

**MAYOR & COUNCIL
REGULAR MEETING
APRIL 26, 2012
7:30 p.m.**

The Regular Meeting of the Mayor and Council of the Borough of Rockaway, in the County of Morris, New Jersey, was held in the Community Center, 21-25 Union Street, Rockaway, N.J. with Mayor Russell Greuter presiding. Mayor Greuter called the meeting to order at 7:30 p.m.

Mayor Greuter read the following statement: In accordance with Section 5 of the Open Public Meetings Act, Chapter 231, Public Laws, 1975, be advised that notice of this meeting was made by posting on the Bulletin Board, Town Hall, and sending to the officially designated newspapers, a list of meeting dates annually, indicating that the meeting would take place at the Community Center at 7:30 p.m. on April 26, 2012. Mayor Greuter announced the location of the fire exits.

Councilmembers Present

Thomas Donofrio
Joyce Kanigel
Thomas Mulligan
Joseph Vicente (arrived at 7:45 p.m.)
John Willer

Councilmembers Absent

Melissa Burnside - Council President (Excused -
attended 200 Club Dinner for Police
Department)

Richard Beilin, Esq., representing Borough Attorney Ed Wacks, was also present.

Everyone present participated in the salute to the flag.

2012 MUNICIPAL BUDGET

RESOLUTION 79-12: CONDUCT A SELF-EXAMINATION OF THE ANNUAL BUDGET

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Rockaway has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2012 budget year.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Rockaway that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated;
 - b. Items of appropriation are properly set forth;
 - c. In itemization, form, arrangement, and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

DATE: April 26, 2012 BOROUGH OF ROCKAWAY
 ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

The aforesaid resolution was moved by Councilman Willer, seconded by Councilman Mulligan, and unanimously carried as follows upon call of the roll:

Roll Call: Ayes: Donofrio, Kanigel, Mulligan, Willer
 Nays: None

Public Hearing on 2012 Municipal Budget as Introduced

Mayor Greuter opened the public hearing on the 2012 Municipal Budget as introduced. There being no comments, the public hearing was closed.

Adoption of Amendments to 2012 Municipal Budget

RESOLUTION 80-12: AUTHORIZE THE ADOPTION OF AMENDMENTS TO 2012 MUNICIPAL BUDGET

WHEREAS, the Local Municipal Budget for the year 2012 was approved on the 22nd day of March, 2012; and

WHEREAS, the public hearing on said Budget was held as advertised; and

WHEREAS, it is desired to amend said approved Budget.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Rockaway, County of Morris, that the following amendments to the approved budget of 2012 be made:

CURRENT FUND - ANTICIPATED REVENUES:	<u>From</u>	<u>To</u>
Summary of Revenues		
6. Amount to be Raised by Taxes for Support of Municipal Budget:		
a) Local Tax for Municipal Purposes		
Including Reserve for Uncollected Taxes	\$ 4,852,472.00	\$ 4,858,614.00
Total Amount to be Raised by Taxes for Support of Municipal Budget:	\$ 5,149,800.00	\$ 5,155,942.00
7. Total General Revenues	\$ 7,077,335.00	\$ 7,083,477.00
(A) Operations-Within "CAPS"		
Police		
Salaries and Wages	\$ 1,601,900.00	\$ 1,603,900.00
Volunteer Fire/Ambulance Department		
Other Expenses	\$ 61,230.00	\$ 65,230.00
Total Operations {Item 8(A)} Within "CAPS"	\$ 4,608,339.00	\$ 4,614,339.00
Total Operations Including Contingent-Within "CAPS"	\$ 4,608,839.00	\$ 4,614,839.00
Detail:		
Salaries and Wages	\$ 2,301,015.00	\$ 2,303,015.00
Other Expenses	\$ 2,307,824.00	\$ 2,311,824.00
(H-1) Total General Appropriations for Municipal Purposes Within "CAPS"	\$ 5,110,652.00	\$ 5,116,652.00
(L) Subtotal General Appropriations {Items (H-1) and (O)}	\$ 6,630,224.00	\$ 6,636,224.00
(M) Reserve for Uncollected Taxes	\$ 447,111.00	\$ 447,253.00
9. Total General Appropriations	\$ 7,077,335.00	\$ 7,083,477.00
Summary of Appropriations		
(H-1) Total General Appropriations for Municipal Purposes Within "CAPS"	\$ 5,110,652.00	\$ 5,116,652.00
(M) Reserve for Uncollected Taxes	\$ 447,111.00	\$ 447,253.00
Total General Appropriations	\$ 7,077,335.00	\$ 7,083,477.00

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for his certification of the Local Municipal Budget so amended.

