

**MAYOR & COUNCIL  
REGULAR MEETING  
JUNE 27, 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 7:30 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 June 27, 2013. Mayor Greuter 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

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

Everyone present participated in the salute to the flag.

APPROVAL OF MINUTES

Upon motion by Councilman Donofrio, seconded by Councilman Mulligan, and carried unanimously upon voice vote, the minutes of the June 13, 2013 Regular Meeting were accepted as submitted.

COUNCIL COMMENTS

Councilwoman Kanigel - Finance and Licensing Committee

*Library Board of Trustees* - The historic preservation grant was approved by the County.

Requested a closed session for anticipated contract negotiations that the Borough could be a party.

Councilman Donofrio - Public Works/Public Utilities Committee

*Public Works* - Everything was running as usual for DPW.

Councilman Mulligan - Ordinance Committee

Explained the two ordinances that will be introduced this evening.

*Recreation* - A summer kick-off party will be held at Heady Field on June 29, co-sponsored by Little League.

Councilman Vicente - Personnel

*Boarding House Ordinance* - Councilman Vicente worked with the attorney and prepared a draft ordinance based on one from South Orange that would prohibit boarding or rooming houses but does not prohibit those that are currently in the town. The ordinance was given to Councilman Mulligan.

Councilman Willer - Fire Committee

*Fire Department* - The Department is getting ready for Family Festival to be held July 11-13.

Council President Burnside - Public Safety Committee

*Police Department* - Joint Insurance Fund approved money for the Police Department to pursue accreditation. The process is expected to take a year. Councilman Mulligan thanked Chief Scheer for addressing the Recreation staff before the summer program began.

ATTORNEY'S REPORT

*RVRSALitigation* - Final summary judgment motions were filed; no factual disputes. Scheduled to be heard near the end of August.

Upon motion by Council President Burnside, seconded by Councilman Mulligan, and carried unanimously upon voice vote, to accept the Borough Attorney's report.

MAYOR'S REPORT

Mayor Greuter reported on his recent activities, including attendance at the Challenger league baseball game and at the "Measures to Prevent Your Child From Being Kidnapped, Abducted, or Sexually Exploited" seminar.

*Boarding Houses* - Mayor Greuter stated that the 2012 taxes paid by The Exchange, 9 Wall St., and 36 West Main St. were just under \$22,000, \$15,000, and \$6,500 respectively.

*Shared Services* - The State provides Construction Department services for Andover. Mayor Greuter learned that the Borough could not collect fees if these services were outsourced. He will reach out to other towns to see if they are interested in sharing services.

Mr. Beilin explained that the State will look at requests for providing Construction Department services and would make a determination if they would undertake the job or not.

*Park Lake Dredging Permit* - The Park Lake dredging must be done between September 1 and October 31. The Engineer would like to meet with Borough officials to determine the dredging area. Mayor Greuter; Recreation Director; Superintendent, Department of Public Works; Kathy Haake (Environmental Committee) and Councilman Mulligan will attend the meeting.

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

CLERK'S REPORT

*Bingo/Raffle License Approvals* - Approved raffle licenses for Coming Home Rescue to hold on-premise 50/50's at The Exchange and Tavern on the Rocks on June 21, 2013.

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

RESOLUTIONS (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 92-13: SUPPORT USE OF "NO PASSING ZONE" ON ROUTE 46 (NJDOT)**

**WHEREAS**, the New Jersey Department of Transportation (NJDOT) recently completed a traffic investigation on Route 46 in the Borough of Rockaway; and

**WHEREAS**, NJDOT recommends a revision to the centerline pavement markings on Route 46 to create a "No Passing Zone" in the vicinity of mileposts 40.09 to 41.2 for safety reasons; and

**WHEREAS**, this project will create safer driving conditions in this area of Route 46.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Rockaway, County of Morris, in the State of New Jersey, that it supports the use of a "No Passing Zone" on Route 46 in the Borough of Rockaway as recommended by NJDOT.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution shall be forwarded to NJDOT as requested.

