptance of the donation.

**COMMUNICATIONS**

- A. Communications for August 2017

**PUBLIC COMMENT**

None.

**EXECUTIVE SESSION**

**RESULTS OF EXECUTIVE SESSION (IF ANY)**

Minutes Acceptance: Minutes of Sep 18, 2017 7:30 PM (Approval of Minutes)

1. RESOLUTION-2017-58 To Retire into Executive Session for the Purpose of Potential Litigation 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Billy Dawson, Councilman
<b>SECONDER:</b>	Mark Sibley, Councilman
<b>AYES:</b>	Ashbaugh, Dawson, Hagemann, Sciaraffo, Sibley, Uhrik

### **ADJOURNMENT**

The meeting adjourned at 10:20 PM.

Minutes Acceptance: Minutes of Sep 18, 2017 7:30 PM (Approval of Minutes)



List of Bills - (All Funds)

11.A.a

Vendor	Description	Payment	Check	Total
<b>CURRENT FUND</b>				
12 - ARC OF SOMERSET COUNTY	PO 6430 Janitorial Services August	100.00		.00
60 - COURIER NEWS	PO 6431 Legal Advertising: Municipal Ordina	32.68		.68
71 - DIFRANCESCO BATEMAN PC	PO 6427 Legal Services Augut 2017	2,424.98	2	.98
640 - Fine Construction	PO 6297 Generator Award per resolution	8,500.00	8	.00
86 - GENERAL CODE PUBLISHERS	PO 6437 eCode360 Annual Maintenance	1,195.00	1	.00
148 - MARY JACOBS LIBRARY	PO 6428 Library Sustainablity Program	550.00		.00
247 - SOMERSET COUNTY TREASURER	PO 6436 County Household Recycling Q3 2017	1,747.01	1	.01
251 - SOUTH BOUND BROOK BOROUGH	PO 6432 Court Split and Court Attendant	401.22		.22
455 - TAMARA LEE PP	PO 6435 Planning Board Planner Services	920.00		.00
280 - U. S. POSTAL SERVICE	PO 6433 Envelops, pre-printed window	601.75		.75
<b>UTILITY OPERATING</b>				
311 - TIM LESKO	PO 6434 Water Dept Maintenance	200.00		.00
289 - VERIZON	PO 6429 Water Dept. phone	33.30		.30
<b>TRUST OTHER</b>				
455 - TAMARA LEE PP	PO 6435 Planning Board Planner Services	776.25		.25
TOTAL			17	.19

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	IT
01-101-01-001	CASH			0.00	7, 64
01-201-20-100-020	GENERAL ADMINISTRATION - OTHER EXPENSE	1,813.68			
01-201-20-110-020	MAYOR AND COUNCIL - OTHER EXPENSE	15.75			
01-201-20-155-020	LEGAL SERVICES - OTHER EXPENSE	1,883.20			
01-201-21-190-020	COAH - OTHER EXPENSE	1,461.78			
01-201-26-306-020	RECYCLING - OTHER EXPENSE	1,747.01			
01-201-26-310-020	BUILDINGS AND GROUNDS - OTHER EXPENSE	100.00			
01-201-41-700-020	GRANTS	550.00			
01-201-43-490-020	MUNICIPAL COURT - OTHER EXPENSE	401.22			
<b>TOTALS FOR</b>	<b>CURRENT FUND</b>	<b>7,972.64</b>	<b>0.00</b>	<b>0.00</b>	<b>7, 64</b>
02-160-05	DUE FROM CURRENT			0.00	8, 00
02-213-40-803-100	APPROPRIATED RESERVES			8,500.00	
<b>TOTALS FOR</b>	<b>STATE AND FEDERAL GRANT FUND</b>	<b>0.00</b>	<b>0.00</b>	<b>8,500.00</b>	<b>8, 00</b>
08-101-01-001	CASH			0.00	30
08-201-26-290-020	Other Expense	233.30			
<b>TOTALS FOR</b>	<b>UTILITY OPERATING</b>	<b>233.30</b>	<b>0.00</b>	<b>0.00</b>	<b>30</b>
19-260-05	INTERFUND - DUE CURRENT			0.00	25
19-290-56-900-9	RESERVE FOR DEVELOPERS ESCROW			776.25	
<b>TOTALS FOR</b>	<b>TRUST OTHER</b>	<b>0.00</b>	<b>0.00</b>	<b>776.25</b>	<b>776.25</b>

Attachment: October 2017 (DOC-2017-93 : Bill List Dated 10/2/17)

