

**MAYOR & COUNCIL
REGULAR MEETING
MAY 23, 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 Council President Melissa Burnside presiding in Mayor Russell Greuter's absence. Council President Burnside called the meeting to order at 7:30 p.m.

Council President Burnside 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 May 23, 2013. Council President Burnside announced the location of the fire exits.

Councilmembers Present

Thomas Donofrio
Joyce Kanigel
Thomas Mulligan
Joseph Vicente
John Willer
Melissa Burnside - Council President

Councilmembers Absent

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

Everyone present participated in the salute to the flag.

APPROVAL OF MINUTES

Upon motion by Councilman Vicente, seconded by Councilman Mulligan, and carried unanimously upon voice vote, the minutes of the May 9, 2013 Regular Meeting were accepted as submitted.

CORRESPONDENCE

Assistant Morris County Prosecutor Katherine Broderick and Police Chief Douglas Scheer were in attendance to answer questions regarding a notice that was delivered by the Police Department to residents. Council President Burnside opened the meeting to the public.

Members of the public questioned the ability of a municipality to prohibit sex offenders from residing within a certain distance of a school. Ms. Broderick replied that this has been ruled unconstitutional.

Chief Scheer explained the notification process to the public for sex offenders who move into a municipality. The Police Department monitors sex offenders on a regular basis. Chief Scheer and Ms. Broderick encouraged the public to contact the Police Department if they have any questions or see something suspicious.

Discussion ensued regarding how the State determines where to house known sex offenders and those eligible for Section 8 funds. Mr. Wacks explained that Section 8 is a federal subsidy program providing housing assistance for those who qualify under the law; for example, convicted felons are not eligible. Rooming houses accept State residents.

The public is concerned about the number of boarding houses within the Borough. Mr. Wacks reported that the Borough's Code does not define "boarding house." Boarding houses are not permitted in any zone but there are existing uses that were there before zoning started or before we had changes in zoning laws. The Borough's property maintenance code establishes the requirements for each room such as square footage, lighting, closets, etc.

Council President Burnside stated that the Governing Body will investigate how the Borough Code could be expanded so that there are no additional boarding houses and research the parameters for the number of feet within playgrounds, schools, libraries, etc. where sex offenders may live and what can be legally enforced.

COUNCIL COMMENTS

Councilwoman Kanigel - Finance and Licensing Committee

Library – The Morris County Site Preservation Trust visited the library as part of the grant application.

Historical Committee – Will give a presentation to Cub Scouts regarding the Rockaway soldiers who drowned in Cumberland Gap in Civil War.

Councilman Donofrio - Public Works/Public Utilities Committee

Water Department - In April, the DEP conducted an inspection of the Water Department and everything was found to be in compliance with all permit requirements.

Councilman Mulligan - Ordinance Committee

Ordinances - Explained the three ordinances that will be introduced and the two ordinances that will be adopted this evening.

Councilman Vicente - Personnel

Rockaway Borough School District - On May 21, Dr. Brian Purzak resigned from his position as Superintendent of Schools. Mr. Mark Schwarz will be the Acting Superintendent until Mr. Dennis Mark becomes the Interim Superintendent on July 1.

Councilman Willer - Fire Committee

Fire Department - Chief Sam Passarella, who was in the audience, reported that on May 19, the Fire Department held a mutual aid drill at 114 Beach St. and will conduct an extrication drill on May 29. On June 9, the Department would like to march in and take equipment to the Denville centennial parade.

Upon motion by Councilman Willer, seconded by Councilman Vicente, and unanimously carried via voice vote, to grant permission for the Fire Department to participate in the June 9, 2013 Denville Centennial Parade and to take the necessary apparatus depending on manpower.

Council President Burnside - Public Safety Committee

PBA Negotiations - The PBA Contract has been executed by the Police Department and the Mayor.

ATTORNEY'S REPORT

Requested a closed session concerning litigation (Donatoni Community Park).

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

CLERK'S REPORT

Grant Application - The Borough received a notice from the Department of Transportation stating that it is unable to provide a Municipal Aid grant for the Maple Avenue Improvements project.

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 Vicente, and carried unanimously upon call of the roll, the following resolutions were adopted:

RESOLUTION 81-13: REFUND YEAR 2013 TAX OVERPAYMENT (BLOCK 81.05, LOT 16)

BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway to refund the Year 2013 tax overpayment in the amount of \$2,764.94 to Jay Jacobus, 34 Swede Mine Road, Rockaway, NJ 07866.