DATE: June 27, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

**RESOLUTION 93-13: AUTHORIZE THE ADVERTISEMENT OF BIDS FOR PARK LAKE DREDGING**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Rockaway in the County of Morris, that the Borough Clerk be and is hereby authorized and directed to advertise, as required by law, in the *Daily Record* and *The Citizen*, officially designated newspapers circulated in said Borough, an Invitation to Bidders for sealed proposals to be received by the Borough Clerk of the Borough of Rockaway in the County of Morris, New Jersey, for:

PARK LAKE DREDGING

Sealed proposals will be opened and read in public at Borough Hall, 1 East Main Street, Rockaway, New Jersey at a date to be determined by the Borough Engineer.

DATE: June 27, 2013 BOROUGH OF ROCKAWAY  
ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

**RESOLUTION 94-13: AUTHORIZATION TO AWARD CONTRACT (POLICE VEHICLE)**

**WHEREAS**, there exists a need to obtain a Police Vehicle for the Police Department; and

**WHEREAS**, a state contract exists for the purchase of vehicles from Carman Dodge, Inc., 196 S. DuPont Highway, New Castle, DE 19720 (856-427-2796); 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 Dodge Charger Pursuit for use by the Police Department from Carman Dodge, Inc., 196 S. DuPont Highway, New Castle, DE 19720 (856-427-2796), under New Jersey Contract No. 82927, not to exceed the amount of \$22,813.00.

DATE: June 27, 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, in the County of Morris, New Jersey, do hereby certify that funds in the amount not to exceed \$22,813.00 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:

Carman Dodge, Inc., 196 S. DuPont Highway, New Castle, DE 19720, for the purpose of Use by the Police Department  
The funds are chargeable to Budget year: 2013  
Budget Line Item#: 01-201-25-240-217 \$22,813.00

DATE: June 24, 2013 BY: Yolanda Dykes, Treasurer

**RESOLUTION 95-13: ISSUE 2013-2014 TAXICAB/LIVERY DRIVER'S LICENSE**

**BE IT RESOLVED**, that a 2013-2014 Taxicab/Livery Driver's License be issued to the following; said application has been deemed to be complete and further approved by the Police Chief:

<u>License No.</u>	<u>Driver</u>	<u>Address</u>	<u>Employer</u>
100-13	Guerra, John F.	120 Franklin Avenue Rockaway, NJ	Boro Limousine

This license will be in effect from June 1, 2013-May 31, 2014.

DATE: June 27, 2013 BOROUGH OF ROCKAWAY  
ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

**RESOLUTION 96-13: ISSUE 2013-2014 TAXICAB/LIVERY LICENSE TO OPERATE**

**BE IT RESOLVED**, that a 2013-2014 Taxicab/Livery License to Operate be issued to the following; said application has been deemed to be complete and further approved by the Police Chief:

BORO LIMOUSINE  
120 Franklin Avenue  
Rockaway, NJ 07866

for the following vehicle:

Vehicle #1 - 2009 Lincoln - VIN 1LNHM94R19G627715, Vehicle Garaged On-Site

This license will be in effect from June 1, 2013-May 31, 2014.

DATE: June 27, 2013 BOROUGH OF ROCKAWAY  
ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

**RESOLUTION 97-13: RELEASE PERFORMANCE BOND (BLOCK 38, LOT 32)**

**WHEREAS**, on January 11, 2012, Rockaway Assembly of God Church, 113 East Main Street, Rockaway, NJ 07866 posted \$17,000.00 as a performance bond for the unfinished top coating of the parking lot for the new building constructed at 113 East Main Street, known as Block 38, Lot 32, as a condition of receiving a certificate of occupancy; and

**WHEREAS**, the Borough Engineer has inspected the site and is satisfied that the work has been completed properly and has recommended the release of the performance bond to the Rockaway Assembly of God Church; and

**WHEREAS**, the Treasurer of the Borough of Rockaway has determined that the escrow posted by Rockaway Assembly of God for Board of Adjustment Case No. 725-07 is insufficient to cover the Borough's costs for engineering inspections and that \$492.95 is owed to the Borough of Rockaway; and

**WHEREAS**, the Mayor and Council of the Borough of Rockaway concur with the recommendations of the Borough Engineer.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Rockaway, that the Treasurer is hereby authorized to refund the performance bond of \$17,000.00 posted by Rockaway Assembly of God Church, 113 East Main Street, Rockaway, NJ 07866, plus \$38.25 interest, less the escrow amount of \$492.95 due to the Borough of Rockaway.