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY
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Total to be paid from Fund 01	CURRENT FUND	7,972.64		
Total to be paid from Fund 02	STATE AND FEDERAL GRANT FUND	8,500.00		
Total to be paid from Fund 08	UTILITY OPERATING	233.30		
Total to be paid from Fund 19	TRUST OTHER	776.25		
		=====		
		17,482.19		

Attachment: October 2017 (DOC-2017-93 : Bill List Dated 10/2/17)



**BOROUGH OF ROCKY HILL  
SOMERSET COUNTY**

**RESOLUTION-2017-60**

**Resolution Authorizing Municipal Alliance Grant for Fiscal Year 2017-2018**

WHEREAS, the County of Somerset Has Prepared a Contract Which Would Provide \$19,700.16 to Montgomery Township for the Provision of Montgomery-Rocky Hill Municipal Alliance Activities for Prevention of Alcoholism and Drug Abuse, and the Township Would Provide a 75% Match of \$14,775.12 in In-Kind Services, and a 25% Cash Match of \$4,925.04 Will be Raised by the Municipal Alliance Committee or Provided by the Municipality, and a Copy of the Proposed Agreement is on File in the Office of the Borough Clerk,

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Rocky Hill, County of Somerset, that it Hereby Authorizes the Mayor and Clerk to Sign the Original of This Agreement.

ATTEST:

By:

Rebecca P. Newman, RMC  
Borough Clerk

By:

Phil Kartsonis, Mayor

**CERTIFICATION**

I, Rebecca P. Newman, 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 October 2, 2017.

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Rebecca P. Newman, RMC  
Borough Clerk



**BOROUGH OF ROCKY HILL  
SOMERSET COUNTY**

**RESOLUTION-2017-61**

**Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for Crosswalk Signs**

NOW THEREFORE BE IT RESOLVED that the Council of the Borough of Rocky Hill formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Council and Clerk are hereby authorized to submit an electronic grant application identified as MA 2017 Princeton Avenue Southern Section 00548 to the New Jersey Department of Transportation on behalf of the Borough of Rocky Hill.

BE IT FURTHER RESOLVED that the Mayor and Council and clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Rocky Hill and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

ATTEST:

By:  
Rebecca P. Newman, RMC  
Borough Clerk

By:  
Phil Kartsonis, Mayor

**CERTIFICATION**

I, Rebecca P. Newman, 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 October 2, 2017.

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Rebecca P. Newman, RMC  
Borough Clerk



**Ordinance # ORDINANCE-2017-03**

**AN ORDINANCE AMENDING CHAPTER 189 SECTION 29 OF THE CODE OF THE BOROUGH OF ROCKY HILL TITLED PARKING**

**§ 185-29 Parking prohibited.**

A. Parking of any vehicle on any portion of the Borough Hall Parking Lot, located at 15 Montgomery Avenue, is prohibited nightly between 12:00 A.M. and 6:00 A.M.. and whenever snow has fallen and the accumulation is such that it covers the parking lot.

Introduced and passed on first reading: September 28, 2017

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ATTEST:

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Rebecca Newman, Borough Clerk

\_\_\_\_\_  
Edward Zimmerman, Mayor



**Ordinance # ORDINANCE-2017-04**

**AN ORDINANCE AMENDING PART II ENTITLED "GENERAL LEGISLATION" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ROCKY HILL BY THE ADDITION AND CREATION OF CHAPTER 200 ENTITLED "MESSAGE ESTABLISHMENT LICENSING"**

**EXPLANATION:** This Ordinance amends and supplements Part II entitled "General Legislation" of the Revised General Ordinances of the Borough of Rocky Hill by the addition and creation of Chapter 200 entitled "Massage Establishment Licensing."

**WHEREAS,** the operations of Massage Establishments raise certain issues related to the health and safety of the communities in which they operate;

**WHEREAS,** Massage Establishments now do, and will in the future, operate in the Borough of Rocky Hill (the "Borough"); and

**WHEREAS,** the Borough Council finds it in the best interests of its residents to adopt an ordinance licensing and regulating the operation of Massage Establishments within the Borough; and

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Rocky Hill, in the County of Somerset and State of New Jersey as follows:

1. Part II entitled "General Legislation" of *The Revised General Ordinances of the Borough of Rocky Hill* is hereby amended by the addition and creation of Chapter 200 entitled "Massage Establishment Licensing" as follows:



## **Chapter 200: Massage Establishment Licensing**

### **§ 200-1 Declaration of findings.**

It is declared that the business of operating Massage Establishments, as defined in this chapter, is a business affecting the public health, safety and welfare of the Borough and its residents.

