

**MAYOR & COUNCIL  
REGULAR MEETING  
JUNE 13, 2013  
6:30 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 6:48 p.m.

Councilmembers Present

Thomas Donofrio (arrived at 6:55 p.m.)  
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.

CLOSED SESSION

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

**RESOLUTION 86-13: 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 (Property Encroachment).
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 13, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor and Council went into closed session at 6:49 p.m. and resumed the public meeting at 7:04 p.m., whereupon a recess was taken until 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 13, 2013. A subsequent notice was published in the newspapers indicating that a closed session for potential litigation (property encroachment) would begin at 6:30 p.m. Mayor Greuter announced the location of the fire exits.

APPROVAL OF MINUTES

Upon motion by Councilman Vicente, seconded by Councilman Donofrio, and carried unanimously upon voice vote, the minutes of the May 23, 2013 Regular Meeting were accepted as submitted.

CORRESPONDENCE

Mayor Greuter read a letter from Edward L. Miller, a member of two groups that use the Community Center (Historical Committee and Cream of the Crop Senior Group), suggesting that a monetary amount be imposed each time the key to the Community Center is lent out. Return of the key in a specified time will result in the deposit being returned. Failure to return the key within that specified time will result in forfeiture of the deposit. Any monies collected would be used for a specific purpose set up by the Mayor and Council.

Mayor Greuter noted that returning deposits would require the Council to pass a resolution every time. Councilman Willer suggested that a response be prepared that his letter will be taken under consideration and that steps will be taken to ensure that a key will be available.

Mayor Greuter read the letter from Joseph Ellis, 44 Longview Rd., requesting permission to close Longview Rd. from Farview Rd. to Mountain Ave. for a block party on August 10, from 1 p.m. to 8 p.m. The rain date will be August 11.

On motion by Councilman Vicente, seconded by Councilwoman Willer, and unanimously carried by voice vote to accept the correspondence, approve the request, and to forward same to the Police, Public Works, and Fire Departments.

Mayor Greuter read a June 12, 2013 letter from Cream of the Crop Senior Club requesting that any monies the Borough of Rockaway donates to senior organizations be equally divided among all three.

The Governing Body agreed that there would be no funding available this year; however, the Cream of the Crop Senior Club should attend a budget meeting next year to request funding in the 2014 budget.

ORDINANCE NO. 11-13, Introduction & First Reading

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

Councilman Mulligan explained that this ordinance will increase water rates and 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 11, 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. 12-13, Introduction & First Reading

**BOND ORDINANCE PROVIDING FOR ROAD IMPROVEMENTS  
IN THE BOROUGH OF ROCKAWAY, COUNTY OF MORRIS AND STATE OF NEW JERSEY,  
APPROPRIATING THE AGGREGATE OF \$400,000 THEREFOR  
AND AUTHORIZING THE ISSUANCE OF \$285,000 BONDS OR NOTES  
OF THE BOROUGH TO FINANCE THE COST OF AND  
FOR MAKING THE DOWN PAYMENT  
FOR SAID IMPROVEMENTS HEREIN AUTHORIZED**

Chief Financial Officer Marie Goble, who was in the audience, stated that this ordinance will provide funding for the Halsey Avenue road improvements (for which the Borough will receive \$100,000 in a DOT grant) and an additional \$225,000 for other roadway improvements for the next three years.

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 11, 2013.

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

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

COUNCIL/COMMITTEE REPORTS

Councilwoman Kanigel - Finance and Licensing Committee

*Open Space Property* - Attended the trail opening at the Beach St. River Park.

*Library Board of Trustees* - Conducted the final grant application presentation to the Trustee board.

*Payment of Bills* - Upon motion by Councilwoman Kanigel, seconded by Council President Burnside 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 Vicente, seconded by Councilman Donofrio, and carried unanimously upon voice vote, to accept the Finance and License Committee report.

Councilman Donofrio - Public Works/Public Utilities Committee

*Water Utility* – Approximately 47 percent of the water that is pumped is not billed. Trying to recapture it is important. We need to discuss doing meter reading on a monthly basis to do a better analysis and have a GIS survey of the existing system.