DATE: June 27, 2013 BOROUGH OF ROCKAWAY  
ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

**RESOLUTION 98-13: REFUND FEE FOR USE OF FACILITIES**

**WHEREAS**, on June 10, 2013 the Rockaway Assembly Softball Team, 2112 Johnson Drive, Rockaway, NJ 07866, paid a \$30.00 fee for Use of Facilities; and

**WHEREAS**, the Use of Facilities request was cancelled due to weather.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Rockaway, County of Morris, to refund \$30.00 to Rockaway Assembly Softball Team, c/o Bob Domenech, 2112 Johnson Drive, Rockaway, NJ 07866 (973-449-7738).

DATE: June 27, 2013 BOROUGH OF ROCKAWAY  
ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

**RESOLUTION 99-13: SET THE DATE FOR THE SALE OF EXCESS REAL PROPERTY NOT NEEDED FOR PUBLIC USE**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Rockaway, County of Morris and State of New Jersey, that the Borough Clerk be and is hereby authorized and directed to advertise, as required by law, in the *Daily Record* and *The Citizen*, officially designated newspapers circulated in said Borough, a notice of the Public Sale of Real Property Not Needed for Public Use for:

- a. Property No. 1: Block 31, Lot 16, 17, 18, 19; Van Duyne Avenue
- b. Property No. 2: Block 60, Lots 9, 10; Cedar Lane
- c. Property No. 3: Block 80, Lot 24; 35 Addison Avenue
- d. Property No. 4: Block 81.06, Lot 33.02; 67 West Elycroft Avenue

The public auction will be held at the Community Center, 21-25 Union Street, Rockaway, New Jersey, at 7:00 p.m. on Wednesday, August 21, 2013.

DATE: June 27, 2013 BOROUGH OF ROCKAWAY  
ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

ORDINANCE NO. 13-13, Introduction & First Reading

**ORDINANCE OF THE  
BOROUGH OF ROCKAWAY, COUNTY OF MORRIS,  
APPROPRIATING \$62,296.11  
FOR SALT SHED (DEPARTMENT OF PUBLIC WORKS)**

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 July 25, 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. 14-13, Introduction & First Reading

**ORDINANCE OF THE  
BOROUGH OF ROCKAWAY, COUNTY OF MORRIS,  
APPROPRIATING \$7,895.00  
FOR STREET SWEEPER APPURTENANCES (DEPARTMENT OF PUBLIC WORKS)**

Councilman Donofrio 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 July 25, 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

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.

Mr. Sateary reported that the improvements were completed. The plumbing inspection was passed; the electric inspection failed but corrections were made.

Councilmen Mulligan and Vicente visited the Mountain Inn and agreed that the bar looks fabulous. Councilman Mulligan encouraged Mr. Patel to continue the re-imaging of the Mountain Inn and to work toward the rebranding as a Ramada Inn.

Upon motion by Councilman Vicente, seconded by Council President Burnside, and carried unanimously upon call of the roll, the following resolution was adopted:

**RESOLUTION 100-13: APPROVE 2013-2014 ALCOHOLIC BEVERAGE CONTROL LICENSE (ASHISH DHRUVI, LLC)**

**WHEREAS**, Ashish Dhruvi, LLC, Marilyn Ave. off Route 46, in the Borough of Rockaway, New Jersey 07866 (the "Licensee") is the owner of a certain liquor license no. 1434-33-001-005 (the "Liquor License") which ceased active operations on or about March 15, 2001; and

**WHEREAS**, the following endorsement was placed on the license 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: "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."; and

**WHEREAS**, the following additional conditions were imposed by the Mayor and Council of the Borough of Rockaway and included in Resolution 89-12, Approve Transfer of Retail Liquor License (Ashish Dhruvi, LLC), adopted on April 26, 2012: (a) the Liquor License shall be used only in the main building; (b) handicap access must be provided to the front of the Mountain Inn building; and (c) 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; and

**WHEREAS**, the Licensee appeared before the Borough Council on May 9, 2013, May 23, 2013, and June 13, 2013 and established good cause for the renewal of the inactive license no. 1434-33-001-005 for the 2013-2014 license term as an active license; and.

**WHEREAS**, the Mayor and Council are satisfied that the conditions imposed by Resolution 89-12 have been met; and

**WHEREAS**, the Director of the Division of Alcoholic Beverage Control has caused to be advertised in a newspaper in each County, a General Notice of Intention to apply for said Licenses; and.