### **§ 200-2 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

#### **ADVERTISEMENT**

Any attempt directly or indirectly by publication, dissemination, or circulation in print or Electronic Media which directly or indirectly induces or attempts to induce any Person or entity to purchase or enter into an agreement to purchase services related thereto from a Massage Establishment or Massage Therapist.

#### **APPLICANT**

Any Person or entity seeking to be licensed by the Borough of Rocky Hill under this Chapter.

#### **ELECTRONIC MEDIA**

Radio, television and Internet.

#### **EMPLOYEE**

Any Person other than a Massage Therapist who renders any service in connection with the operation of a Massage business and receives compensation from the operator of the Massage Establishment or its Patrons.

#### **LICENSEE**

The operator of a Massage Establishment.

#### **MASSAGE SERVICES**

Any systems of activity of structured touch which include, but are not limited to, holding, applying pressure, positioning and mobilizing soft tissue of the body by manual technique and use of visual, kinesthetic, auditory and palpating skills to assess the body for purposes of applying therapeutic massage, bodywork or somatic principles. Such application may include, but is not limited to, the use of therapies such as heliotherapy or hydrotherapy, the use of moist hot and cold external

applications, external application of herbal or topical preparations not classified as prescription drugs, explaining and describing myofascial movement, self-care and stress management as it relates to massage, bodywork and somatic therapies. massage, bodywork and somatic therapy practices are designed to affect the energetic system of the body for the purpose of promoting and maintaining the health and well-being of the client. Massage, bodywork and somatic therapies do not include the diagnosis or treatment of illness, disease, impairment or disability.

**MESSAGE ESTABLISHMENT**

Any establishment where any Person, firm, association or corporation engages in, carries on or permits to be engaged in or carried on any of the activities mentioned in the definition of Massage for compensation of any kind.

**MESSAGE THERAPIST**

An individual who has taken courses in massage therapy and has received a diploma or certificate of completion in the area of Massage therapy from an educational institution offering degrees and/or certifications in massage therapy and who holds a valid certification or license issued by the New Jersey Board of Massage and Bodywork Therapy.

**PATRON**

Any Person who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or give other consideration therefor.

**PERSON**

Any individual, firm, association, corporation or combination of individuals of whatever form or character.

**PRINT MEDIA**

Newspapers, magazines, periodicals, professional journals, telephone directories, circulars, handbills, flyers, billboards, signs, business cards, match covers and other similar items, documents or comparable publications, the content of which is disseminated by means of the printed work.

**SEXUAL OR GENITAL AREA**

Genitals, anus or perineum of any Person or the breasts or vulva of a female.

**§ 200-3 Licensing of Massage Establishments.**

**A.** After January 1, 2018 no Massage Establishment shall operate or provide Massage Services within the Borough without obtaining a license from the Clerk of the Borough of Rocky Hill. The license is specific to Massage Establishments and is independent

of any certificate of occupancy or approval for the use of any premises as a Massage Establishment.

**B.** Any Person seeking to obtain a license to operate a Massage Establishment within the municipality must provide the following:

- (1) A completed application as provided by the Clerk of the Borough of Rocky Hill accompanied by a non-refundable application fee in the amount of \$200;
- (2) The names, addresses, dates of birth and social security numbers for each Person having an ownership interest in the Massage Establishment;
- (3) The names, addresses, dates of birth and social security numbers for each Massage Therapist who will provide Massage Services for the Massage Establishment;
- (4) A copy of a valid certification or license issued by the New Jersey Board of Massage and Bodywork Therapy for each Massage Therapist who will provide Massage Services for the Massage Establishment;
- (5) A copy of a driver's license, passport or other government-issued photograph identification for each Person having an ownership interest in the Massage Establishment. The copy shall be in color and of such quality so that the owner is readily identifiable from the photograph;
- (6) A copy of a driver's license, passport or other government-issued photograph identification for each Massage Therapist providing Massage Services for the Massage Establishment. The copy shall be in color and of such quality so that the Massage Therapist is readily identifiable from the photograph;
- (7) A criminal background check for each Person having an ownership interest in the Massage Establishment and each Massage Therapist to be completed through the filing of New Jersey Universal Fingerprint Forms to be provided by the Borough;
- (8) Satisfactory proof of business liability insurance; and
- (9) Satisfactory proof all applicable building, zoning, health and fire code requirements have been met and inspection certificates issued.
- (10) Certification that Applicant has never had its Massage Establishment license revoked by any other New Jersey municipality.