Recorded Vote	(Donofrio	(Kanigel	Abstain	(
(Insert Last Names)	(Mulligan	((
Ayes	(Willer	Nays	(
	((
	((Absent	(Burnside
	(((Vicente

DATE: April 26, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor Greuter recognized CFO/Treasurer John J. Doherty in the audience. Mr. Doherty explained that the increase from the 2012 budget as introduced would have been \$88.00 on a house with an average assessment of \$300,000. Mr. Doherty explained that the amendments will result in an additional cost of \$2.30, for an average increase of \$90.32.

Mayor Greuter opened the public hearing on Resolution 80-12, Authorize the Adoption of Amendments to 2012 Municipal Budget.

There being no comments, the public hearing was closed.

The aforesaid resolution was moved by Councilman Donofrio, seconded by Councilman Willer, and carried via majority vote as follows upon call of the roll:

Roll Call: Ayes: Donofrio, Mulligan, Willer
Nays: Kanigel

APPROVAL OF MINUTES

Upon motion by Councilman Mulligan, seconded by Councilman Willer, and carried unanimously upon voice vote, the minutes of the April 12, 2012 Regular Meeting were accepted as submitted.

CORRESPONDENCE

Mayor Greuter reported that the Department of Transportation is unable to provide a Municipal Aid grant for Maple Avenue improvements and encouraged us to apply for a grant next year.

COUNCIL COMMENTS

Personnel Committee - Councilwoman Kanigel

On April 20, the Morris County Heritage Commission conducted a site visit and encouraged the Historical Committee to continue to pursue grants for interpretative panels.

Public Works/Public Utilities Committee - Councilman Donofrio

A meeting was held regarding the canopy for the foot bridge going to the police station. Another meeting will be held with the installer to determine how it will tie into roof line.

Ordinance Committee - Councilman Mulligan

Ordinance 10-12 will be introduced tonight to authorize the installation of stop signs on Farview Drive at the Farview Road intersection and on Summit St. at the Van Duyne Ave. intersection as recommended by Police Chief Scheer. The Borough Engineer found them to be consistent with the Manual on Uniform Traffic Control Devices. The installation of stop signs will also limit parking at these intersections.

Fire Committee - Councilman Willer

The Borough will receive Community Development Block Grant funding for manhole cover work. Overall program funding was reduced by 29 percent (\$1 million).

Volunteers coordinated by the Fire Marshal will pick up hazard substances such as oil-based paints from senior citizens and take them to the Mt. Olive Transfer Station. The members of the Governing Body agreed that to authorize such volunteer efforts.

ATTORNEY'S REPORT

Mr. Beilin provided brief updates on several legal matters: The former owners of 79 Broad St. will be sending a check for the promised five years of tax payments; however, it will not include the legal fees incurred. The Donatoni complaint was filed and served on both defendants; interrogatories and depositions will begin soon. The RVRSA litigation depositions have been going on. The attorneys' concerns with the contract with H2M for the LSRP services proposals have been worked out.

Upon motion by Councilman Willer, seconded by Councilman Donofrio, and carried unanimously upon voice vote, to accept the Borough Attorney's report.

MAYOR'S REPORT

Mayor's Appointments

Mayor Greuter reviewed his recent activities, including attendance at meetings with the EPA and residents regarding the Superfund clean-up, municipal officials and representatives of the Islamic Center, and Morris County League of Municipalities. Mayor Greuter presented a proclamation in honor of the Girl Scouts celebrating their 100th anniversary.

Chief Scheer recommended that Ms. Jessica Suto, a Borough resident, be hired as a part-time Police Matron. Mayor Greuter announced his intention to appoint Jessica Suto to the part-time position of Police Matron.

Upon motion by Councilman Donofrio, seconded by Councilman Willer, and carried unanimously via voice vote to approve the Mayor's appointment as submitted.

Mayor Greuter recommended that the Construction Department follow up on old outstanding building permits. Inspections must be conducted within 30 days or the owner will be subject to a fine.

Upon motion by Councilman Willer, seconded by Councilman Donofrio, and carried unanimously via voice vote to authorize the Construction Department to follow up on old outstanding building permits by requiring inspections with 30 days' notice.

Mayor Greuter invited Ms. Joyce Freiermuth, a member of the Environmental Committee, to report on a meeting she attended with four other area municipalities (Wharton, Mine Hill, Dover, Denville and Boonton). The municipalities will work together to remove snagged trees from the Rockaway River and apply for a grant for the whole coalition.

