

**MAYOR & COUNCIL
REGULAR MEETING
APRIL 11, 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 April 11, 2013, 2013. Mayor Greuter announced the location of the fire exits.

Councilmembers Present

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

Councilmembers Absent

Joseph Vicente

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

Everyone present participated in the salute to the flag.

APPOINTMENTS

Mayor Greuter announced the appointment of Mr. Michael Coffey to a full-time Laborer position, beginning May 1, 2013.

Upon motion by Councilman Donofrio, seconded by Councilman Mulligan, and carried unanimously upon voice vote, to concur with the Mayor's appointment of Mr. Michael Coffey to a full-time Laborer position, beginning May 1, 2013.

Mayor Greuter announced the appointment of Mr. Shawn Connington to the Parks and Recreation Advisory Committee for a term expiring December 31, 2014.

Upon motion by Councilman Mulligan, seconded by Councilman Donofrio, and carried unanimously upon voice vote, to concur with the Mayor's appointment of Shawn Connington, 185 Rockaway Avenue, to the Parks and Recreation Advisory Committee for a term expiring December 31, 2014.

RESOLUTION 65-13

Chief Financial Officer Marie Goble and Treasurer Yolanda Dykes were present to discuss Resolution 65-13. Ms. Goble explained that the auditor identified that the Borough's Cap appropriation amount exceeds the amount allowed by state law and that the Borough must apply for a waiver from the State Local Finance Board. Mayor Greuter read aloud Resolution 65-13.

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

RESOLUTION 65-13: RESOLUTION OF THE BOROUGH OF ROCKAWAY MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:4-45.3(E) (CASH DEFICIT)

WHEREAS, the Mayor and Council of the Borough of Rockaway in the County of Morris desires to make application to the Local Finance Board for its approval of a proposed appropriation CAP waiver pursuant to N.J.S.A. 40A:4-45.3(e); and

WHEREAS, the Mayor and Council believes that:

- (a) it is in the public interest to accomplish such purpose; and
- (b) the appropriation CAP waiver is for the health, wealth, convenience or betterment of the inhabitants of the Borough of Rockaway; and
- (c) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Borough of Rockaway and will not create an undue financial burden to be placed upon the Borough of Rockaway.

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

Section 1. The application to the Local Finance Board is hereby approved, and the Chief Financial Officer, along with other representatives of the Borough of Rockaway, are hereby authorized to prepare such application and to represent the Borough of Rockaway in matters pertaining thereto.

Section 2. The Municipal Clerk of the Borough of Rockaway is hereby directed to file a copy of the proposed appropriation CAP waiver with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

RECORDED VOTE	(Donofrio	((
	(Kanigel	(Abstained	(
Ayes	(Mulligan	Nays	((
	(Willer	((
	(Burnside	((
	((Absent	(Vicente
				(

DATE: April 11, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

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

APPROVAL OF MINUTES

Upon motion by Council President Burnside, seconded by Councilman Donofrio, and carried unanimously upon voice vote, the minutes of the March 23, 2013 Budget Meeting and the March 28, 2013 Regular Meeting were accepted as submitted.

CORRESPONDENCE

Mayor Greuter read a letter from the Rockaway, Marcella and Denville Memorial Association requesting permission to hold its Memorial Day parade on Monday, May 27, at 11:00 a.m. It will begin at the corner of Beach and Main Streets and proceed to the Presbyterian Church Cemetery.

On motion by Councilman Willer, seconded by Councilman Donofrio, and unanimously carried by voice vote to accept the correspondence, approve the request and notify Police, Fire, and Public Works Departments, and also to request that plastic flowers not be thrown over the bridge.

Mayor Greuter read the April 9, 2013 letter from Mr. Edward Miller, representing the Crème of the Crop, thanking Mayor Greuter for his attendance at their initial meeting.

On motion by Councilman Willer, seconded by Council President Burnside, and unanimously carried by voice vote to accept the correspondence,

COUNCIL/COMMITTEE REPORTS

Councilwoman Kanigel - Finance and Licensing Committee

Library - The grant application was submitted to the Morris County Historic Preservation Trust.

Payment of Bills - Upon motion by Councilwoman Kanigel, seconded by Councilman Mulligan, and carried unanimously upon voice vote, that the bills presented to the Borough of Rockaway for payment by the Borough, as evidenced by proper vouchers, be referred to the Committee or unit contracting for same, and, when endorsed by them and approved by appropriate action of Council, that they are to be paid.

Upon motion by Councilman Mulligan, seconded by Council President Burnside, and carried unanimously upon voice vote, to accept the Finance and License Committee report.

Councilman Donofrio - Public Works/Public Utilities Committee

River Cleanup - Approximately 75 volunteers assisted in the recent river clean-up.

DOT Project - The Route 46 repaving project is underway.

