

**MAYOR & COUNCIL
REGULAR MEETING
December 12, 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 December 12, 2013. Mayor Greuter announced the location of the fire exits.

Councilmembers Present

Thomas Donofrio
Joyce Kanigel
Joseph Vicente
John Willer

Councilmembers Absent

Thomas Mulligan
Melissa Burnside - Council President

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

Everyone present participated in the salute to the flag.

APPROVAL OF MINUTES

Upon motion by Councilman Donofrio, seconded by Councilman Vicente, and carried unanimously upon voice vote, the minutes of the November 25, 2013 Regular Meeting and the December 2, 2013 Capital Budget Meeting were accepted as submitted.

CORRESPONDENCE

Mayor Greuter read the December 3, 2013 letter from William P. Askin, Attorney for Thomas Buechel, winning bidder of the December 6, 2013 auction to sell Block 40, Lot 76. The purchase price will be \$550,000.00, with a closing date within 90 days from satisfaction of all contract conditions, including giving purchaser 90 days to conduct due diligence including title/survey review, property investigation and inspection to his satisfaction.

Mr. Wacks stated that it would be appropriate for the Council to discuss in closed session the offer and conditions.

On motion by Councilman Willer, seconded by Councilman Donofrio, and unanimously carried by roll call vote to accept the correspondence, and request a closed session to discuss the offer presented by Mr. Buechel.

COUNCIL/COMMITTEE REPORTS

Councilwoman Kanigel - Finance and Licensing Committee

Library - An engineer inspected the building for the grant that is funded by the Morris County Preservation Trust.

Payment of Bills - Upon motion by Councilwoman Kanigel, seconded by Councilman Vicente, 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 Willer, 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

Donatoni Community Park - The field work was completed as agreed upon by Tomco, Suburban Engineering, and the Borough. After the heavy rain, it became clear that the sod must be rolled back and additional clay will be needed. Tomco has agreed to provide a crew in the spring to do more improvements.

Water Utility Leak Detection - The leak detection company found 14 leaks that were losing approximately 149,256 gallons per day. After repairing the leaks, the Water Department pumped 6,822,000 gallons less in November 2013 than the prior year.

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

Councilman Vicente - Personnel

Building Department Personnel - Fire Subcode Official Thomas Yotka has been called to the Coast Guard Reserve for six months, from December 1, 2013 through May 31, 2014. A resolution granting Mr. Yotka an unpaid temporary leave of absence for the six-month period is on the agenda. The Construction Official recommended that a temporary employee be hired up to \$35 per hour to perform his duties.

Upon motion by Councilman Vicente, seconded by Councilman Donofrio, and carried unanimously upon voice vote, to hire a temporary Fire Subcode Official for a period not to exceed six months at up to \$35 per hour.

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

Councilman Willer - Fire Committee

Fire Department - The Fire Department called drills on December 11 and 30; officers' drill on December 16; approved membership for Tami Chipko; and accepted the applications from Michael Swanick and Gilbert Barberan Jr. for membership. The 2014 officers will be Chief Ron Hamman, 1st Assistant Chief Bill Hopley, and 2nd Assistant Chief Chris Patamia.

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

ATTORNEY'S REPORT

Requested a closed session for three litigation matters (RVRSA, ATK/EPA, and potential sale of the Gee property).

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

MAYOR'S REPORT

Ambulance Services - The bid specifications for the ambulance service were revised based on input from the Fire Department and the bid opening will be held on January 15, 2014 at 10 a.m.

Mayor's Activities - Mayor Greuter ran the property auction on December 6 and conducted a wedding.

Special Meeting - There will be a special council meeting at 5:00 p.m. on December 16 for budget issues.

Fire Truck - Representatives from the City of Orange Fire Department took the 1988 E-One Pumper for a test run and offered to purchase it for \$15,000. An independent mechanic inspected the vehicle and found a few items that need repair.

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

CLERK'S REPORT

Bingo/Raffle License Approvals - Approved off-premise 50/50 raffle license for HSA St. Cecilia for event to be held at 87 Halsey Ave. on June 9, 2014; calendar raffle license for HSA Sacred Heart for February 26, 2014-May 28, 2014 at 40 East Main St.; tricky tray raffle and on-premise 50/50 raffle licenses for Coming Home Rescue to be held at The Mission at Rockaway, 66 Beach St., on May 2, 2014.

