

**MAYOR & COUNCIL
REGULAR MEETING
NOVEMBER 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 November 25, 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

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

Everyone present participated in the salute to the flag.

APPROVAL OF MINUTES

Upon motion by Council President Burnside, seconded by Councilman Donofrio, and carried unanimously upon voice vote, the minutes of the November 14, 2013 Regular Meeting were accepted as submitted.

COUNCIL COMMENTS

Councilwoman Kanigel - Finance and Licensing Committee

44 Broad St. - Councilwoman Kanigel summarized the discussion from the last meeting regarding the vacation and sale of a portion of Broad St. to a developer. She questioned if the Governing Body could make conditions such as the installation of curbing or repitching the roadway as a condition of the sale. Mr. Wacks explained that conditions could be put in; however, these are Land Use Board matters.

Mr. Wacks reported that Attorney Larry Wiener sent the description of the property to be vacated and a check for \$5,000 to Mr. Wacks as escrow agent as a good faith deposit on the sale of the property. Acceptance of the check would constitute a binding contract.

Upon motion by Councilwoman Kanigel to rescind the motion of October 24, 2013 in which the Governing Body voted to sell the right-of-way to the developer for \$50,000 and we had no negotiations. There was no second.

Council President Burnside stated that while she was not in favor of the development and is apprehensive, she recognizes that she must trust the Land Use Board regarding the streets and issues that residents could have with flooding. Her problem is that there was no negotiation.

Councilman Donofrio - Public Works/Public Utilities Committee

Donatoni Community Park - Six loads of clay were installed at Donatoni Community Park. Councilman Mulligan told Little League that the fields are closed until spring. No physical removal of excess water should be necessary, although there water may accumulate near the edge of the grass.

Water Department - The Water Dept. is getting prices to repair two water main leaks (West Main St. and Wall St.). The booster pump at Stony Brook Pump Station failed and was replaced with a backup; a replacement must be ordered. Work is progressing on the repairs to well no. 6.

2 Elm St. - Thanks to Mr. Wacks and Fire Marshal Tom Trapasso, work has begun securing this abandoned house.

Councilman Mulligan - Ordinance Committee

Ordinances - Councilman Mulligan explained Ordinances 22-13 and 23-13 that are scheduled for introduction this evening.

Winter Parking Regulations - Upon motion by Councilman Mulligan, seconded by Councilman Willer, and carried unanimously upon voice vote, to not enforce overnight parking regulations from December 20, 2013 through January 3, 2014; however, with any forecast of snow, the regulations will go back into effect.

Boarding House Ordinance - Should be ready for review within a few weeks and introduction in January.

Councilman Vicente - Personnel

Rockaway Borough Board of Education - The teachers' contract has not yet been settled. The NJ ASK scores were not good.

Councilman Willer - Fire Committee

CDBG Grant - A portion of the 2013 \$80,000 grant for potable water system improvements may be used for the water meter for the trailer park. The deadline to submit the 2014 application is January 10.

Council President Burnside - Public Safety Committee

Park Security System - Council President Burnside spoke with Chief Scheer regarding a camera system for the parks that Recreation wanted. Chief Scheer classified such a system as a "nice to have" and wanted to be clear that full financial responsibility would fall on Recreation, including purchase, installation, and any ongoing license and maintenance fees. Councilman Mulligan advised that Recreation knows that this would not fall within their budget. If Recreation wants to discuss it again, the Recreation Director can communicate with the Governing Body.

Board of Health - The subject of when residents can put out trash for collection will be discussed at the December 10 meeting.

Hazard Mitigation Grant Money - The hazard mitigation grant funds will be awarded when the FEMA application is approved and the Borough receives an acceptance letter from FEMA.

ATTORNEY'S REPORT

49 Wall St. - Due to the death of the occupant, one of the units at 49 Wall St. was a dangerous situation. The Fire Marshal provided information to Mr. Wacks to file a \$7,400 lien on the property representing fine and penalties for failing to abate the nuisance.

44 Broad St. - As stated earlier, Mr. Wacks has received a \$5,000 check from Larry Wiener, Esq. representing a good faith deposit for the vacation of a portion of Broad St. If accepted, this will bind the Borough to vacate the property, assuming the Land Use Board grants the subdivision.

Upon motion by Councilman Vicente, seconded by Councilman Donofrio, and carried upon majority roll call vote with Councilwoman Kanigel voting nay, to accept the \$5,000 check from Larry Wiener, Esq. on behalf of the 44 Broad Street developer.

EPA/ATK Litigation - ATK sent a \$22,000 check in settlement of their last payment to the Borough for the air stripper. Mr. Hartmann sent a letter that we will accept the check and acknowledges that they have more obligation. Requested a closed session to discuss this litigation.

Good Neighbor Act - Mr. Wacks forwarded to Councilwoman Kanigel the 2010 Administrative Directive of the Courts to Assignment Judges which explains that there are pre-conditions before finding someone guilty of violating a municipal ordinance. Councilwoman Kanigel agreed that it would not be helpful to the Borough to adopt such an ordinance at this time.