DATE: May 23, 2013 BOROUGH OF ROCKAWAY
ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

RESOLUTION 82-13: SUPPORT THE CLICK IT OR TICKET MOBILIZATION OF MAY 20 – JUNE 2, 2013

WHEREAS, there were 591 motor vehicle fatalities in New Jersey in 2012; and

WHEREAS, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

WHEREAS, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

WHEREAS, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975 – 2000; and

WHEREAS, the State of New Jersey will participate in the nationwide *Click It or Ticket* seat belt mobilization from May 20 – June 2, 2013 in an effort to raise awareness and increase seat belt usage through a combination of enforcement and education: and

WHEREAS, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the state from the current level of 88.29 percent to 90 percent; and

WHEREAS, a further increase in seat belt usage in New Jersey will save lives on our roadways.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Rockaway declares its support for the *Click It or Ticket* seat belt mobilization both locally and nationally from May 20 – June 2, 2013 and pledges to increase awareness of the mobilization and the benefits of seat belt use.

DATE: May 23, 2013 BOROUGH OF ROCKAWAY
ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

RESOLUTION 83-13: AWARD CONTRACT (DEPARTMENT OF PUBLIC WORKS – LEAK DETECTION)

WHEREAS, there exists a need to perform a water leak detection survey of the Borough of Rockaway water system; and

WHEREAS, a diligent attempt to obtain several quotes was made by the Superintendent, Department of Public Works, with the lowest response being received from Northeast Water Technology, 19 Nee Ave., New Windsor, NY 12553, (914-213-0536); and

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

WHEREAS, the Local Public Contracts Law (NJSA 40A:11) states that a contract that is below the bid threshold may be awarded without public 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 Mayor and Borough Clerk are hereby authorized and directed to execute an agreement in an amount not to exceed \$9,950.00 with Northeast Water Technology, 19 Nee Ave., New Windsor, NY 12553, (914-213-0536) to perform a water leak detection survey of the Borough of Rockaway water system.
2. A copy of this resolution, and of the subject agreement, shall be made available for inspection in the office of the Borough Clerk.

DATE: May 23, 2013 BOROUGH OF ROCKAWAY
ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

CERTIFICATION FOR AVAILABILITY OF FUNDS

I, YOLANDA DYKES, Treasurer, of the Borough of Rockaway, Morris County, New Jersey, hereby certify that funds in the amount of \$9,950.00 are currently available for the purpose of awarding a contract for the furnishing of goods or services to the following entity:

NEW TECH, 19 Nee Ave., New Windsor, NY 12553, (914-213-0536), for the purpose of Water Leak Detection

The funds are chargeable to Budget year: 2013
Budget Line Item#: 07-201-55-707-511 Capital Water Outlay

DATE: May 21, 2013

BY: Yolanda Dykes, Treasurer

RESOLUTION 84-13: AWARD CONTRACT (DEPARTMENT OF PUBLIC WORKS – PUMP FOR CRESTWOOD BOOSTER STATION)

WHEREAS, there exists a need to purchase, remove and install a pump for the Crestwood Booster Station, located at Crestwood Road, Rockaway, New Jersey; and

WHEREAS, a diligent attempt to obtain several quotes was made by the Water Foreman, Department of Public Works, with the apparent low responsive quote being received from A.C. Schultes, Inc., 664 S. Evergreen Ave., Woodbury Heights, NJ 08097 (856-845-5656); and

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

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11) states that a contract that is below the bid threshold may be awarded without public bidding.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey that, based upon the recommendation of the Water Foreman, Department of Public Works, the Borough enter into a contract in an amount not to exceed \$6,698.00 with A.C. Schultes, Inc., 664 S. Evergreen Ave., Woodbury Heights, NJ 08097 (856-845-5656) to purchase, remove and install a pump for the Crestwood Booster Station.

BE IT FURTHER RESOLVED, that a copy of the said contract shall be available for public inspection at the office of the Borough Clerk.

DATE: May 23, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

CERTIFICATION FOR AVAILABILITY OF FUNDS

I, YOLANDA DYKES, Treasurer, of the Borough of Rockaway, Morris County, New Jersey, hereby certify that funds in the amount of \$6,698.00 are currently available for the purpose of awarding a contract for the furnishing of goods or services to the following entity:

A.C. Schultes, Inc., 664 S. Evergreen Ave., Woodbury Heights, NJ 08097 (856-845-5656), for the purpose of Pump Re-Placement - Crestwood

The funds are chargeable to Budget year: 2013
Budget Line Item#: 07-201-55-700-517

DATE: May 22, 2013

BY: Yolanda Dykes, Treasurer

ORDINANCE NO. 08-13, Introduction & First Reading

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AUTHORIZING THE SALE OF CERTAIN PARCELS OF
EXCESS REAL PROPERTY
NOT NEEDED FOR PUBLIC USE,
LOCATED IN THE BOROUGH OF ROCKAWAY,
PURSUANT TO N.J.S.A. §40A:12-13(A) AND (B)**

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 June 13, 2013.

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

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

ORDINANCE NO. 09-13, Introduction & First Reading

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AUTHORIZING THE SALE OF A CERTAIN PARCEL OF
EXCESS REAL PROPERTY
NOT NEEDED FOR PUBLIC USE,
LOCATED IN THE BOROUGH OF ROCKAWAY,
PURSUANT TO N.J.S.A. §40A:12-13(A) AND (B)**

Councilman Vicente 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 June 13, 2013.