(Councilman Vicente arrived at 7:53 p.m.)

Upon motion by Councilman Willer, seconded by Councilman Donofrio, and carried unanimously upon voice vote, to accept the Mayor's report.

CLERK'S REPORT

Bingo/Raffle License Approvals

Approved an on-premise 50/50 raffle license for Coming Home Rescue, Inc. on June 22, 2012 at Tavern on the Rocks.

Approved two off-premise 50/50 raffle licenses for Rockaway Borough Fire Association for event to be held on July 7, 2012 at Fireman's Field.

Approved one off-premise 50/50 raffle license for Rockaway Borough Fire Association for event to be held on November 22, 2012 at Fireman's Field.

Upon motion by Councilman Willer, seconded by Councilman Vicente, and carried unanimously upon voice vote, to accept the Clerk's report.

2012 MUNICIPAL BUDGET

Councilman Mulligan asked that Resolution 80-12 be re-considered.

Adoption of Amendments to 2012 Municipal Budget

RESOLUTION 80-12: AUTHORIZE THE ADOPTION OF AMENDMENTS TO 2012 MUNICIPAL BUDGET

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WHEREAS, the public hearing on said Budget was held as advertised; and

WHEREAS, it is desired to amend said approved Budget.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Rockaway, County of Morris, that the following amendments to the approved budget of 2012 be made:

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(M) Reserve for Uncollected Taxes	\$ 447,111.00	\$ 447,253.00
Total General Appropriations	\$ 7,077,335.00	\$ 7,083,477.00

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for his certification of the Local Municipal Budget so amended.

Recorded Vote	(Donofrio	(Kanigel	Abstain	(
(Insert Last Names)	(Mulligan	(((
Ayes	(Vicente	Nays	((
	(Willer		((
	((Absent	(Burnside
	((((

DATE: April 26, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

The aforesaid resolution was moved by Councilman Mulligan, seconded by Councilman Vicente, and carried via majority vote as follows upon call of the roll:

Roll Call: Ayes: Donofrio, Mulligan, Vicente, Willer
 Nays: Kanigel

Adoption of the Amended 2012 Municipal Budget

RESOLUTION 81-12: READ 2012 MUNICIPAL BUDGET BY TITLE

WHEREAS, Chapter 259 of the Public Laws of 1995 amends the "Local Budget Law," N.J.S.A. 40A:4 et seq., to provide that the local budget may be read by its title only on the date of the public hearing, under the following conditions:

1. At least one week prior to the date of the hearing, a complete copy of the approved budget:
 - a. shall be made available for public inspection in the free public library of the municipality and in the free county library located in the county in which the municipality is located, and the public officer delegated the responsibility for delivering copies of the approved budget to such libraries shall forward to the governing body an attestation that each such delivery was made; and
 - b. is made available to each person requesting the same, during said week and during the public hearing; and
2. The governing body shall, by resolution passed by not less than a majority of the full membership, determine that the conditions set forth in subsection 1.a. and 1.b. of this section have been made; and

WHEREAS, the certification by the Borough Clerk attesting to compliance with item 1.a. above is attached hereto and made a part hereof, and the Budget Summary as allowed by law was published in *The Citizen* issue of April 11, 2012.

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, (not less than a majority of the full membership thereof affirmatively concurring) that the said 2012 Local Municipal Budget of the Borough of Rockaway shall be read by title only, all of the aforementioned conditions of P.L. 1995, c. 259 having been met.

DATE: April 26, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

**BOROUGH OF ROCKAWAY
CERTIFICATION OF BOROUGH CLERK**

In compliance with P.L. 1995, C. 259, I hereby certify that a complete Summary of the 2012 Local Municipal Budget of the Borough of Rockaway as introduced at a Regular meeting of the Mayor and Council on Thursday March 22, 2012, was published in *The Citizen* issue of April 11, 2011; and

I further certify that on March 26, 2012, one full copy of the 2012 Local Municipal Budget was forwarded to the Borough of Rockaway Free Public Library, 82 East Main Street, Rockaway, New Jersey, for public inspection, and one full copy of said Budget was forwarded to the Morris County Public Library, 30 East Hanover Avenue, Whippany, New Jersey, for public inspection, and that copies of the full Budget have been made available at the Office of the Borough Clerk of Rockaway for all those requesting same.

