

**MAYOR & COUNCIL
REGULAR MEETING
APRIL 25, 2013
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 7:33 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 25, 2013. Mayor Greuter announced the location of the fire exits.

Councilmembers Present

Thomas Donofrio
Joyce Kanigel
Thomas Mulligan
Joseph Vicente
John Willer

Councilmembers Absent

Melissa Burnside - Council President

Borough Attorney Edward Wacks, Esq., was also present.

Everyone present participated in the salute to the flag.

APPROVAL OF MINUTES

Upon motion by Councilman Mulligan, seconded by Councilman Donofrio, and carried unanimously upon voice vote, the minutes of the April 11, 2013 Regular Meeting were accepted as submitted.

COUNCIL COMMENTS

Councilwoman Kanigel - Finance and Licensing Committee

Historical Committee - Working on presentations for children.

Library Board of Trustees - Working on grant application.

Councilman Donofrio - Public Works/Public Utilities Committee

No report.

Councilman Mulligan - Ordinance Committee

Recreation - The Joint Insurance Fund conducted an inspection of the playgrounds. The Smith Field batting cage is closed until the problems are fixed.

SLAP workers have helped to clean Heady Field, and volunteers replaced and painted the boards at the roller skating/hockey area. The area is closed and locked until the work has been completed.

The Recreation Director is reviewing the number of positions required for the summer park program and lake staff.

Ordinances - Councilman Mulligan explained the two ordinances that will be introduced this evening. Councilman Vicente asked for justification of the rate increase for the summer park program. The program ran a \$10,000 deficit last year.

Councilman Vicente - Personnel

Requested a closed session regarding personnel (contract negotiation).

Board of Education - The Rockaway Borough School District budget passed; Christa Smith was re-elected to the School Board.

Councilman Willer - Fire Committee

Fire Department - There were nine false alarm calls, of which six were at commercial facilities.

ATTORNEY'S REPORT

15 Mt. Pleasant Ave. - The Borough Engineer wrote a letter stating that a retaining wall at 15 Mt. Pleasant Ave. is in disrepair. Because this presents a hazard to motorists, either the Construction Official or the Health Officer, under Chapter 197, Property Maintenance, can issue a notice requiring repair.

Requested a closed session regarding the sale of Borough property (contract negotiation) and potential litigation.

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

MAYOR'S REPORT

Mayor Greuter's recent activities included attendance at the 25th anniversary dinner of the Morris County Municipal Utilities Authority, Rockaway Rotary Club Paul Harris award dinner honoring Police Chief Douglas Scheer, grand opening of Jersey Diner and Lounge, and breakfast meeting with Congressman Frelinghuysen.

Requested closed session for personnel (contract negotiation).

Liquor License Renewal - Mayor Greuter recommended, and the Governing Body agreed, to require representatives of the Mountain Inn to attend the next Council meeting to discuss their liquor license renewal.

Water Rates - Mayor Greuter suggested that former Councilman Bob Schaefer be contacted for assistance in evaluating water utility rates. Upon motion by Councilman Donofrio, seconded by Councilman Vicente, and unanimously carried via voice vote, to authorize the Borough Clerk to contact former Councilman Bob Schaefer for assistance in evaluating water utility rates.

Shredding Event - Mayor Greuter suggested that the Borough sponsor a shredding event at the recycle center that would be free for the public. The Governing Body agreed.

Construction Official/Building Sub-Code Official - Mayor Greuter announced he would like to appoint Leonard Perre as Construction Official and Building Subcode Official, beginning May 1, 2013 for a four-year term.

Upon motion by Councilman Willer, seconded by Councilman Vicente, and unanimously carried via voice vote to appoint Leonard Perre as Construction Official and Building Subcode Official, beginning May 1, 2013 for a four-year term.

Ambulance Services - The contract with Saint Clare's for ambulance services expires at the end of the year. Rockaway Township has advertised for bids for similar services for June 1 - May 31, 2014. He suggested that when the Borough solicits bids this year, an option be included for a period of performance expiring May 31, 2014 so that in 2014, the Borough and Township can jointly solicit bids.