**§ 200-4 Application Background Review and Investigation.**

**A.** When the application is properly completed and signed by the Applicant, the original, duplicate and applicable fees shall be filed with the Borough Clerk. The Clerk shall refer the duplicate to the Department of Health.

**B.** The Department of Health may disapprove an application because of: 1) fraud, misrepresentation, false statement or omission of any required information in the application process; 2) evidence that another municipality has revoked Applicant's license to operate a Massage Establishment; or 3) evidence of violations by the Applicant or Massage Therapists of a conviction of a criminal or quasi-criminal offense related to the Massage Establishment business or any human trafficking or sex-related offense;

**C.** Upon completion of its review, the Department of Health shall endorse the application noting approval or disapproval and forward the application to the Borough Clerk with supporting information.

**D.** Upon approval by the Department of Health, the Borough Clerk shall forward the application to the applicable Borough departments to verify that all building, zoning, health and fire code requirements have been met.

**E.** If the Department of Health approves the application and the Borough Clerk has determined that the remaining requirements are satisfied, the Borough Clerk shall cause said license to be issued.

**F.** The Massage Establishment shall immediately notify the Borough Clerk of any change in ownership interest or any change in Massage Therapists performing Massage services at the Massage Establishment. The information set forth above shall be provided for each new owner or Massage Therapist, including a criminal background check. The Borough Clerk shall forward the information to the Department of Health for review. No Massage Establishment shall permit a Massage Therapist to perform Massage services at the Massage Establishment until the information set forth herein is provided to the Borough Clerk.

**§200-5 Display of licenses.**

**A.** Every Massage Establishment shall display in a conspicuous place so as to be readily seen by Persons entering the premises a valid Massage Establishment license issued by the Borough.

**B.** Every Massage Establishment shall maintain on file for inspection a valid certification or license issued by the New Jersey Board of Massage and Bodywork Therapy for each Massage Therapist providing Massage services at the premises. The file shall also contain a copy of a driver's license, passport or other government issued photograph identification for each Massage Therapist providing Massage services at the premises.

The copy shall be in color and of such quality so that the Massage Therapist is readily identifiable from the photograph.

**§ 200-6 Operating requirements.**

**A.** Price rates for all services offered by the Massage Establishment and signage specifying the age restriction shall be prominently posted in the reception area. No services shall be offered or provided by the Massage Establishment or Massage Therapist unless as specifically posted.

**B.** All Employees, including Persons performing a Massage, shall wear nontransparent outer garments, covering the Sexual or Genital Areas.

**C.** The Sexual or Genital Area of Patrons must be covered by towels or cloths or undergarments when in the presence of an Employee or Massage Therapist.

**D.** Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m.

**E.** Every Massage Establishment and Massage Therapist shall comply with the infection control precautions currently set forth at N.J.A.C. 13:37-16.8 and as may be amended.

**F.** Every Massage Establishment and Massage Therapist shall comply with the sexual misconduct provisions currently set forth at N.J.A.C. 13:37-16.12 and as may be amended.

**G.** Every Massage Establishment and Massage Therapist shall comply with the recordkeeping requirements currently set forth at N.J.A.C. 13:37-16.14 and as may be amended.

**H.** A handwashing sink shall be required in the establishment and Employees must thoroughly wash their hands before and after each client. A handwashing sign shall be posted at the sink stating "Employees must wash hands".

**I.** Disinfectant cleaners and sanitizers shall be available on the premises at all times. All furnishings that may come in contact with clients shall be cleaned and sanitized between each client. Any re-usable massage instruments (including hot stones) must be sanitized before re-use between clients with a sanitizing method approved by the Health Department.

**J.** An adequate supply of clean linens and towels shall be available and supplied to each client. All used linen and towels shall be hot laundered before re-use.

**K.** All massage tables, bathtubs, shower stalls, steam or bath areas and floors shall have surfaces which may be readily disinfected, and shall be maintained in a sanitary condition and regularly cleaned and disinfected. All parts of the establishment, including finishes and furnishings, shall be kept in good repair and maintained clean and sanitary at all times.

**§200-7 Prohibited acts.**

**A.** No Employee or Patron shall touch or fondle, or offer to touch or fondle, in any manner the Sexual or Genital Area of any Patron.