Dated: April 26, 2012

Sheila Seifert
Borough Clerk

The aforesaid resolution was moved by Councilman Mulligan, seconded by Councilman Vicente, and unanimously carried as follows upon call of the roll:

Roll Call: Ayes: Donofrio, Kanigel, Mulligan, Vicente, Willer
Nays: None

Adoption of the Amended 2012 Municipal Budget

RESOLUTION 82-12: AUTHORIZE THE ADOPTION OF AMENDED 2012 MUNICIPAL BUDGET

SEE PAGES 41 AND 42 OF BUDGET

DATE: April 26, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

The aforesaid resolution was moved by Councilman Vicente, seconded by Councilman Donofrio, and adopted unanimously as follows upon call of the roll to hereby adopt the Budget for the year 2012:

Roll Call: Ayes: Donofrio, Kanigel, Mulligan, Vicente, Willer
Nays: None

CONSENT AGENDA ITEMS

Upon motion by Councilman Vicente, seconded by Councilman Willer, and carried unanimously upon call of the roll, the following resolutions were adopted:

RESOLUTION 83-12: RENEW AGREEMENT FOR ANIMAL CONTROL SERVICES

BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, New Jersey that proper Borough officials are authorized and directed to execute an Agreement between the Township of Randolph and the Borough of Rockaway for Animal Control Services for the year 2012 in the amount of \$10,280.00.

BE IT FURTHER RESOLVED that funds are available in the 2012 Board of Health Budget.

DATE: April 26, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 84-12: RENEW AGREEMENT FOR PUBLIC HEALTH SERVICES

BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, New Jersey that proper Borough officials are authorized and directed to execute an Agreement between the Board of Health of the Township of Randolph and the Board of Health of the Borough of Rockaway for Public Health Services for the year 2012 in the amount of \$141,000.00.

DATE: April 26, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 85-12: AWARD PROFESSIONAL SERVICES CONTRACT (BOND COUNSEL)

WHEREAS, N.J.S.A. 40A:2-38.1 provides for the compensation of an attorney for services rendered in connection with the issuance of bonds; and

WHEREAS, there exists a need for specialized legal services in connection with the authorization and the issuance of bonds and other obligations by the Borough of Rockaway, County of Morris, State of New Jersey (herein the "Municipality"); and

WHEREAS, such specialized legal services can be provided only by a recognized Bond Counsel firm, and the Law Office of John G. Hudak, Esq., LLC, 812 North Wood Avenue, Suite 304, Linden, NJ 07036, (908-925-0784) is so recognized by the financial community; and

WHEREAS, funds are or will be available for this purpose; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i) requires that notice with respect to contracts for professional services, awarded without competitive bids, must be publicly advertised; and

WHEREAS, the services to be performed are "Professional Services" as defined in N.J.S.A. 40A:11-5(1)(a)(i) and therefore excepted from the Local Public Contracts Law requirements for competitive bidding.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey:

1. That the Mayor and Council hereby award the Contract, for calendar year 2012, to the Law Office of John G. Hudak, Esq., LLC, 812 North Wood Avenue, Suite 304, Linden, NJ 07036, in accordance with N.J.S.A. 40A:2-38.1 and N.J.S.A. 40A:11-1, et seq.
2. That the Mayor of the Borough of Rockaway, on its behalf, is hereby authorized and directed to execute the Contract hereby awarded to the Law Office of John G. Hudak, Esq., LLC, and the Borough Clerk of the Borough of Rockaway to attest to said Contract for professional services in connection with the issuance and authorization of all bonds, bond anticipation notes and tax anticipation notes or lease purchase certificates of participation or similar obligations and related matters of capital and debt financing by the Municipality.
3. That no appropriation of funds is required at this time, payment coming from the proceeds of the sale of bonds and bond anticipation notes and tax anticipation notes or similar obligations (such as lease purchase certificates of participation) or other authorizations in accordance with the Contract.
4. That this Contract is awarded without competitive bidding as a professional services contract under the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) because legal services are a recognized profession licensed and regulated by law.

5. That the Mayor and Council of the Borough of Rockaway, New Jersey hereby authorize and direct the execution of the aforesaid contract for the period commencing on the date set forth therein.
6. That a notice in accordance with this resolution and the Local Public Contracts Law of New Jersey, shall be published in the official newspaper or newspapers of the Borough of Rockaway as required by law.
7. That an executed copy of the Contract between the Borough of Rockaway and Law Office of John G. Hudak, Esq., LLC, and a copy of this resolution shall be filed in the Office of the Borough Clerk and be available there for inspection in accordance with law.
8. That this resolution shall take effect immediately.