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

Councilman Mulligan - Ordinance Committee

*Recreation* - The Recreation Director held a staff meeting with the summer employees. Chief Scheer discussed their roles in being vigilant as camp counselors.

Explained the three ordinances that are scheduled for public hearing and adoption this evening.

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

Councilman Vicente - Personnel

*Personnel* - The Police contract includes an extra personal day which other employees do not get. The Committee will investigate this to see how it fits into 2014 plans.

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

Councilman Willer - Fire Committee

*Fire Department* - The wetdown for the new apparatus will be held on June 15. The Fire Marshal has issued summonses for false alarms.

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

Council President Burnside - Public Safety Committee

*FEMA* - Council President Burnside thanked the Chief Financial Officer and Treasurer for finding the Borough's FEMA money that was erroneously sent to Rockaway Township.

*Board of Health* - The June 1 health fair was very successful, with many free screenings. Summonses have been issued to those who have not licensed dogs and cats. The Council would like to present the retiring health inspector, Steve Widuta, with a plaque expressing appreciation for his years of service. The Board is working on an ordinance to allow the Health department to inspect tanning salons.

*Public Safety* - The School Resource Officer will be Scott Haigh and Chris Richardson will be the DARE officer. The Police Chief arranged for a presentation entitled, "Measures to Prevent Your Child From Being Kidnapped, Abducted and Sexually Exploited" to be held at Thomas Jefferson School on June 19, 6:00 p.m.

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

### ATTORNEY'S REPORT

Mr. Wacks reported on the results of researching Megan's Law regarding convicted sex offenders (CSOs) and boarding houses. He found that the municipality may not pass an ordinance that would restrict CSOs from living within the Borough or in certain sections of the Borough. The New Jersey courts have determined that these ordinances violate the civil rights of CSOs. Other states, however, allow for local ordinances to be adopted. Assemblyman Michael Carroll will try to see if the Legislature would begin an effort to authorize municipalities to adopt such ordinances.

Mr. Wacks distributed a memo to the Mayor and Council suggesting ways to limit the amount of boarding houses and hotels. There is bill in the Senate that would prohibit towns from requiring local registration of multiple family dwellings. Restrictions can be placed on the number of days people stay in hotels and boarding houses and the Council can license these establishments. Zoning regulations can be used to limit the location of hotels and boarding houses but a municipality may not do spot zoning.

Mr. Wacks advised that the best two options are to (1) try to get the Legislature to change the laws where CSOs may live; and (2) restrict the location of multiple dwellings and ensure that they are properly run through licensing.

Mr. Wacks explained that newly adopted ordinances would only apply to new facilities; existing multiple dwellings would be grandfathered and not be required to comply unless the facility was totally rebuilt. You cannot put the existing facilities out of business but ordinances with more requirements can make it more difficult for new facilities.

Mayor Greuter opened the meeting to the public to discuss the Borough Attorney's comments on CSOs and boarding houses.

Ms. Sheila Zeman, 27 Halsey Ave., and Ms. Heather Walker, 24 Brook St., questioned the amount of taxes that the boarding houses are paying; they were encouraged to speak with the Tax Assessor.

Ms. MaryAnn Kudlacik-Kawiecki, 19-B Hillside Ave., supported the suggested changes in the ordinances and licensing and would like to be able to limit where CSOs may go.

Mr. Pat McDonald, 42 Crestwood Rd., questioned if a landlord could conduct a background check on a renter and was told that background checks can be conducted on employees; credit checks could be conducted on renters.

Mr. Eric Talenko, Farview Dr., wanted to know if Tier 3 CSOs had restrictions on their movements and was advised that this knowledge is given to the Police department.

The Ordinance Committee will review the attorney's recommendations and will solicit comments from the other Council/Committee members.

Requested a closed session for potential litigation.

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

Upon motion by Councilman Vicente, seconded by Councilman Donofrio, and carried unanimously upon voice vote, to take a recess at 8:43 p.m. The meeting resumed at 8:48 p.m.

