



Borough of Rocky Hill
Borough Council
Minutes of the Regular Meeting
October 10, 2016

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

ROLL CALL

Attendee Name	Title	Status	Arrived
Robert Ashbaugh	Councilman	Present	
Thomas Bremner	Council President	Present	
Billy Dawson	Councilman	Present	
John Hagemann	Councilman	Present	
Phil Kartsonis	Councilman	Present	
Robert Uhrik	Councilman	Present	
Jeff Donahue	Mayor	Present	

PUBLIC COMMENT

None

EXECUTIVE SESSION

1. RESOLUTION-2016-82 To Retire into Executive Session for the Purpose of Litigation in the Matter of the Borough of Rocky Hill for a Judgement of Compliance of Its Third Round Housing Element and Fair Share Plan, Docket No. SOM-L-901-15

Executive Session began at 7:32 PM

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Thomas Bremner, Council President
SECONDER:	John Hagemann, Councilman
AYES:	Ashbaugh, Bremner, Dawson, Hagemann, Kartsonis, Uhrik

RESULTS OF EXECUTIVE SESSION (IF ANY)

Executive Session ended at 9:21 PM

1. RESOLUTION-2016-83 Authorizing Payment in the Amount of \$5,000.00 for Joint Vicinage 13 Defense Costs in the Matter of the Mt. Laurel Declaratory Judgment Actions Filed in Hunterdon, Somerset and Warren Counties, State of New Jersey, Pursuant to in Re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) Superior Court of Hunterdon, Somerset and Warren Counties (“Litigation”)

Tie vote broken by an affirmative vote of Mayor Donahue

RESULT:	ADOPTED [3 TO 3]
MOVER:	Thomas Bremner, Council President
SECONDER:	Billy Dawson, Councilman
AYES:	Bremner, Dawson, Uhrik
NAYS:	Ashbaugh, Hagemann, Kartsonis

ADJOURNMENT

Mr. Ashbaugh moved to adjourn the meeting at 9:24 PM, motion seconded by Mr. Dawson. Motion carried on voice vote.



**BOROUGH OF ROCKY HILL
SOMERSET COUNTY**

RESOLUTION-2016-82

To Retire into Executive Session for the Purpose of Litigation in the Matter of the Borough of Rocky Hill for a Judgement of Compliance of Its Third Round Housing Element and Fair Share Plan, Docket No. SOM-L-901-15

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 October 10, 2016.
2. The general nature of the subject matter to be discussed is as follows:

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

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

ATTEST:

By:
Rebecca P. Newman, RMC
Borough Clerk

By:
Jeff Donahue, 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 10, 2016.

Rebecca P. Newman, RMC
Borough Clerk



**BOROUGH OF ROCKY HILL
SOMERSET COUNTY**

RESOLUTION-2016-83

Authorizing Payment in the Amount of \$5,000.00 for Joint Vicinage 13 Defense Costs in the Matter of the Mt. Laurel Declaratory Judgment Actions Filed in Hunterdon, Somerset and Warren Counties, State of New Jersey, Pursuant to in Re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) Superior Court of Hunterdon, Somerset and Warren Counties (“Litigation”)

WHEREAS, the Borough of Rocky Hill entered into a Municipal Shared Services Defense Agreement (“MSSDA”) with various municipalities in Vicinage 13 to share joint costs and attorney’s fees in the Litigation presently before the Honorable Thomas C. Miller, P.J.Cv.; and

WHEREAS, Judge Miller entered Omnibus Case Management Order #2 signed and filed on April 19, 2016 (“Omnibus Order”), of which the Borough of Rocky Hill is a party thereto pursuant to Docket No. SOM-L-901-15; and

WHEREAS, Jeffrey R. Surenian, Esq., will act as lead attorney regarding the filing of certain motions and the conducting of discovery pursuant to the Omnibus Order and certain Vicinage 13 municipalities, including the Borough of Rocky Hill (“Vicinage 13 Group”), desire to contribute to and have contributed to a joint defense fund held by Katrina Campbell, Esq. in the attorney trust account of Lavery, Selvaggi, Abromitis & Cohen, P.C. to reimburse Mr. Surenian and other attorneys assisting his efforts; and

WHEREAS, the Vicinage 13 Group further authorizes Ms. Campbell to disburse such funds from escrow to reimburse Mr. Surenian and other attorneys assisting his efforts in accordance with the MSSDA; and

WHEREAS, the Chief Financial Officer of the Borough of Rocky Hill has certified funds available.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Rocky Hill, in the County of Somerset, and State of New Jersey, that the Mayor and Borough Administrator be and hereby are authorized to enter into an amended MSSDA to be reviewed and approved by the Borough Attorney and payment to the attorney trust account of Lavery, Selvaggi, Abromitis & Cohen is authorized relating thereto in an additional amount of five thousand (\$5,000.00) dollars; and

BE IT FURTHER RESOLVED by the Council of the Borough of Rocky Hill that a copy of this Resolution be placed on file and available for public inspection in the office of the Borough Clerk.

ATTEST:

By:

Rebecca P. Newman, RMC
Borough Clerk

By:

Jeff Donahue, 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 10, 2016.

Rebecca P. Newman, RMC
Borough Clerk