DATE: April 26, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 86-12: AWARD PROFESSIONAL SERVICES CONTRACTS (PLANNER, MUNICIPAL AUDITOR AND ENGINEER)

WHEREAS, there exists needs for certain specified professional services to the Borough of Rockaway; and

WHEREAS, said needs or certain specified professional services are to be rendered or performed by a person or persons authorized by law to practice a recognized profession whose practice is regulated by law within the meaning of N.J.S.A. 40A:11-2, et seq. as amended; and

WHEREAS, the performance of said professional services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal base of specialized training and study; as distinguished from general academic instruction or apprenticeship and training; and

WHEREAS, said professional services cannot reasonably be described by written specifications; and

WHEREAS, the budget duly composed and approved by the Mayor and Council provides generally for funds for the services of such professional and/or certain escrow accounts paid by applicants for development provide for the payment for such services; and

WHEREAS, Thomas Ferry, C.P.A., R.M.A., Ferraioli, Wielkocz, Cerullo & Cuvo, P.A. and Paul W. Ferriero, Ferriero Engineering, Inc. have each completed and submitted a Business Entity Disclosure Certification which certifies that Thomas Ferry, C.P.A., R.M.A., Ferraioli, Wielkocz, Cerullo & Cuvo, P.A. and Paul W. Ferriero, Ferriero Engineering, Inc. have not made any reportable contributions to a political candidate committee in the Borough of Rockaway in the previous year, and that the contract will prohibit Thomas Ferry, C.P.A., R.M.A., Ferraioli, Wielkocz, Cerullo & Cuvo, P.A. and Paul W. Ferriero, Ferriero Engineering, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, a Certificate of Availability of Funds has been filed by the Borough of Rockaway Chief Financial Officer; and

WHEREAS, the services to be performed are "Professional Services" as defined in N.J.S.A. 40A:11-5(1)(a)(i) and therefore excepted from the Local Public Contracts Law requirements for competitive bidding.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey as follows:

1. The Borough of Rockaway, in accordance with the Local Public Contracts Law, hereby authorizes and approves the award of professional services contracts for the period of performance as noted on the attached schedule, contract copies are on file in the Office of the Clerk and are incorporated herein by reference and their terms and conditions stated on the attached schedule. Said contracts are hereby ratified and confirmed, and upon passage of this Resolution, the Mayor and Borough Clerk be and the same are hereby authorized to enter into said contracts.
2. That these Contracts are awarded without competitive bidding as professional services contracts under the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) because such services are a recognized profession licensed and regulated by law.
3. That the Mayor and Council of the Borough of Rockaway, New Jersey hereby authorize and direct the execution of the aforesaid contracts for the period commencing on the date set forth therein.
4. That a notice in accordance with this resolution and the Local Public Contracts Law of New Jersey, shall be published in the official newspaper or newspapers of the Borough of Rockaway as required by law.

5. That an executed copy of the Contracts and a copy of this resolution shall be filed in the Office of the Borough Clerk and be available there for inspection in accordance with law.
6. That this resolution shall take effect immediately.

DATE: April 26, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

CERTIFICATION FOR AVAILABILITY OF FUNDS

I, JOHN J. DOHERTY, Borough Treasurer, of the Borough of Rockaway, in the County of Morris, Jersey, do hereby certify that funds in the amount as stated in their contracts are currently available for the purpose of awarding a contract for the furnishing of goods or services to the following entity:

Planner, Municipal Auditor and Engineer.
Funds are Chargeable to Budget Year: 2012
Budget Line Item#: Respective Line Items

DATE: April 26, 2012

BY: John J. Doherty, Treasurer

PROFESSIONAL SERVICES SCHEDULE

PLANNER: Jessica L. Giorgianni, P.P., AICP
H2M Associates, Inc.
119 Cherry Hill Road, Suite 200
Parsippany, NJ 07054
(862) 207-5900

Review plans for development, forwarded for review by the Borough, will prepare written reports of all findings and recommendations, and will attend such meetings as requested by the Borough effective January 1, 2012 through December 31, 2012.

The Borough agrees to a consideration for the herein outlined services at the rate as follows:

- | | |
|---------------|---------------------|
| 1. Contractor | \$95.00 per hour |
| 2. Mileage | .51 per mile or IRS |

AUDITOR: Thomas Ferry, C.P.A., R.M.A.
Ferraioli, Wielkottz, Cerullo & Cuvo, P.A.
100B Main Street, Newton, NJ 07860
(973) 579-3212

Annual Audit including assistance with the 2012 Budget, and with preparation of the unaudited Financial Statement and Annual Debt Statement at \$28,100.00 effective January 1, 2012 through December 31, 2012.