### MAYOR'S REPORT

*Rockaway River Watershed Cabinet* - Mayor Greuter read a message from the Executive Director of the Rockaway River Watershed Cabinet requesting a response to a brief survey. He will obtain input from the Environmental Committee.

*Teamsters Negotiating Committee* - The Teamsters contract will expire December 31, 2013. Mayor Greuter appointed Councilman Mulligan as chair, and Councilmen Donofrio and Vicente as members, and labor attorney Matthew Giacobbe to the Teamsters Negotiating Committee.

Upon motion by Councilman Vicente, seconded by Councilman Donofrio, and carried unanimously upon voice vote, to concur with the Mayor's appointments of Councilman Mulligan as chair, and Councilmen Donofrio and Vicente as members, and labor attorney Matthew Giacobbe to the Teamsters Negotiating Committee.

*Possible Sale of Block 40, Lot 76 (311 West Main St.)* - At the May 23, 2013 meeting, the Governing Body discussed, in closed session, an offer by an interested party to purchase Block 40, Lot 76, which was acquired by the Borough through foreclosure. The property must be sold at public auction. Mr. Wacks said that the Borough may, by ordinance, determine what the use would be.

Upon motion by Councilman Vicente, seconded by Councilman Willer, and carried via majority roll call vote, with Councilwoman Kanigel voting no, to authorize the Borough Attorney to prepare an ordinance to sell Block 40, Lot 76 at public auction.

*2012 Annual Financial Statements* - Extra work for the auditor to prepare the 2012 Annual Financial Statements was initially estimated to cost \$7,000; the actual invoice came in at \$8,475.00.

Upon motion by Council President Burnside, seconded by Councilman Willer, and unanimously carried via voice vote to authorize the additional expenditure of \$1,475 for the additional accounting services for the correction of books and records for the preparation of the 2012 Annual Financial Statements.

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

#### CLERK'S REPORT

*Website* - The new website, rockawayborough.org, is operational.

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

Mayor Greuter introduced Mike Obremski, the new Area Manager from JCP&L.

#### 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 87-13: APPROVE 2013-2014 ALCOHOL BEVERAGE CONTROL LICENSES**

**WHEREAS**, the following named applicants have duly filed applications for the Class "C" Retail licenses known as Plenary Retail Consumption Licenses, for the period from July 1, 2013 to June 30, 2014:

<u>LICENSE NUMBER</u>	<u>NAME</u>	<u>PLACE OF BUSINESS</u>
1434-33-002-010	JJNS Enterprises, Inc. t/a Tavern on the Rocks	9 Wall Street Rockaway, NJ 07866
1434-33-003-006	March 18th Inc. t/a Caffé Navona	147 U.S. Hwy. 46 Rockaway, NJ 07866
1434-33-004-004	Skat Inc. t/a Shenanigans	75 Maple Avenue Rockaway, NJ 07866
1434-33-005-002	Mill Lane Tavern Inc. t/a Mill Lane Tavern	8 Mill Lane Rockaway, NJ 07866
1434-33-006-005	TRV Corp. t/a The Exchange Restaurant	160 East Main Street Rockaway, NJ 07866
1434-33-007-004	Rockaway Lanes, Inc. t/a Rockaway Lanes	365 Route 46 Rockaway, NJ 07866
1434-32-009-004	H.K. Smith Corp. t/a Smiths Tavern & Liquor Store	173-177 East Main Street Rockaway, NJ 07866
1434-33-010-005	Rostenican Inc. t/a Sideline Bar and Grill	116 Route 46 Rockaway, NJ 07866
1434-33-012-010	Brick 46, Inc.	68 Route 46 Rockaway, NJ 07866

and;

**WHEREAS**, the following named applicant has duly filed an application for a Class "C" Retail license known as Plenary Retail Distribution License for the period from July 1, 2013 to June 30, 2014.

1434-44-008-004	Lusardi Liquors Inc. t/a Rockaway Wines & Liquors	73 West Main Street Rockaway, NJ 07866
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**WHEREAS**, the following named applicant has duly filed an application for a Class "C" Retail license known as Club License for the period from July 1, 2013 to June 30, 2014.