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

MAYOR'S REPORT

Property Tax Reward Program - At the NJ League of Municipalities Convention, Mayor Greuter learned of the Property Tax Reward Program being run by Marlboro. The information was shared with the president of the Business Owners Association.

1989 E-One Pumper - Mayor Greuter recommended utilizing the services of FF1 Professional Safety Services to sell the old E-One Pumper.

Upon motion by Councilman Willer, seconded by Councilman Vicente, and unanimously approved via voice vote, to authorize the sale of the old E-One Pumper at a minimum bid of \$25,000 or best offer through FF1 Professional Safety Services, 26 Gail Court, Suite 1, Sparta, NJ 07871 (973-940-3061).

Abandoned Drum - An abandoned drum packed with sludge was removed from the Jackson Ave. area at no expense to the Borough.

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

CLERK'S REPORT

Bingo/Raffle License Approvals - Approved a tricky tray raffle license for 11th Hour Rescue, for event to be held on December 15, 2013 at Pawsitive Experience, 114 Beach St.

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

RESOLUTION 143-13: REFUND YEAR 2013 TAX OVERPAYMENT (BLOCK 20, LOT 9)

BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway to refund the Year 2013 tax overpayment in the amount of \$1,847.17 to Dovenmuehle Mortgage, Inc., 1216 St. Charles St, 2nd Floor, Elgin, IL 60120.

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

RESOLUTION 144-13: REFUND WATER UTILITY OVERPAYMENT (2 LIBERTY PLACE)

BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway to refund a water utility overpayment for 2 Liberty Place in the amount of \$62.00 to John Martino, 5 Preston Avenue, East Hanover, NJ 07936

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

RESOLUTION 145-13: TRANSFER APPROPRIATION RESERVES

WHEREAS, various 2012 bills have been presented for payment this year, which bills represent obligations of the prior fiscal year and were not covered by order number and/or recorded at the time of transfers between the 2012 budget in the last two months of 2012; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the fiscal year are available, until lapsed at the closed of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances to those which are expected to be insufficient during the first three months of the succeeding year; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, in the County of Morris, State of New Jersey, (not less than two-thirds of the majority of the full membership concurring herein) that the transfers in the amount of \$29,271.10 be made between the 2013 Budget Appropriation Reserves as follows:

FROM:

Streets and Roads Salaries and Wages (26-290-010)	\$29,271.10
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TO:

Legal Services O/E (20-155-200)	\$ 1,078.52
Streets and Roads O/E (26-290-200)	\$24,802.29
Electricity O/E (30-421-200)	\$ 3,250.83
Street Lighting O/E (31-435-200)	\$ 139.46

DATE: November 25, 2013 BOROUGH OF ROCKAWAY

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

ORDINANCE NO. 22-13, Introduction & First Reading

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER 261, HEALTH AND SANITATION,
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 December 30, 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

ORDINANCE NO. 23-13, Introduction & First Reading

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER 149, GARBAGE, RUBBISH AND REFUSE,
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 December 30, 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

PUBLIC PORTION

Mayor Greuter opened the meeting to the public.

Mrs. Sheila Zeman, Halsey Ave., asked for an explanation of the sludge and drum that Mayor Greuter discussed in his report. Mayor Greuter explained that the abandoned drum was found off Jackson Ave. during the river cleanup. County HazMat was called to assist with the removal and disposal at no cost to the Borough. Mrs. Zeman also asked questions about the Broad St. application: the number of houses and when residents would be notified. The builder will go to the Land Use Board for approval to build three houses as opposed to two, and residents who live within 200' will be served notices when the application has been deemed complete and the hearing is scheduled.

Mr. Pat McDonald, Crestwood Rd., asked who would be responsible for cleaning up Donatoni after a big rain and was told Public Works. Referring to the security cameras for the parks, Mr. McDonald stated that he intended them to be a personal donation and the cameras would be recording devices only.

Mr. Jeff Tobias, 45 Broad St., asked how the \$50,000 sale price for the Broad St. area was determined. This was the price that the builder offered. Mr. Tobias asked for an explanation of when residents should be notified of houses being built and the sale of municipal property.

Mr. Rob Grow asked if the Borough would receive taxes on the vacated portion of Broad St. when it is sold and was told yes. Mr. Grow asked for the status of the parking lot for the Beach St. River Park. Mayor Greuter will check with the Borough Engineer.

On behalf of the Environmental Committee, Ms. Kathy Haake requested a copy of the documents that are shared with Rockaway Township regarding the permits for the Park Lake dredging.

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

CLOSED SESSION

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

RESOLUTION 146-13: 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.
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: November 25, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor and Council went into closed session at 8:49 p.m. and resumed the public meeting at 9:17 p.m.

ADJOURNMENT

The meeting adjourned at 9:17 p.m.

Approved: As Submitted

Sheila Seifert, Borough Clerk

Date: December 12, 2013