If additional services are needed, fees will be charged at the regular government hourly rates as follows:

- | | |
|----------------------|-------------------|
| 1. Partner | \$175.00 per hour |
| 2. Manager | \$100.00 per hour |
| 3. Senior Accountant | \$ 85.00 per hour |
| 4. Staff Accountant | \$ 60.00 per hour |
| 5. Administrative | \$ 55.00 per hour |

Prepare official statements for:

- | | |
|--|-------------|
| 1. Bond Sales | \$15,000.00 |
| 2. Note Sales | \$ 7,500.00 |
| 3. Secondary Market Disclosure Documents | \$ 2,200.00 |

ENGINEER: Paul W. Ferriero, P.E., P.P., C.M.E., L.E.E.D., A.P.
Ferriero Engineering, Inc.
180 Main Street
P.O. Box 571
Chester, NJ 07930
(908) 879-6209

1. Principal Engineering	\$120.00 per hour
2. Professional Engineering	110.00 per hour
3. Senior Designer	90.00 per hour
4. Junior Designer	72.50 per hour
5. Licensed Surveyor	110.00 per hour
6. Zoning Officer 1	80.00 per hour
7. Zoning Officer 2	65.00 per hour
8. CAD Operator	70.00 per hour
9. GIS Operator	78.00 per hour
10. Sr. Draftsman	55.00 per hour
11. Two Person Field Crew	130.00 per hour
12. Construction Inspector	70.00 per hour
13. Soils Technician	75.00 per hour
14. Printing - 24" x 36"	4.00 per sheet
15. Printing - 30" x 42"	5.00 per sheet
16. Color Copies (11" x 17")	4.00 per sheet
15. Reproducible Film	45.00 per sheet

RESOLUTION 87-12: AWARD PROFESSIONAL SERVICES CONTRACTS (LEGAL SERVICES)

WHEREAS, there exists needs for certain specified professional services to the Borough of Rockaway; and

WHEREAS, said needs or certain specified professional services are to be rendered or performed by a person or persons authorized by law to practice a recognized profession whose practice is regulated by law within the meaning of N.J.S.A. 40A:11-2, et seq. as amended; and

WHEREAS, the performance of said professional services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal base of specialized training and study; as distinguished from general academic instruction or apprenticeship and training; and

WHEREAS, said professional services cannot reasonably be described by written specifications; and

WHEREAS, the budget duly composed and approved by the Mayor and Council provides generally for funds for the services of such professional and/or certain escrow accounts paid by applicants for development provide for the payment for such services; and

WHEREAS, Edward Wacks, Wacks & Hartmann, LLC, has completed and submitted a Business Entity Disclosure Certification which certifies that Edward Wacks, Wacks & Hartmann, LLC, has not made any reportable contributions to a political candidate committee in the Borough of Rockaway in the previous year, and that the contract will prohibit Edward Wacks, Wacks & Hartmann, LLC, from making any reportable contributions through the term of the contract, and

WHEREAS, a Certificate of Availability of Funds has been filed by the Borough of Rockaway Chief Financial Officer; and

WHEREAS, the services to be performed are "Professional Services" as defined in N.J.S.A. 40A:11-5(1)(a)(i) and therefore excepted from the Local Public Contracts Law requirements for competitive bidding.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey as follows:

1. The Borough of Rockaway, in accordance with the Local Public Contracts Law, hereby authorizes and approves the award of professional services contracts for calendar year 2012 as noted on the attached schedule, contract copies are on file in the Office of the Clerk and are incorporated herein by reference and their terms and conditions stated on the attached schedule. Said contracts are hereby ratified and confirmed, and upon passage of this Resolution, the Mayor and Borough Clerk be and the same are hereby authorized to enter into said contracts.
2. That these Contracts are awarded without competitive bidding as professional services contracts under the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) because such services are a recognized profession licensed and regulated by law.
3. That the Mayor and Council of the Borough of Rockaway, New Jersey hereby authorize and direct the execution of the aforesaid contracts for the period commencing on the date set forth therein.
4. That a notice in accordance with this resolution and the Local Public Contracts Law of New Jersey, shall be published in the official newspaper or newspapers of the Borough of Rockaway as required by law.

5. That an executed copy of the Contracts and a copy of this resolution shall be filed in the Office of the Borough Clerk and be available there for inspection in accordance with law.
6. That this resolution shall take effect immediately.

DATE: April 26, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

CERTIFICATION FOR AVAILABILITY OF FUNDS

I, JOHN J. DOHERTY, Borough Treasurer, of the Borough of Rockaway, in the County of Morris, Jersey, do hereby certify that funds in the amount as stated in their contracts are currently available for the purpose of awarding a contract for the furnishing of goods or services to the following entity:

Legal Services.