1434-31-011-001	Rockden Post 175 American Legion	76 Franklin Avenue Rockaway, NJ 07866
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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.

**NOW, THEREFORE, BE IT RESOLVED** that the Licenses under Class "C" Retail Licenses, known as Plenary Retail Consumption Licenses, be and the same are hereby granted as to each of the above named applicants.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the License under Class "C" Retail Licenses, known as Plenary Retail Distribution Licenses, be and the same is granted to the above named applicant.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the License under Class "C" Retail Licenses, known as Club Licenses, be and the same is hereby granted, the same to be effective as provided by law.

DATE: <u>June 13, 2013</u>	BOROUGH OF ROCKAWAY
ATTEST: <u>Sheila Seifert, Borough Clerk</u>	BY: <u>Russell Greuter, Mayor</u>

**RESOLUTION 88-13: REQUEST APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87 (CLICK IT OR TICKET GRANT)**

**WHEREAS**, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Rockaway, in the County of Morris, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2013 in the sum of \$4,000.00, which is now available from Click It or Ticket Grant in the amount of \$4,000.00.

**BE IT FURTHER RESOLVED**, that the like sum of \$4,000.00 is hereby appropriated under the caption Click it or Ticket; and

**BE IT FURTHER RESOLVED**, that the above is the result of funds from Click It or Ticket Grant in the amount of \$4,000.00.

DATE: <u>June 13, 2013</u>	BOROUGH OF ROCKAWAY
ATTEST: <u>Sheila Seifert, Borough Clerk</u>	BY: <u>Russell Greuter, Mayor</u>

**RESOLUTION 89-13: REQUEST APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87 (CLEAN COMMUNITIES GRANT)**

**WHEREAS**, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Rockaway, in the County of Morris, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2013 in the sum of \$1,501.69, which is now available from Clean Communities Grant in the amount of \$1,501.69.

**BE IT FURTHER RESOLVED**, that the like sum of \$1,501.69 is hereby appropriated under the caption Clean Communities; and

**BE IT FURTHER RESOLVED**, that the above is the result of funds from Clean Communities Grant in the amount of \$11,438.69.

DATE: June 13, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

**RESOLUTION 90-13: AWARD CONTRACT (DENTAL INSURANCE FOR FULL-TIME EMPLOYEES)**

**WHEREAS**, the Local Public Contracts Law (NJSA 40A:11-1 et seq) provides that any contract the amount of which exceeds the bid threshold, may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor and shall be awarded by resolution of the governing body if the subject matter thereof consists of insurance, including the purchase of insurance coverage and consultant services, which exception shall be in accordance with the requirements for extraordinary unspecifiable services; and

**WHEREAS**, the Borough of Rockaway provides dental insurance coverage for its full-time employees; and

**WHEREAS**, MetLife, 200 Park Avenue, New York, NY 10166, provides such insurance coverage;

**WHEREAS**, a Certificate of Availability of Funds has been filed by the Borough of Rockaway Chief Financial Officer; and

**WHEREAS**, the Local Public Contracts Law (NJSA 40A:11-1 et seq) requires that a resolution authorizing the payment of such fees without competitive bidding must be publicly advertised.

**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 \$52,000.00 with MetLife, 200 Park Avenue, New York, NY 10166 for dental insurance for its full-time employees, for the period July 1, 2013 through June 30, 2014.
2. This contract is awarded without competitive bidding as "Extraordinary, Unspecifiable Services" in accordance with the Local Public Contracts Law because the services required cannot be reasonably described by written specifications to assure that the qualitative and quantitative assessment of the problem involved, which require expertise, extensive training and proven reputation in the field of endeavor are obtained.
3. That a notice in accordance with this resolution and the Local Public Contracts Law of New Jersey, shall be published in the official newspaper or newspapers of the Borough of Rockaway as required by law.