**WHEREAS**, the Licensee has duly filed its application for the Class "C" Retail licenses known as Plenary Retail Consumption License, for the period from July 1, 2013 to June 30, 2014 and an amendment to its retail consumption license indicating that the license has become active and the business is open and operating.

**NOW, THEREFORE, BE IT RESOLVED** that the License No. 1434-33-001-005 under Class "C" Retail Licenses, known as Plenary Retail Consumption Licenses, be and the same is hereby granted to Ashish Dhruvi, LLC, Marilyn Ave. off Route 46, Rockaway, New Jersey 07866.

DATE: June 27, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

**PUBLIC PORTION**

Mayor Greuter opened the meeting to the public.

Sheila Zeman, 27 Halsey Ave., thanked Councilman Vicente for his work on ordinances to prohibit boarding houses. She questioned the classification for 9 Wall Street and 36 West Main St. as they are listed as 3 1/2 family and 2 1/2 family respectively. Mayor Greuter will check with the Zoning Officer.

Fire Chief Sam Passarella reported that the wetdown for the new pumper was held and the Department is preparing for the Family Festival.

Mr. Rob Grow, Lakeside Dr., asked for the progress regarding the Broad St. encroachment. Mr. Beilin reported that he placed a call to the County Counsel to ask if the property could be subdivided without violating the deed restriction.

Mrs. Joyce Freiermuth, 99 E. Flagge St., said that the closed session that the Council held to discuss the Broad St. encroachment was inappropriate. According to her legal advice, the "threat" of litigation must be more than theoretical for the "potential litigation" exemption to apply.

Residents spoke about the possibility of shared services with Rockaway Township for the Construction Department. Mr. Mark Howarth, Mountain Ave., suggested restructuring the Borough's fees in order to keep the Building Department within the Borough.

Mrs. Cheryl Calello, 20 Adler Ct., praised the Borough's inspectors for being thorough and suggested that there may be other ways to cut costs such as reduced hours or applying for grants.

Mrs. Sylvia Banbor, 4 Maplewood Ave., Technical Assistant to the Construction Official, expressed her concerns about the Building Department being merged with Rockaway Township in that the service and convenience residents now have would be lost. She recommended that the Council shop around with other municipalities or the State to ensure that we would receive the best deal. Fees were not revised for 12 years until 2011, resulting in the Department operating at a deficit. Mrs. Banbor recommended raising permit fees and the appointment of a committee consisting of two residents, two Council members, and one other town-related person to look at fees and shared services, and she requested that voting be postponed until further information is gathered and other solutions are explored. She submitted letters supporting keeping the services in town and not combining them with Rockaway Township.

Mrs. Jerilyn Hurley, 69 Woodside Ave, asked if the Council had checked with other towns that do shared services to find out if they are happy. According to Mrs. Banbor, Seaside Park did shared services with Berkley Township and is thinking about going back to home rule. Mrs. Hurley expressed her understanding that the Department received \$62,000 in fees in 2011 and \$92,750 in 2012.

According to Mrs. Beverly Insull, 7 Kelsey St., who works in Rockaway Township adjacent to the Construction Department, the two clerks there are swamped.

Mayor Greuter explained that the Governor is pushing shared services or possibly start to lose state aid. He will contact Randolph and Denville.

Mr. Grow asked if Rockaway Township would help to dredge Park Lake and was told no. He is concerned about silt coming into the lake from Rockaway Township.

Mrs. Bonnie Hook, Jackson Ave., commended the Police Department for its Facebook page and getting out notice about the recent earthquake so quickly.

Mr. Sam Saporite, 34 W. Flagge St., suggested that residents be included on the committee to review the shared service issue. He referred to the Uniform Shared Services and Consolidation Act passed in 2012 that agreements may be submitted to voters in a referendum.

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

#### CLOSED SESSION

Upon motion by Councilman Vicente, seconded by Councilman Donofrio and adopted unanimously upon call of the roll, the following resolution was adopted:

#### **RESOLUTION 101-13: 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 (Dontani Community Park); Anticipated Contract Negotiations That the Borough Could Be a Party.
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: June 27, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor and Council went into closed session at 9:03 p.m. and resumed the public meeting at 9:41 p.m.

#### ADJOURNMENT

The meeting adjourned at 9:41p.m.

Approved: As Submitted

Sheila Seifert, Borough Clerk

Date: July 11, 2013