**B.** No owner or manager of a Massage Establishment shall tolerate in his or her establishment any activity or behavior prohibited by the State of New Jersey, particularly, but not limited to, laws proscribing prostitution, indecency and obscenity, including the sale, uttering or exposing and public communication of obscene material; laws which relate to the commission of sodomy, adultery and proscribing fornication, nor shall any owner or manager tolerate in his or her establishment any activity or behavior which violates this section.

**C.** Any conviction of any Employee of a Massage Establishment of a violation of the aforementioned statutes and codes shall devolve upon the owner or manager of such establishment, to the extent that it constitutes sufficient cause for the suspension or revocation of the establishment license.

**D.** The Licensee of the Massage Establishment shall not permit:  
1. Table Showers  
2. Ear Candling  
3. All procedures and services that involve ear picks, ear scoops or ear spoons.  
4. Cupping, or applying the open end of a glass vessel or vessel of another material onto the client's skin and utilizing an open flame to heat the vessel.  
5. Any activities or therapies that utilize any form of terrestrial or aquatic animals during therapy including but not limited to fish foot spas.  
6. Any activities or therapies that utilize animal waste or products that contain animal waste as an ingredient.  
7. Colon cleansing.

**E.** No bulk food storage, or meal preparation is permitted on premises. Alcoholic beverages shall not be stored nor consumed on the premises.

**F.** No one under 18 years of age shall be served unless accompanied by a parent or legal guardian.

**G.** Animals, except for Service dogs, shall not be permitted in the Massage work area.

**H.** No Person or Persons are allowed use of the Massage Establishment premises for the purpose of sleeping, lodging, or as a domicile. No part of the Massage Establishment shall contain rooms used for sleeping purposes.

**I.** No Massage Establishment shall knowingly serve any Patron infected with any fungus or other skin infections, nor shall service be performed on any Patron exhibiting skin inflammation or eruptions, provided that a duly licensed physician may

certify that a Person may be safely provided with a Massage, bodywork or somatic therapy, prescribing the conditions thereof.

**§200-8 Advertising and solicitation practices.**

**A.** No Person shall advertise or offer to provide Massage Services for compensation within the Borough of Rocky Hill unless licensed as a Massage Establishment pursuant to this chapter.

**B.** All advertisements for Massage Services to be provided within the Borough of Rocky Hill shall include the Massage Establishment's name, address and telephone number.

**§200-9 Change of location.** Once a license has been issued, any change in the location of the Massage Establishment premises shall be on notice and approval of the Borough Clerk. A change of location fee in the amount of \$200 shall be paid to the Borough Clerk.

**§200-10 Employees.**

It shall be the responsibility of the owners of the Massage Establishment and the holder of the license for the Massage Establishment to ensure that all Persons and Massage Therapists comply with the provisions of this chapter.

**§200-11 Inspections.** The Department of Health, Zoning and Code Official may make inspections of any and all parts of the Massage Establishment to ensure compliance with the provisions of this chapter, the Borough Code, and laws and administrative codes of the State of New Jersey.

**§200-12 Revocation of License.**

**A.** The Borough Clerk may revoke the license of a Massage Establishment for any of the following reasons:

(1) The Massage Establishment violates or fails to comply with any provisions of this chapter, the Borough Code, or laws and administrative codes of the State of New Jersey;

(2) Any Person or Massage Therapist employed by the Massage Establishment violates or fails to comply with any provisions of this chapter, the Borough Code, or laws and administrative codes of the State of New Jersey;

(3) Anyone with an ownership interest in the Massage Establishment is convicted of a criminal or quasi-criminal offense related to the Massage Establishment business or any sex-related offense;

(4) Any Person or Massage Therapist employed by the Massage Establishment is convicted of a criminal or quasi-criminal

offense related to the Massage Establishment business or any sex-related offense;

(5) The Massage Establishment is engaged in the practice of Massage under a false or assumed name, or is using the name of a licensed Massage Therapist not associated with the Massage Establishment, or if any information required by this ordinance is false or misleading.

(6) The Massage Establishment employs or permits any Person without a valid certification or license from the New Jersey Board of Massage and Bodywork Therapy to provide Massage Services for the Massage Establishment.

B. The Borough Clerk shall cause a notice of license revocation, to be issued to the Licensee at the Licensee's most recent address on file, that the license has been revoked. Within 10 days of the delivery of said notice, the Applicant may appeal to the Borough Council to reinstate the license. The Borough Council shall hold a hearing. Once the ten-day appeal period has passed, or if upon appeal to the Borough Council the license revocation is upheld, the Massage Establishment or individual will be barred from providing Massage Services within the Borough for a period of five years.