DATE: June 13, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

ORDINANCE NO. 08-13, Public Hearing & Adoption

Councilman Mulligan offered the following ordinance as read by title on second 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)**

**WHEREAS**, the Borough of Rockaway ("the Borough") is the owner of record of the following parcels of real property in the Borough ("the Properties"):

1. Property No. 1: Block 31, Lots 16, 17, 18, 19; Van Duyne Avenue,
2. Property No. 2: Block 60, Lots 9, 10; Cedar Lane,
3. Property No. 3: Block 80, Lot 24; 35 Addison Avenue; and

**WHEREAS**, the Mayor and Council of the Borough have determined that the Properties are not needed for public use, and that it would be in the best interests of the Borough to sell the Properties to the highest bidder by open public sale at auction or by private sale in the manner authorized by the governing statute.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Rockaway, County of Morris and State of New Jersey, in accordance with the authority granted by N.J.S.A. § 40A:12-13 as follows:

1. The Properties may be sold by open public sale at auction to the highest bidder on a day and at a time to be determined by resolution of the Mayor and Council of the Borough of Rockaway duly adopted, the terms of which sale shall also be established by such resolution, after advertisement, publication and notice thereof as provided by law.
2. Pursuant to and as allowed by the Local Public Contracts Law and Local Land and Buildings Law, the Properties may alternatively be sold at "private sale" as that term is defined in N.J.S.A. § 40A:12-13(b) upon the terms and conditions determined by resolution of the Mayor and Council of the Borough of Rockaway duly adopted, after advertisement, publication and notice thereof as provided by law.
3. By its action in duly adopting the within ordinance, the Borough hereby fixes the minimum net sales price (exclusive of auction commission, if any) for the sale of the Properties as follows ("the Required Minimum Bid"):
  - a. Property No. 1: Block 31, Lots 16, 17, 18, 19; Van Duyne Avenue - \$25,000.00
  - b. Property No. 2: Block 60, Lots 9, 10; Cedar Lane - \$100,000.00
  - c. Property No. 3: Block 80, Lot 24; 35 Addison Avenue - \$5,000.00

If no bids are tendered at or in excess of the Required Minimum Bid, then all actual bids received shall be deemed rejected without the need for any further action by the Mayor and Council. All bids shall be unconditional and based upon an "all cash" purchase, with minimum cash down payment of ten (10%) percent paid at the conclusion of the auction and the entire remaining balance of the purchase price paid within ten (10) calendar days thereafter. The Mayor and Council additionally reserve the right to reject any and all bids regardless of whether such bids meet or exceed the minimum bid established.

4. The Borough reserves the right in the future to install public utilities, in, upon or under the land to be conveyed without payment for any such reserved right and the successful bidder shall agree to a reservation in the deed of conveyance for an easement or easements to the Borough to install and maintain such public utilities. The Borough shall make every effort to place such utilities in such place upon the Properties so as to not unreasonably interfere with the development of the Properties.
5. The conveyance of each property by the Borough shall be by "Quit Claim" Deed. The Borough makes no representations whatsoever as to the quality or insurability of title. Further, each property is sold in its present condition, "as is", to the extent consistent with and permitted by applicable law. The Borough makes no representation about either (a) the amount of usable or buildable space or (b) the physical condition of the Properties.
6. Nothing stated herein shall be read to either amend or modify any other Borough Ordinance, and all rights granted there under are expressly reserved. The sale of the Properties shall be subject to the purchaser complying with all applicable Borough Code provisions concerning the development of the Properties, and any other applicable law imposed by any county, state or federal government statute, rule or regulation.

This Ordinance shall take effect as provided by law.

DATE: June 13, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor Greuter opened the meeting to the public.

Mr. Dan Frade, 124 Chestnut Terr., questioned the purpose of selling the properties on Cedar Lane. The woods are homes to many animals and road construction would be difficult. Mayor Greuter explained that it is excess property and the municipality is trying to raise revenue.

Mayor Greuter read correspondence from Wendy Hansen, 31 Addison Ave., voicing concerns regarding the property lines for 35 Addison Ave.

