

**MAYOR & COUNCIL
REGULAR MEETING
JULY 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 7:30 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 July 25, 2013. Mayor Greuter announced the location of the fire exits.

Councilmembers Present

Joyce Kanigel
Thomas Mulligan
John Willer
Melissa Burnside - Council President

Councilmembers Absent

Thomas Donofrio
Joseph Vicente

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 Mulligan, seconded by Council President Burnside, and carried unanimously upon voice vote, the minutes of the July 11, 2013 Regular Meeting were accepted as submitted.

CORRESPONDENCE

Mayor Greuter read the July 18, 2013 letter from Larry Weiner, Esq., representing Breslauer Contractors, LLC. Breslauer is interested in discussing the possibility of obtaining a 50-foot wide strip of the Broad Street right-of-way adjoining its property at 44 Broad St., Block 22, Lot 3, for a three-lot subdivision.

On motion by Councilman Willer, seconded by Councilman Mulligan, and unanimously carried by voice vote to accept the correspondence and to take no action at this time.

COUNCIL COMMENTS

Councilwoman Kanigel - Finance and Licensing Committee

Library Board of Trustees - Received the grant papers.

Councilman Mulligan - Ordinance Committee

Recreation - The summer recreation program is in full swing. On August 15, Thursday, there will be a bonfire at the beach. Recreation requested that the lights at roller rink at Heady Field/Memorial Park be turned on from 8 - 10 p.m. Mayor Greuter reported that Public Works tried to turn on the lights and will have to call in an electrician to check out the box. Also, the lights are too high for Public Works to install new bulbs.

Ordinances - Councilman Mulligan explained the ordinances that will be introduced and adopted tonight.

Councilman Willer - Fire Committee

Fire Department - The Fire Department accepted the resignation of Rachael Painton, the application for membership from Tami Chipko and application for junior membership from Daniel Lovenberg, and called its normal drills.

Upon motion by Councilman Willer, seconded by Councilman Mulligan, and carried unanimously upon voice vote, to approve the actions of the Fire Department.

Assistant Fire Chief Ron Hamman, who was in the audience, provided an update on the recent house fire on George St.

Council President Burnside - Public Safety Committee

No comments.

ATTORNEY'S REPORT

Mr. Beilin reported that the parties involved in the Donatoni Field litigation have reached a settlement which was accepted by Tomco and Suburban. Mr. Beilin requested a closed session to discuss the terms of the settlement with the Council.

Broad St. Encroachment - The counsel for Morris County advised that the Borough must send a copy of the deed and the history of the property before the County would decide if it would be permissible to sell it or subdivide it.

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

Shared Services - Construction - Mayor Greuter contacted Randolph, Dover and the State about performing the Construction Department services. Randolph is not interested, and Dover will get back to us. The State would require 120 days' notice to take over; however, the Borough could take it back with the same notice. Councilwoman Kanigel suggested that we find out what fees the residents would pay if the State took over.

Upon motion by Councilman Willer, seconded by Councilman Mulligan, and carried unanimously upon voice vote, to accept the Mayor'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 104-13: EXTEND GRACE PERIOD FOR PAYMENT OF TAXES

BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, to extend the grace period for the 2013 Year Third Quarter Property Taxes to August 15, 2013.

DATE: July 25, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 105-13: REFUND USE OF FACILITY DEPOSIT (MCDONALD BASEBALL CAMP, LLC)

WHEREAS, McDonald Baseball Camp, LLC, 11 Baker Street, Rockaway, NJ 07866, paid a \$100.00 refundable security deposit fee for use of Donatoni Community Park; and

WHEREAS, it was determined that the Park was left in an undamaged and clean condition.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, to refund \$100.00 to McDonald Baseball Camp, LLC, 11 Baker Street, Rockaway, NJ 07866 for a Use of Facility Request Deposit.

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

ORDINANCE NO. 16-13, Introduction & First Reading

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER 201, RECREATION,
AND
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 August 22, 2013.

Said motion was seconded by Council President Burnside and passed as follows upon call of the roll:

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

ORDINANCE NO. 13-13, Public Hearing & Adoption

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

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

SECTION 1: The purpose described in Section 2 of this Ordinance is hereby authorized to be made by the Borough of Rockaway. There is hereby appropriated \$62,296.11 for the hereinafter designated purpose as follows:

\$26,500.00 from Capital Fund Balance
\$25,296.11 from Recycling Trust Fund
\$10,500.00 from Reserve for Recycling

SECTION 2: The purpose authorized herein is for a salt shed for use by the Department of Public Works.