Upon motion by Council President Burnside, seconded by Councilman Mulligan, and carried unanimously upon voice vote, to accept the Public Works/Public Utilities Committee report.

Councilman Mulligan - Ordinance Committee

Ordinance 05-13 - This ordinance, which amends fees for Municipal Court discovery documents, is scheduled for public hearing and adoption this evening.

Recreation - Councilman Mulligan met with the Recreation Director and the incoming Recreation Director. The Public Works Department is looking at the Smith Field batting cage.

Upon motion by Councilman Willer, seconded by Councilman Donofrio, and carried unanimously upon voice vote, to accept the Ordinance Committee report.

Councilman Willer - Fire Committee

Fire Department - The Fire Department approved the membership of Tom Cryan for active duty, reinstated Dan Levin to active duty, accepted the resignations of Bill McCabe and Annette Howarth, and called drills on April 17 and 24 and officers' drill on April 22. The wetdown will be held on June 15.

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

Upon motion by Council President Burnside, seconded by Councilman Donofrio, and carried unanimously upon voice vote, to accept the Fire Committee report.

Council President Burnside - Public Safety Committee

Public Safety - Police Chief Scheer is trained as a fusion liaison officer.

Board of Health - The Health Department is following up on dog and licenses that were not renewed and is working on an ordinance to require inspections of tanning salons.

Upon motion by Councilman Donofrio, seconded by Councilman Mulligan, and carried unanimously upon voice vote, to accept the Public Safety Committee report.

ATTORNEY'S REPORT

Insurance Requirements - The attorneys recommend that, rather than specifying limits and types, bids and quotations require insurance that must be satisfactory to attorney review and approval.

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

MAYOR'S REPORT

Shared Services - Mayor Greuter met with Rockaway Township Mayor regarding shared services of the Building Department.

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

CLERK'S REPORT

Website Development - The new website is in the final stages of development. The company is in the process of moving the files over to the new site. Therefore, no changes will be made to the existing site.

Sale of Borough-Owned Properties - The Public Works Superintendent, the real estate professional, and the Borough Clerk visited the sites on Van Duyne Ave., Cedar Lane, and West Elycroft Ave. that the Governing Body had approved to sell, as well as the Addison Ave. lot.

Upon motion by Councilman Willer, seconded by Councilman Donofrio, and unanimously carried via voice vote, to include the Addison Avenue lot to be sold by the real estate professional.

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

RESOLUTION 61-13

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

RESOLUTION 61-13: ESTABLISH PRELIMINARY COSTS - HALSEY AVENUE IMPROVEMENT PROJECT

WHEREAS, on May 29, 2012, the State of New Jersey Department of Transportation transmitted a fully executed Grant Agreement for the Halsey Avenue Improvement Project in the Borough of Rockaway; and

WHEREAS, the construction contract must be awarded by November 4, 2013; and

WHEREAS, the Borough Engineer is preparing the specifications and/or any preliminary work necessary to complete the project; and

WHEREAS, the amount to be charged is for the purpose for which bonds may be issued under Chapter 2 of Title 40A.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, that the amount appropriated for preliminary costs for the Halsey Avenue Improvement Project shall not exceed \$12,000.00 and the Chief Financial Officer is authorized to set up a "Reserve for Preliminary Expenses" out of the Capital Improvement Fund of the General Capital Fund.

DATE: April 11, 2013 BOROUGH OF ROCKAWAY

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

RESOLUTIONS (CONSENT AGENDA ITEMS)

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

RESOLUTION 62-13: AUTHORIZE THE ADVERTISEMENT OF BIDS FOR HALSEY AVENUE IMPROVEMENT PROJECT

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:

HALSEY AVENUE IMPROVEMENT PROJECT

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: April 11, 2013 BOROUGH OF ROCKAWAY

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

RESOLUTION 63-13: SUPPORT S-1896/A-1503 SHARING THE BURDEN OF PROPERTY ASSESSMENT APPEAL REFUNDS

WHEREAS, when County Tax Board appeals are granted, the municipality must reimburse the property taxpayer 100% of the appealed tax levy, which includes the municipal, school, county and any special districts tax; and

WHEREAS, the municipal tax collector makes the adjustment from the appeal as a credit on the 4th quarter tax bill, resulting in the municipality's fund balance for the preceding year to be diminished, if not completely depleted; and

WHEREAS, a League of Municipalities' survey measured the extent to which residents have filed and won tax appeals in 2010; and

WHEREAS, one hundred fifty (150) municipalities, representing both large and small municipalities in all 21 counties, that participated in the survey reported property value declines of more than \$87,900,000, which resulted from 19,788 tax appeals filed in 2010; and

WHEREAS, those responding to the survey indicated that 13,760 appeals were filed in 2009, compared to 19,788 in 2010, representing an increase of 43.7%; and

WHEREAS, a municipality often experiences an increase in tax appeals because it has conducted a revaluation, however, only five of the 150 municipalities, which participated in the survey, indicated that their 2010 appeals resulted from revaluations; and