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

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

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

ORDINANCE NO. 09-13, Public Hearing & Adoption

Councilman Mulligan offered the following ordinance as read by title on second 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)**

**WHEREAS**, the Borough of Rockaway ("the Borough") is the owner of record of real property known as Block 81.06, Lot 33.02, also known as 67 West Elycroft Avenue, located in the Borough ("the Property"); and

**WHEREAS**, the Mayor and Council of the Borough have determined that the Property is not needed for public use, and that it would be in the best interests of the Borough to sell the Property to the highest bidder by open public sale at auction or by private sale in the manner authorized by the governing statute.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Rockaway, County of Morris and State of New Jersey, in accordance with the authority granted by N.J.S.A. § 40A:12-13 as follows:

1. The Property may be sold by open public sale at auction to the highest bidder on a day and at a time to be determined by resolution of the Mayor and Council of the Borough of Rockaway duly adopted, the terms of which sale shall also be established by such resolution, after advertisement, publication and notice thereof as provided by law.
2. Pursuant to and as allowed by the Local Public Contracts Law and Local Land and Buildings Law, the Property may alternatively be sold at "private sale" as that term is defined in N.J.S.A. § 40A:12-13(b) upon the terms and conditions determined by resolution of the Mayor and Council of the Borough of Rockaway duly adopted, after advertisement, publication and notice thereof as provided by law.
3. By its action in duly adopting the within ordinance, the Borough hereby fixes the minimum net sales price (exclusive of auction commission, if any) for the sale of the Property ("the Required Minimum Bid") at \$50,000.00. If no bids are tendered at or in excess of the Required Minimum Bid, then all actual bids received shall be deemed rejected without the need for any further action by the Mayor and Council. All bids shall be based upon an "all cash" purchase, with minimum cash down payment of ten (10%) percent paid at the conclusion of the auction and the entire remaining balance of the purchase price paid within ten (10) calendar days thereafter. The Mayor and Council additionally reserve the right to reject any and all bids regardless of whether such bids meet or exceed the minimum bid established.
4. Bidders offering the minimum bid or greater may condition the bid. The Mayor and Council shall have the right to reject any bid which even meeting the minimum bid requirement contains a condition which the Mayor and Council deem unacceptable.
5. The Borough reserves the right in the future to install public utilities, in, upon or under the land to be conveyed without payment for any such reserved right and the successful bidder shall agree to a reservation in the deed of conveyance for an easement or easements to the Borough to install and maintain such public utilities. The Borough shall make every effort to place such utilities in such place upon the Property so as to not unreasonably interfere with the development of the Property.

6. The conveyance of each property by the Borough shall be by "Quit Claim" Deed. The Borough makes no representations whatsoever as to the quality or insurability of title. Further, the Property is sold in its present condition, "as is", to the extent consistent with and permitted by applicable law. The Borough makes no representation about either (a) the amount of usable or buildable space or (b) the physical condition of the Property.
7. Nothing stated herein shall be read to either amend or modify any other Borough Ordinance, and all rights granted there under are expressly reserved. The sale of the Property shall be subject to the purchaser complying with all applicable Borough Code provisions concerning the development of the Property, and any other applicable law imposed by any county, state or federal government statute, rule or regulation.

This Ordinance shall take effect as provided by law.

DATE: June 13, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor Greuter opened the meeting to the public.

Ms. Joyce Freiermuth, E. Flagge St., asked for information about the auction process.

Mr. Gabriel Palma, 61 Elycroft Ave., stated that there is a 20' sewer easement on this property that he has maintained for 30 years. Mr. Wacks advised that it is the buyer's responsibility to conduct a title search to determine the easements that are on the property.

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

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

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

ORDINANCE NO. 10-13, Public Hearing & Adoption

Councilman Mulligan offered the following ordinance as read by title on second reading:

**ORDINANCE OF THE BOROUGH OF ROCKAWAY  
MAYOR AND COUNCIL**

**MUNICIPAL AND WATER UTILITY SALARIES**

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

Section 1:

The annual salaries or wages of the full-time officers and employees of the Borough of Rockaway and Water Utility shall be determined from time to time within the Minimum and Maximum Base Salary Range hereinafter established by the Mayor and Council.