Funds are Chargeable to Budget Year: 2012

Budget Line Item#: Legal

DATE: April 26, 2012

BY: John J. Doherty, Treasurer

PROFESSIONAL SERVICES SCHEDULE

MUNICIPAL ATTORNEY:

Edward Wacks
Wacks & Hartmann, LLC
55 Madison Avenue
Suite 320A
Morristown, NJ 07960
(973) 644-0770

If additional services are needed, fees will be charged at the regular government hourly rates as follows:

1. Retainer (Municipal/Water Utility)	\$46,800.00
2. Non-Retainer Litigation	15,500.00
3. Tax Appeal Matters	4,000.00
4. Tax Foreclosures of Properties	1,200.00
5. Miscellaneous Charges	2,500.00
6. Superior Court Litigation	750.00 per day 225.00 per hour
7. Appellate Court Litigation	1,000.00 per day 275.00 per hour
8. Municipal Court Appearances	350.00 minimum 175.00 per hour
9. Additional Meetings	350.00 minimum 175.00 per hour
10. General Work	175.00 per hour

BOARD OF ADJUSTMENT ATTORNEY:

John M. Mills, III
Mills & Mills, Counselors At Law
One Western Avenue, Morristown, NJ 07960
(973) 538-0950

\$150.00 per hour

PLANNING BOARD ATTORNEY:

David Burton Brady
Brady & Correale, L.L.P.
50 South Street, 3rd Floor
Morristown, NJ 07960
(973) 267-3500

\$150.00 per hour

LABOR ATTORNEY:

Matthew J. Giacobbe
Cleary Giacobbe Alfieri Jacobs, LLC
7 James Street
Florham Park, NJ 07832
(973) 845-6700

1. All Attorneys	\$130.00 per hour
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RESOLUTION 88-12: AUTHORIZATION TO AWARD CONTRACT (POLICE VEHICLE)

WHEREAS, there exists a need to obtain a vehicle for use by the Rockaway Borough Police Department; and

WHEREAS, a Morris County Co-Op Contract No. 15A exists for the purchase of vehicles from Beyer-Warnock Fleet, 175 Route 10, East Hanover, NJ 07936 (973-884-2100); and

WHEREAS, a Certificate of Availability of Funds has been filed by the Borough of Rockaway Chief Financial Officer.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that it does hereby authorize the purchase of a 2013 Ford Interceptor SUV for use by the Rockaway Borough Police Department from Beyer-Warnock Fleet, 175 Route 10, East Hanover, NJ 07936 (973-884-2100), under Morris County Co-op Contract No. 15A, Item #2, not to exceed the amount of \$30,334.00.

DATE: April 26, 2012 BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

CERTIFICATION FOR AVAILABILITY OF FUNDS

I, JOHN J. DOHERTY, Borough Treasurer, of the Borough of Rockaway, in the County of Morris, Jersey, do hereby certify that funds in the amount as stated in their contracts are currently available for the purpose of awarding a contract for the furnishing of goods or services to the following entity:

Beyer-Warnock Fleet, 175 Route 10, East Hanover, NJ 07936 (973-884-2100), under Morris County Co-op Contract No. 15A, Item #2, not to exceed the amount of \$30,334.00.

Funds are Chargeable to Budget Year: 2012

Budget Line Item#: Police O.E.

DATE: April 26, 2012 BY: John J. Doherty, Treasurer

RESOLUTION 89-12: APPROVE TRANSFER OF RETAIL LIQUOR LICENSE (ASHISH DHRUVI, LLC)

WHEREAS, Mountain Maha Gayatri, Inc. ("Mountain Gayatri") a corporation of the State of New Jersey located at 156 Route 46, Rockaway, New Jersey, a/k/a Block 33, Lots 4.01 and 4.04 (the "Property") was the owner of a certain liquor license no. 1434-33-001-003 issued by the Borough of Rockaway (the "Liquor License") which ceased active operations on or about March 15, 2001; and

WHEREAS, on February 9, 2012, in accordance with a December 30, 2011 Special Ruling issued by the State of New Jersey, Department of Law and Public Safety, Division of Alcoholic Beverage Control, the Mayor and Council renewed the Liquor License for the 2011-2012 license term only, for use in the main building of the Property, as shown on a certain sketch produced under cover of a letter dated April 17, 2012 by Thomas J. Sateary, Esq. of Lindabury, McCormick, Estabrook & Cooper, P.C. (the "Main Building"), and not for the unoccupied rear building on the Property, which rear building has been closed and will remain closed to the public; and