WHEREAS, as a way of comparison, 23 of the participating municipalities conducted revaluations in 2009, when fewer tax appeals were presented to the County Tax Boards; and

WHEREAS, the 2010 spike in appeals should be attributed to the economic down-turn, which lowered property values and placed increased stress on the income of homeowners, all around our Garden State; and

WHEREAS, the survey also indicated that in 2010 the various County Tax Boards have granted average property value reductions of close to \$5,000, per appeal; and

WHEREAS, fifty-six percent of those responding indicated that the successful tax appeals would have an impact on fund balances and place additional pressures on local officials during 2011; and

WHEREAS, the reductions, which were granted by County Tax Boards in 2010, likely had a multiplier in subsequent years when neighbors learned of their neighbor's tax reduction; and

WHEREAS, successful tax appeals have a three-fold negative impact on municipal budgets. First, the municipality, as the collector of taxes for the School district, county and special districts, must fund the full cost of the legal defense of the assessment. Second, since State law guarantees to the county and the school district 100% of their levies, the municipality bears the full cost of any re-imbursements resulting from the appeal (as well as the full burden for any uncollected taxes). Third, the end result will be a further decline in the property tax base used to support Municipalities, County governments and School systems; and

WHEREAS, in light of the revenue limitations that have been placed on all levels of local government by the Legislature (2% cap), such declining values will compound and add additional stress to local public officials, as they grapple with the issues confronting the tax paying public; and

WHEREAS, Senator Bucco, Assemblyman Carroll and Assemblyman Bucco have recently introduced S-1896/A-1503, which requires fire districts, school districts, and county governments to share in burden of property assessment appeal refunds;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, to hereby urge the swift passage and signing of S-1896/A-1503; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

DATE: April 11, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 64-13: 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:

- Tony's Towing & Recovery, Inc., 228 East Blackwell Street, Dover, NJ 07801

WHEREAS, pursuant to said Ordinance, the Chief of Police of the Borough of Rockaway has endorsed said applications 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>
217	Tony's Towing & Recovery, Inc.	228 East Blackwell Street Dover, NJ 07801

This resolution shall take effect as provided by law.

DATE: April 11, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

ORDINANCE NO. 05-13, Public Hearing & Adoption

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER A263, FEES,
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

WHEREAS, New Jersey Court Rule 7:7-7, concerning municipal court discovery, was amended effective January 1, 2013; and

WHEREAS, as a result of this amendment it is necessary and appropriate at this time to revise Section A263-1P(2) of the Code of the Borough of Rockaway; and good cause having been shown.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that Chapter A263, Fees, Section A263-1, Fees established of the Code of the Borough of Rockaway be amended as set forth herein.

Section I

1. Chapter A263, Fees, § A263-1, Fees established, Section P, Service fees and copies of documents, sub-section (2) is hereby repealed in entirety and replaced with the following:

§ A263-1-P(2) Service fees and copies of documents.

"(2) Municipal Court Discovery. All requests for discovery in matters pending in the Borough of Rockaway Municipal Court shall be addressed pursuant to New Jersey Court Rule 7:7-7, and the fees for same shall be as set forth in that Rule."

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: April 11, 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: Donofrio, Kanigel, Mulligan, Willer, Burnside
Nays: None

Mayor Greuter complimented Fire Marshal Tom Trapasso for fire safety lessons he gave to the fourth grade at Thomas Jefferson School last week.

PUBLIC PORTION

Mayor Greuter opened the meeting to the public.

Mr. Rob Grow, 110 Lakeside Dr., suggested that the Beach Street River Park trail be opened on June 5 and asked what the status is for the parking lot that was to be built for this Open Space property.

Mr. Grow asked if the price of homes would be affected if located on Superfund sites. Discussion ensued.

Mr. Sean Ruane, 60 Hickory Pl., asked about progress on Donatoni Field and insurance requirements for a travelling baseball team.

Mrs. Bonnie Hook, Jackson Ave., asked about the possible expansion of the business district. Mayor Greuter did not attend the meeting of the Land Use Board. Mrs. Joyce Freiermuth, who is on the Land Use Board, was in the audience, and volunteered to ask the Land Use Board Secretary for the meeting minutes.

Mr. Ron Hamman, First Assistant Fire Chief, reported that the Department responded to a three-alarm fire in Dover this week and will attend the Little League parade.

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

Mayor Greuter requested a closed session to discuss potential litigation.

CLOSED SESSION

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

RESOLUTION 66-13: 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.

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 11, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor and Council went into closed session at 8:22 p.m. and resumed the public meeting at 8:27 p.m.

ADJOURNMENT

The meeting adjourned at 8:27 p.m.

Approved: As Submitted

Sheila Seifert, Borough Clerk

Date: April 25, 2013