SECTION 3: It is the opinion of the Mayor and Council of the Borough of Rockaway, County of Morris, that the appropriation from Capital Fund Balance, Recycling Trust Fund, and Reserve for Recycling; and the use of the appropriation for said purpose is in the best interest of the Borough of Rockaway.

SECTION 4: This Ordinance shall take effect according to law.

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

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

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

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

ORDINANCE NO. 14-13, Public Hearing & Adoption

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

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

SECTION 1: The purpose described in Section 2 of this Ordinance is hereby authorized to be made by the Borough of Rockaway. There is hereby appropriated \$7,895.00 from the Capital Fund Balance for the hereinafter designated purpose.

SECTION 2: The purpose authorized herein is for appurtenances for a street sweeper for use by the Department of Public Works.

SECTION 3: It is the opinion of the Mayor and Council of the Borough of Rockaway, County of Morris, that the appropriation from Capital Fund Balance and the use of the appropriation for said purpose is in the best interest of the Borough of Rockaway.

SECTION 4: This Ordinance shall take effect according to law.

DATE: July 25, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

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

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

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

PUBLIC PORTION

Mayor Greuter opened the meeting to the public.

Ms. Sheila Zeman, 27 Halsey Ave., and Mr. Robert Grow, 110 Lakeside Dr., asked for clarification about the possibility of sharing Construction Department services.

Ms. Joyce Freiermuth, 99 E. Flagge St., showed Mr. Beilin a map from the deed of the Beach St. Open Space property indicating that Mr. Harju has encroached on freshwater wetlands.

Chief Hamman stated that the Fire Department's Family Festival was not as successful as in the past.

Mr. Grow asked questions about the Park Lake dredging and the engineering costs. He believes that the sediment from Rockaway Township is killing the lake and that the Township should contribute to the treating and dredging of the lake. Mayor Greuter asked the Environmental Committee to provide photographs of the lake that he could send to Rockaway Township.

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

CLOSED SESSION

Upon motion by Council President Burnside, seconded by Councilman Mulligan, and adopted unanimously upon voice vote, the following resolution was adopted:

RESOLUTION 106-13: 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: 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: July 25, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor and Council went into closed session at 8:17 p.m. and resumed the public meeting at 8:28 p.m.

RESOLUTION 107-13

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

RESOLUTION 107-13: AUTHORIZE THE SETTLEMENT OF LITIGATION (BOROUGH OF ROCKAWAY V. SUBURBAN CONSULTING ENGINEERS, ET ALS.)

WHEREAS, the Borough of Rockaway ("Borough") is currently involved in litigation filed in the Superior Court of New Jersey, Law Division, Morris County, encaptioned Borough of Rockaway v. Suburban Consulting Engineers, et als. bearing Docket No. MRS-L-3137-11 (the "Litigation"); and

WHEREAS, the Borough and Defendants have pursued discussions regarding the potential resolution of the Litigation; and

WHEREAS, the Borough Mayor and Council have determined that it is in the public's best interest to resolve the Litigation pursuant to the terms and conditions of the Stipulation of Settlement attached hereto.

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

1. The Borough agrees to settle the Litigation pursuant to the terms and conditions of the attached Stipulation of Settlement.
2. The Mayor and Borough Clerk are hereby authorized and directed to execute the Stipulation of Settlement attached hereto, or such other and substantially similar document that has been approved as to form and substance by the Borough Attorney, and that does not materially alter the obligations of the parties to the said litigation.
3. The Borough, through its appropriate staff and officials, is hereby further authorized and directed to undertake any and all such acts and execute any and all such other documents as may be necessary and appropriate to effectuate the terms hereof.

DATE: July 25, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mr. Beilin explained that the settlement will provide for Suburban to supply design plans and stake out the field, and for Tomco to perform excavation work to help level the fields and train Borough employees how to prepare and maintain the fields. A clay buildup prevented water from draining to the outfield.

ADJOURNMENT

The meeting adjourned at 8:37 p.m.

Approved: As Submitted

Sheila Seifert, Borough Clerk

Date: August 8, 2013