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

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

ORDINANCE NO. 10-13, Introduction & First Reading

**ORDINANCE OF THE BOROUGH OF ROCKAWAY MAYOR AND COUNCIL
MUNICIPAL AND WATER UTILITY SALARIES**

Councilman Vicente 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 June 13, 2013.

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

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

ORDINANCE NO. 06-13, Public Hearing & Adoption

ORDINANCE NO. 06-13

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

BE IT ORDAINED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that the following amendments be made to Chapter 241, Vehicles and Traffic, of the Code of the Borough of Rockaway as follows:

Section I

1. The following item is hereby added to Part 2, Vehicle and Traffic Regulations, Article XV, Schedules, Section 241-52, Schedule III: Parking Prohibited During Certain Hours:

§ 241-52. Schedule III: Parking Prohibited During Certain Hours

In accordance with the provisions of § 241-15, no person shall park a vehicle between the hours listed upon any of the following described streets or parts of streets:

<u>Name of Street</u>	<u>Side</u>	<u>Hours/Days</u>	<u>Location</u>
West Lincoln Avenue	South	4:00 p.m. to 9:00 p.m./ Monday-Friday and 8:00 a.m. to 9:00 p.m./ Saturday, April 1 through July 31	Between Smith Field and Seward Street

Section II

1. This Ordinance may be renumbered for codification purposes.
2. All Ordinances of the Borough of Rockaway which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
3. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.
4. This Ordinance shall take effect as provided by law.

DATE: May 23, 2013 BOROUGH OF ROCKAWAY

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

Council President Burnside opened the meeting to the public. There being no comments, Council President Burnside closed the public hearing.

On motion by Councilman Mulligan and seconded by Councilman Donforio, the above mentioned ordinance was adopted by the following roll call:

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

ORDINANCE NO. 07-13, Public Hearing & Adoption

**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**

WHEREAS, the Parks and Recreation Advisory Committee of the Borough of Rockaway has recommended that the fee for the summer playground program be increased to cover the costs associated with that program.

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

Section I

1. Chapter A263, Fees, Section A263-1, Fees established, Subsection F (1) (c) [1] is hereby repealed in entirety and modified to read as follows:

"F. Chapter 179, Parks and Recreation Areas, including the beach and tennis facilities.

(1) The fees imposed beginning January 1, 2011, shall be as follows:

(c) Summer playground program.

[1] Residents of the Borough of Rockaway: \$165 for first child and \$140 for every child thereafter per eight-week session (fee includes a beach badge if the child has not received one through the sports card program)."

Section II

1. This Ordinance may be renumbered for codification purposes.
2. All Ordinances of the Borough of Rockaway which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

3. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.
4. This Ordinance shall take effect as provided by law.

DATE: May 23, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Council President Burnside opened the meeting to the public. There being no comments, Council President Burnside closed the public hearing.

On motion by Councilman Mulligan and seconded by Councilman Donofrio, the above mentioned ordinance was adopted by the following roll call:

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

DISCUSSION - ASHISH DHRUVI, LLC LIQUOR LICENSE

Mr. Tom Sateary, attorney for the Mountain Motor Inn, and Mr. Jagdish Patel, owner of the Mountain Inn, were present to discuss the status of the Ashish Dhruvi, LLC liquor license no. 1434-33-001-004.

Mr. Sateary distributed the schematic drawing of what the Room 100 will look like when it is renovated into a bar and the back wall. The construction permit should be issued next week and construction is expected to be completed within three-four weeks. The bar will be open every day, 5 p.m. - 10 p.m. with a bartender. They will come back on June 13 with photographs of the progress.

PUBLIC PORTION

Council President Burnside opened the meeting to the public.

Ms. Kathy Haake, Rockaway Ave., reported that the Beach Street River Park trail ribbon cutting will be held on Saturday, June 1, National trails day at 2 p.m.

Ms. Joyce Freiermuth asked what property will be the subject of the closed session. Mr. Wacks responded that someone approached the Borough with a proposal and it is appropriate to hear the offer in closed session.

Mrs. Bonnie Hook asked for assistance in calculating the amount that the Business Owners will be required to pay for Police overtime for Celebrate Rockaway Day. Council President Burnside will provide the information.

There being no further comments, Council President Burnside closed the meeting to the public.

CLOSED SESSION

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

RESOLUTION 85-13: 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: Contract Negotiation (Sale of Borough Property) and Litigation (Donatoni Community Park).

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: May 23, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor and Council went into closed session at 9:30 p.m. and resumed the public meeting at 9:53 p.m.

ADJOURNMENT

The meeting adjourned at 9:53 p.m.

Approved: As Submitted

Sheila Seifert, Borough Clerk

Date: June 13, 2013