**§200-13 License Term.**

Licenses shall be issued for a term of one year commencing on January 1st and expiring December 31st of the year of issuance.

**§200-14 License Renewal.**

The annual renewal fee of \$125 and application for a Massage Establishment shall be submitted to the Borough Clerk by October 31 of the current year. However, additional background checks shall only be required as requested by the Department of Health. The Department of Health shall conduct an inspection of the premises of the Massage Establishment prior to the Borough Clerk renewing the Massage Establishment's license.

**§200-15 Exemptions.**

A. The requirements of this chapter shall have no application and effect upon any physician, surgeon, chiropractor, osteopath, nurse, nurse practitioner, physician's assistant, or physical therapist duly licensed to practice such professions in this state.

B. The requirements of this chapter shall not apply to any school certified to teach massage by the New Jersey Department of Education.



**§200-16 Enforcement Agent.**

The enforcement agent for Massage Establishment licenses shall be the Department of Health.

**§200-17 Violations and Penalties.**

Any Person who shall violate any of the provisions of this chapter shall, upon conviction, be fined a minimum of \$500 and a maximum of \$2,000, and may be imprisoned for up to 90 days in jail for each offense.

2. Should any provision of this Ordinance be determined invalid by a court or administrative tribunal of competent jurisdiction, such determination shall not affect the remaining provisions.

3. This Ordinance shall take effect immediately upon final passage and publication as required by law.

**ATTEST:**

**BOROUGH OF ROCKY HILL**

Introduced:  
Public Hearing Scheduled:  
Adopted:

Introduced and passed on first reading: September 28, 2017  
:

ATTEST:  
APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Rebecca Newman, Borough Clerk

\_\_\_\_\_  
Edward Zimmerman, Mayor



**Ordinance # ORDINANCE-2017-02**

**AN ORDINANCE REPEALING ORDINANCE NO. 2015- TITLED "AN ORDINANCE AUTHORIZING THE CREATION OF A NEW POSITION TO ASSIST IN THE OPERATIONS OF THE OFFICE OF EMERGENCY MANAGEMENT TO BE KNOWN AS THE OFFICE OF EMERGENCY MANAGEMENT SPECIALIST" AND REPLACING IT WITH ORDINANCE 2017-02 AUTHORIZING THE CREATION OF THREE PER DIEM FIRE FIGHTERS POSITIONS AS PART OF THE ROCKY HILL HOOK AND LADDER COMPANY**

WHEREAS, the Borough of Rocky Hill desires to create three per diem fire fighter positions within the Rocky Hill Fire Department to provide emergency assistance and protective services to the public; and

WHEREAS, the Borough Council believes that the Per Diem Fire Fighters will enhance the provision of emergency services to all of the Borough's residents thereby promoting their health, safety and welfare.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Rocky Hill, County of Somerset, State of New Jersey as follows:

SECTION 1. Ordinance No. 2015- titled "An Ordinance Authorizing the Creation of a New Position to Assist in the Operations of the Office of Emergency Management to be Known as the Office of Emergency Management Specialist" is hereby repealed.

SECTION 2. New positions, titled Per Diem Fire Fighters is created within Chapter 96 titled, Chapter 96: Fire Prevention

96-5 Appointments; terms of office; inspectors and employees; removal.

E. Position Established.

There is hereby created and established three positions of Per Diem Fire Fighters.

F. Qualifications.

The qualifications for the Per Diem Fire Fighter shall be established by Resolution of the Borough Council.

G. Appointment; duties.

The Mayor shall nominate and, with the advice and consent of the Borough Council, appoint the Per Diem Fire Fighters, who shall perform such duties as are directed by the Fire Chief and Resolution of the Borough Council.

H. Term of Office

The Office of Per Diem Fire Fighters shall serve at the pleasure of the Borough Council, without a term of office.

I. Compensation

The compensation of the Per Diem Fire Fighters shall be fixed from time to time by the Borough's Salary Ordinance as to the position, and the salary as to the individual shall be set by Resolution.

SECTION 3. Severability. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this Ordinance shall be valid and enforceable.

SECTION 4. Effective Date. This Ordinance shall become effective after final passage, adoption and publication, according to law.

Introduced and passed on first reading:  
:

ATTEST:  
APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Rebecca Newman, Borough Clerk

\_\_\_\_\_  
Edward Zimmerman, Mayor