Section 2:

The following positions shall have a Base Salary Range as noted:

MUNICIPAL

<u>Position</u>	<u>SALARY RANGE</u>
Borough Clerk	\$ 5,000 – 71,000 per year
Chief Financial Officer/Treasurer	20,000 – 53,000 per year
Accounts Payable/Payroll Clerk	15,000 – 36,000 per year
Tax Collector	20,000 – 53,500 per year
Clerk/Typist	12,000 – 20,000 per year
Receptionist/Cashier	10,000 – 22,000 per year
Library Director	40,000 – 67,000 per year
Superintendent of Public Works	35,000 – 69,000 per year
Public Works Foreman	31,500 – 62,000 per year
Public Works Laborer	24,000 – 58,000 per year
Construction Clerk	20,000 – 45,000 per year
Police Chief	85,000 – 135,000 per year
Patrolman – Academy (0-12 months)	41,500 – 42,000 per year

Patrolman – Step 1 (13-24 months, prior exp, or alt route)	46,000 – 46,500 per year
Patrolman – Step 2 (25-36 months)	51,000 – 51,500 per year
Patrolman – Step 3 (37-48 months)	55,500 – 56,000 per year
Patrolman – Step 4 (49-60 months)	60,000 – 60,500 per year
Patrolman – Step 5 (61-72 months)	64,500 – 65,000 per year
Patrolman – Step 6 (73-84 months)	69,500 – 70,000 per year
Patrolman – Step 7 (85-96 months)	74,000 – 74,500 per year
Patrolman – Step 8 (97-108 months)	78,500 – 79,000 per year
Patrolman – Step 9 (109-120 months)	83,500 – 84,000 per year
Patrolman – Step 10 (121-132 months)	88,000 – 88,500 per year
Patrolman – Step 11 (133-144 months)	92,500 – 93,000 per year
Patrolman – Senior (over 144 months)	97,000 – 97,500 per year
Sergeant – Step 1 (0-12 months)	100,500 – 101,000 per year
Sergeant – Step 2 (over 12 months)	103,500 – 104,000 per year
Detective	1,200 – 1,500 per year
Police Clerk/Typist	20,000 – 41,500 per year

WATER

<u>Position</u>	<u>SALARY RANGE</u>
Borough Clerk	\$ 5,000 – 17,000 per year
Chief Financial Officer/Treasurer	10,000 – 30,000 per year
Accounts Payable/Payroll Clerk	5,000 – 17,000 per year
Clerk/Typist	12,000 – 21,000 per year
Receptionist/Cashier	10,000 – 18,000 per year
Superintendent of Public Works	10,000 – 32,000 per year
Water Foreman	31,500 – 68,000 per year
Water Utility Laborer	24,000 – 57,000 per year
Water Clerk	20,000 – 48,000 per year

Section 3:

Each full-time employee listed in Section 2 hereof shall be additionally compensated upon employment anniversary with tenurial incentive as follows:

- 2% over Base Salary after ( 5) years of service.
- 3% over Base Salary after (10) years of service.
- 4% over Base Salary after (15) years of service.
- 5% over Base Salary after (20) years of service.
- 6% over Base Salary after (25) years of service.

Section 4:

Each full-time employee hired prior to December 31, 1991 shall receive a \$50.00 incentive compensation in addition to the regular salary to be paid in a separate check in the month of December during a pay period designated by the Borough Clerk/Administrator.

Section 5:

Except for those employees designated in Section 2, all other employees of the Borough shall not be considered as full-time employees. The following for hourly or annual compensation for the hereinafter listed officers and employees shall be fixed each subsequent year by annual salary ordinance, consistent with New Jersey law applicable to each new position.