Upon motion by Councilman Vicente, seconded by Councilman Donofrio, 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 147-13: APPROVE 2014 AMUSEMENT DEVICE LICENSES

WHEREAS, the following named applicants have duly filed applications for the license known as an Amusement Device License, for the period from January 1, 2014 to December 31, 2014:

<u>License Number</u>	<u>Name</u>	<u>Place of Business</u>
220	The Exchange Restaurant	160 E. Main St. Rockaway, NJ 07866
221	Tavern on the Rocks	9 Wall St. Rockaway, NJ 07866
222	Giggles Play Station LLC	350 Route 46 East Rockaway, NJ 07866
223	Rockaway Billiards	353 Route 46 West Rockaway, NJ 07866
224	Mill Lane Tavern	8 Mill Lane Rockaway, NJ 07866
225	Rockaway Lanes, Inc.	365 Route 46 West Rockaway, NJ 07866
226	Brick 46	68 Route 46 Rockaway, NJ 07866

WHEREAS, the said applicants have fully completed the required application and paid the proper fees pertaining to said license; and

WHEREAS, said application lists number of machines, machine type, and serial number of each machine, as described in the Code of the Borough of Rockaway §95-1;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that the Amusement Device License be and the same is hereby granted to the above named applicants and shall be effective as provided by law.

DATE: December 12, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 148-13: GRANT LEAVE OF ABSENCE (FIRE SUB-CODE OFFICIAL)

WHEREAS, Thomas Yotka will be unable to perform his duties as Fire Sub-Code Official from December 1, 2013 through and including May 31, 2014; and

WHEREAS, Section 61-80.A of the Code of the Borough of Rockaway provides that employees may be granted a personal leave of absence for up to six months by resolution of the Mayor and Council if the leave does not cause undue operational disruption.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, that Thomas Yotka has shown good cause and is hereby granted an unpaid temporary leave of absence from December 1, 2013 through and including May 31, 2014 per Section 61-80.A of the Code of the Borough of Rockaway.

DATE: December 12, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 149-13: RESOLUTION TO APPROVE ABC PERSON-TO-PERSON LICENSE TRANSFER (DAMIAN MEXICAN FOODS LLC)

WHEREAS, an application has been filed for a person to person transfer of Plenary Retail Consumption License #1434-33-010-005 hereto issued to Rostenican Inc. for premises located at 116 Route 46, Rockaway, NJ 07866; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed premises.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rockaway does hereby approve, effective December 13, 2013, the transfer of the aforesaid Plenary Retail Consumption License to Damian Mexican Foods LLC, and does hereby direct the Borough Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Damian Mexican Foods LLC, effective December 13, 2013."

DATE: December 12, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 150-13: AWARD CONTRACT (TURF MANAGEMENT OF RECREATION FIELDS)

WHEREAS, there exists a need for Turf Management of Recreation Fields; and

WHEREAS, a diligent attempt to obtain several quotes was made by the Superintendant Department of Public Works, with the lowest response being received from Farmside Landscape & Design, 12 Kuperus Lane, Wantage, NJ 07461 (973-875-7200); and

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

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11) states that a contract that is below the bid threshold may be awarded without public bidding.

NOW, THEREFORE, BE IT RESOLVED, that proper Borough officials are authorized and directed to execute a contract with Farmside Landscape & Design, 12 Kuperus Lane, Wantage, NJ 07461 (973-875-7200), in the amount of \$18,100.00 for Turf Management of Recreation Fields for a one-year period beginning January 1, 2014 and ending December 31, 2014 on a form approved by the Borough Attorney.

DATE: December 12, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

CERTIFICATION FOR AVAILABILITY OF FUNDS

I, Yolanda Dykes, Treasurer, of the Borough of Rockaway, in the County of Morris, New Jersey, do hereby certify that funds in the amount not to exceed \$18,100.00 as stated in their contracts are currently available for the purpose of awarding a contract for the furnishing of goods or services to the following entity:

Farmside Landscape & Design, 12 Kuperus Lane, Wantage, NJ 07461 (973-875-7200)
For the purpose of: Award Contract (Turf Management of Recreation Fields).

The funds are available contingent upon the adoption of the 2014 Temporary Budget and the 2014 Municipal Budget.

Budget Line Item#: 01-201-56-300-010 \$9,050.00
14-290-56-300-010 \$9,050.00

DATE: December 12, 2013

BY: Yolanda Dykes, Treasurer

RESOLUTION 151-13: SUPPORT THE DRIVE SOBER OR GET PULLED OVER 2013 YEAR END HOLIDAY STATEWIDE CRACKDOWN

WHEREAS, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

WHEREAS, 19% of motor vehicle fatalities in New Jersey in 2012 were alcohol-related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the season at the end of the year is traditionally a time of social gatherings which often include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over 2013 Year End Holiday Statewide Crackdown*; and

WHEREAS, the project will involve increased impaired driving enforcement from December 6, 2013 through January 2, 2014; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Rockaway declares its support for the *Drive Sober or Get Pulled Over 2013 Year End Holiday Statewide Crackdown* from December 6, 2013 through January 2, 2014 and pledges to increase awareness of the dangers of drinking and driving.