WHEREAS, an application has been filed for a person-to-person and place-to-place transfer of the Liquor License to Ashish Dhruvi, LLC, 1584 East Front St., Scotch Plains, New Jersey 07076 (the "Applicant") for use in the Main Building; and

WHEREAS, Jagdish C. Patel, 1584 East Front St., Scotch Plains, New Jersey 07076 is 100 percent owner of Ashish Dhruvi, LLC; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed premises.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rockaway do hereby approve, effective May 1, 2012, the transfer of the aforesaid Plenary Retail Consumption License to Ashish Dhruvi, LLC, 1584 East Front St., Scotch Plains, New Jersey 07076, for one building located at Marilyn Avenue (off of Rt. 46), Rockaway, New Jersey and does hereby direct the Borough Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Ashish Dhruvi, LLC, effective May 1, 2012. No further renewals of the license will be granted unless the license is being actively used at an approved location on or before June 30, 2013; (b) the licensee or proposed transferee will submit no further renewal applications nor seek additional relief pursuant to N.J.S.A. 33:1-12.39 if, in fact, the license is not being actively used by June 30, 2013; and (c) the Consent Order Granting Special Ruling and Special Conditions imposed must be attached to the license."

BE IT FURTHER RESOLVED that the Liquor License shall be used only in the Main Building, as defined above.

BE IT FURTHER RESOLVED that handicap access must be provided to the front of the Mountain Inn building before the license will be considered for renewal for the 2012-2013 license period.

BE IT FURTHER RESOLVED that Ashish Dhruvi, LLC must apply for and perform in accordance with all necessary permits and approvals to provide such handicap access and to convert guest room #100 into a bar area.

This Resolution shall take effect May 1, 2012.

DATE: April 26, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 90-12: RESCIND RESOLUTION 144-11, AWARDING HVAC MAINTENANCE CONTRACT TO CENTRALPACK SERVICE CORP.

WHEREAS, on December 8, 2011, the Mayor and Council of the Borough of Rockaway, County of Morris, adopted Resolution 144-11 awarding a contract for HVAC maintenance to Centralpack Service Corp., P.O. Box 359, 359 Green Pond Road, Hibernia, NJ 07842, (973-625-9230); and

WHEREAS, Centralpack Service Corp. has informed the Borough that it will not be able to fulfill its commitment for HVAC maintenance for the Borough of Rockaway.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, that Resolution 144-11, awarding a contract for HVAC maintenance to Centralpack Service Corp., P.O. Box 359, 359 Green Pond Road, Hibernia, NJ 07842, (973-625-9230), is hereby rescinded; and

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, to authorize the Superintendent, Department of Public Works, to solicit new quotations for HVAC maintenance pursuant to the Local Public Contracts Law (N.J.S.A. 40A:11).

DATE: April 26, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

ORDINANCE NO. 10-12, Introduction & First Reading

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER 241,
VEHICLES AND TRAFFIC,
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

Councilman Mulligan moved that this ordinance be taken up and passed on first reading and that the Borough Clerk be authorized to have the ordinance published in accordance with the law in *The Citizen* and the *Daily Record* for hearing and final passage on May 24, 2012.

Said motion was seconded by Councilman Donofrio and passed as follows upon call of the roll:

Roll Call: Ayes: Donofrio, Kanigel, Mulligan, Vicente
Nays: Willer

PUBLIC PORTION

Mayor Greuter opened the meeting to the public.

Ms. Freiermuth asked for the status regarding the ordinance for the Beach St. Park. Councilman Mulligan has a draft he will provide to her next week.

Fire Chief Mark Howarth stated that the plans for the combination pumper have been finalized. If the invoice for the chassis is paid early, the price of the truck will be reduced by \$9,000

Bonnie Hook reported that the Rockaway Borough Business Owners Association have selected Sunday, September 23, for Celebrate Rockaway; she will confirm the times with the Police Chief

Mr. Tim Swanick, 170 Church St., asked if the cost of legal expenses incurred by the Borough to obtain the five years' worth of taxes from Annex Builders would be paid by Annex. Mr. Beilin explained that if we had to go to court, it would have been pursued.

Mr. Swanick suggested that next year the Council consider sharing services with another municipality for the Construction Department inspector positions.

There being no further comments, Mayor Greuter closed the meeting to the public.

ADJOURNMENT

The meeting adjourned at 8:12 p.m.

Approved: As Submitted

Sheila Seifert, Borough Clerk

Date: May 10, 2012