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

CLERK'S REPORT

Website - The website development is not progressing as planned; requested a closed session to discuss potential litigation.

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

RESOLUTIONS (CONSENT AGENDA ITEMS)

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

RESOLUTION 67-13: REFUND TAX SALE CERTIFICATE (BLOCK 7, LOT 4)

BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, by New Jersey State Statute 54:5-58 to refund tax sale certificate dated October 17, 2012 for 91 Cobb Street, Block 7, Lot 4 in the amount of \$10,968.24 to U.S. Bank/Empire V, US Bank Custodian, 2 Liberty Place, 50 South 16th Street, Suite 1950, Philadelphia, PA.19102.

DATE: April 25, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 68-13: AUTHORIZE THE ISSUANCE OF LICENSE FOR TOWING SERVICE

WHEREAS, the Mayor and Council of the Borough of Rockaway did adopt by ordinance a procedure for the issuance of licenses to towing operators in the Borough of Rockaway; and

WHEREAS, the following named applicant has duly filed application for such license:

- McCarter's Towing, LLC, 74 Cobb Street, Rockaway, NJ 07866

WHEREAS, pursuant to said Ordinance, the Chief of Police of the Borough of Rockaway has endorsed said application as being complete pursuant to the Ordinance; and

WHEREAS, the Chief of Police has advised the Mayor and Council that the applicant has properly completed the application for a towing license in the Borough of Rockaway; and

WHEREAS, the Chief of Police has advised the Mayor and Council that background investigations were completed with satisfactory results; and

WHEREAS, the Chief of Police has advised the Mayor and Council that the applicant for towing license is presently on the official list of towers for the State of New Jersey and that this applicant has provided towing services to the Borough of Rockaway in prior years without any problems or complaints.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway that the following company be issued official tower license as noted below:

<u>License Number</u>	<u>Name</u>	<u>Place of Business</u>
218	McCarter's Towing, LLC	74 Cobb Street, Rockaway, NJ 07866

This resolution shall take effect as provided by law.

DATE: April 25, 2013 BOROUGH OF ROCKAWAY
ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

ORDINANCE NO. 06-13, 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 Vicente suggested that parking be prohibited on one side of the entire street because it is difficult to get a fire truck through when cars are parked on both sides.

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 23, 2013.

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

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

ORDINANCE NO. 07-13, Introduction & First Reading

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER A263, FEES,
SECTION A263-1, FEES ESTABLISHED,
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 23, 2013.

Said motion was seconded by Councilwoman Kanigel and passed as follows upon call of the roll:

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

PUBLIC PORTION

Mayor Greuter opened the meeting to the public.

Mrs. Barbara Koch, 47 Woodside Ave., reported that she has seen a coyote in her yard several times during the day. She provided a letter for the Police Department and the results of her contact with the NJ Division of Fish and Wildlife. Mrs. Koch was encouraged to call the Police Department immediately upon seeing the coyote. The Health Department/Animal Control will be informed.

Fire Chief Sam Passarella reported on the recent activities of the Fire Department.

Pat MacDonald, Crestwood Rd., said that Denville Line donated 25 buckets of paint for the hockey rink and will donate paint for the basketball courts.

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

CLOSED SESSION

Upon motion by Councilman Willer, seconded by Councilman Donofrio, and adopted unanimously upon voice vote, the following resolution was adopted:

RESOLUTION 69-13: CLOSE MEETING TO THE PUBLIC

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the Public from a meeting under certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances do exist;

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows: Potential Litigation (Garbage Collection, Website) and Contract Negotiation (Shared Services, Sale of Municipal Property).
3. The minutes of the discussion shall be made public as soon as the matters under discussion are no longer of a confidential or sensitive nature.
4. This resolution shall take effect immediately.

DATE: April 25, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor and Council went into closed session at 8:20 p.m. and resumed the public meeting at 9:33 p.m.

ADJOURNMENT

The meeting adjourned at 9:33 p.m.

Approved: As Submitted

Sheila Seifert, Borough Clerk

Date: May 9, 2013