MUNICIPAL

<u>Position</u>	<u>SALARY RANGE</u>
Mayor	\$ 3,000 – 4,000 per year
Council Members	3,000 – 3,500 per year
Tax Assessor	12,000 – 27,000 per year
Deputy Borough Clerk	1,000 – 4,100 per year
Construction Official	10,000 – 21,000 per year
Public Works Foreman Stipend	1,200 – 1,500 per year
Building Sub Code Official	3,000 – 8,000 per year
Plumbing Sub Code Official	3,000 – 6,700 per year
Fire Sub Code Official	2,000 – 4,800 per year
Electrical Sub Code Official	4,000 – 11,000 per year
Zoning Enforcement Official	4,500 – 13,500 per year
Fire Prevention/Inspection Official	1,200 – 3,000 per year
Fire Marshal/NJ Fire Code	8,000 – 35,000 per year

Fire Inspector	1,000 – 4,000 per year
Registrar	600 – 2,500 per year
Deputy Registrar	250 – 1,500 per year
Emergency Management Coordinator Stipend	5,000 per year
Fire Watch Team Member	\$25.00 per hour
School Crossing Guard	\$15.00 – \$19.50 per hour
Special Police Officer	\$15.00 – \$19.50 per hour
Police Matron	\$15.00 – \$19.50 per hour
Public Library – Youth Services Librarian	\$15.00 – \$26.00 per hour
Public Library – Assistant	\$10.00 – \$21.00 per hour
Public Works Worker	\$10.00 – \$16.30 per hour
Recycling Center Worker	\$15.00 – \$19.50 per hour
Senior Citizen Van Operator	\$13.50 – \$16.00 per hour
Recreation Director	10,000 – 13,500 per year
Recreation Secretary	1,000 – 2,300 per year
Seasonal Employees – Recreation	
Waterfront Director	\$10.00 – \$15.00 per hour
Swim Team Coach	\$9.00 – \$14.00 per hour
Lifeguard	\$8.00 – \$13.00 per hour
Park Supervisor	\$11.00 – \$16.00 per hour
Park Instructor	\$8.00 – \$13.00 per hour
Park Counselor/Assistant	\$7.25 – \$12.00 per hour
Recycling Coordinator	3,000 – 10,500 per year

WATER

<u>Position</u>	<u>SALARY RANGE</u>
Mayor	\$ 1,500 – 2,170 per year
Council Member	1,250 – 1,675 per year
Deputy Borough Clerk	1,000 – 4,150 per year
Licensed Water Operator	4,000 – 8,500 per year
Public Works Foreman Stipend	1,200 – 1,500 per year

Section 6:

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

Section 7:

This ordinance shall take effect immediately.

DATE: May 23, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor Greuter opened the meeting to the public.

Mr. Rob Grow, Lakeside Dr., questioned longevity and the positions of the construction official and construction clerk.

There being no further 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, 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 a photograph of the installed handicap ramp. The construction of the interior should be completed by June 27. The distributor needs to see a copy of the liquor license before delivering liquor.

PUBLIC PORTION

Mayor Greuter opened the meeting to the public.

Fire Chief Sam Passarella reported that the Department marched in the Memorial Day and Denville's 100th Anniversary parades. The Lakeside Dr. rollover exercise went well. The Family Festival is coming up.

Ms. Freiermuth questioned the reason for the earlier closed session and what was the determination of the issue. The Council asked Mr. Wacks to make inquiries to obtain information and then they will make a determination. She reminded the Council that open space is regulated by the Morris County grant and Open Space Trust Fund.

Mr. Pat McDonald, 42 Crestwood Rd., reported that two Challenger games will be held on June 15 and a special event will be held on June 29 at Heady Field, with free activities and a movie.

Ms. Kathy Haake, 74 Rockaway Ave., asked for clarification about the encroachment on the Broad St. River Park, the water rate increases, and the type of restrictions the Council would consider placing on the potential sale of the Gee property. She would like to limit development on the parcel which is in the flood zone.

Ms. Sheila Zeman wanted to know when Halsey Ave. would be repaved and was told that we would go out for bid after the bond ordinance is adopted.

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 voice vote, the following resolution was adopted:

**RESOLUTION 91-13: 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 (Shared Service) and Potential Litigation (EPA).
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 13, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor and Council went into closed session at 9:38 p.m. and resumed the public meeting at 10:00 p.m.

ADJOURNMENT

The meeting adjourned at 10:00 p.m.

Approved: As Submitted

Sheila Seifert, Borough Clerk

Date: June 27, 2013