DATE: December 12, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 152-13: REQUEST APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87 (DRIVE SOBER OR GET PULLED OVER 2013 YEAR END HOLIDAY STATEWIDE CRACKDOWN)

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 \$4,400.00, which is now available from Drive Sober or Get Pulled Over 2013 Year End Holiday Statewide Crackdown Grant in the amount of \$4,400.00.

BE IT FURTHER RESOLVED, that the like sum of \$4,400.00 is hereby appropriated under the caption Drive Sober or Get Pulled Over 2013 Year End Holiday Statewide Crackdown; and

BE IT FURTHER RESOLVED, that the above is the result of funds from Drive Sober or Get Pulled Over 2013 Year End Holiday Statewide Crackdown Grant in the amount of \$4,400.00.

DATE: December 12, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 153-13: ISSUE 2013-2014 TAXICAB/LIVERY LICENSE TO OPERATE

WHEREAS, the application for the 2013-2014 Taxicab/Livery License to Operate has been deemed to be complete, and further approved by the Police Chief.

NOW, THEREFORE, BE IT RESOLVED that 2013-2014 Taxicab/Livery License to Operate be issued to:

SECURE TRANS CONNECTION, LLC
114 Beach Street
Rockaway, NJ 07866

for the following vehicles:

Vehicle #1 - 2012 Chevy - VIN 1GNSKJE74CR208632, Vehicle Garaged Off-Site
Vehicle #2 - 2006 Cadillac - VIN 1G6KD57916U141212, Vehicle Garaged Off-Site

This license will be in effect from December 12, 2013-May 31, 2014.

DATE: December 12, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 154-13: ISSUE 2013-2014 TAXICAB/LIVERY DRIVER'S LICENSE

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

<u>License No.</u>	<u>Driver</u>	<u>Address</u>	<u>Employer</u>
101-13	Pipitone, Vincent	710 William Street Boonton, NJ	Secure Trans Connection, LLC

This license will be in effect from December 12, 2013-May 31, 2014.

DATE: December 12, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 155-13: REQUEST APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87 (SAFE & SECURE COMMUNITIES GRANT - 2012)

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 \$29,407.00, which is now available from Safe and Secure Communities Grant - 2012 in the amount of \$29,407.00.

BE IT FURTHER RESOLVED, that the like sum of \$29,407.00 is hereby appropriated under the caption Safe and Secure Communities Grant - 2012; and

BE IT FURTHER RESOLVED, that the above is the result of funds from Safe and Secure Communities Grant - 2012 in the amount of \$29,407.00.

DATE: December 12, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

ORDINANCE NO. 21-13, Public Hearing & Adoption

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

BE IT ORDAINED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that the following amendments be made to Chapter 261, Health and Sanitation, Article XXI, Massage, Bodywork and Somatic Therapy Establishments, of the Code of the Borough of Rockaway as follows:

Section I

1. Chapter 261, Health and Sanitation; Article XXI, Massage, Bodywork and Somatic Therapy Establishments; § 261-98, Application for business permit, Item E(7) is hereby repealed in entirety and modified to read as follows:

"§ 261-98. Application for business permit.

- E. The following personal information concerning the applicant, if an individual; concerning each stockholder holding more than 10% of the stock of the corporation, each officer and each director, if the applicant is a corporation; concerning the partners, including limited partners, if the applicant is a partnership; and concerning the manager or other person principally in charge of the operation of the business...

- (7) All criminal convictions, pleas of guilty or pleas of no contest, other than misdemeanor traffic violations, fully disclosing the jurisdiction in which same occurred and the offense for which convicted or a plea entered, and the circumstances thereof. The applicant shall execute a waiver and consent to allow a fingerprint and criminal background check by the Police Department. An establishment permit may be denied to any person who has been convicted of, or entered a plea of guilty or no contest to: (a) any felony; or (b) within the five (5) years prior to the date of the application, any disorderly person's offense, where that disorderly person's offense involves fraud, larceny, the intent to harm persons or things, indecency, lewdness, prostitution or pandering."

2. Chapter 261, Health and Sanitation; Article XXI, Massage, Bodywork and Somatic Therapy Establishments; § 261-100, Application for therapist's permit; requirements, Item C(7) is hereby repealed in entirety and modified to read as follows:

"§ 261-100. Application for therapist's permit; requirements.

- C. The following information concerning the application will also be required:...

- (7) All criminal convictions, pleas of guilty or pleas of no contest, other than misdemeanor traffic violations, fully disclosing the jurisdiction in which same occurred and the offense for which convicted or a plea entered, and the circumstances thereof. The applicant shall execute a waiver and consent to allow a fingerprint and criminal background check by the Police Department. A therapist's permit may be denied to any person who has been convicted of, or entered a plea of guilty or no contest to: (a) any felony; or (b) within the five (5) years prior to the date of the application, any disorderly person's offense, where that disorderly person's offense involves fraud, larceny, the intent to harm persons or things, indecency, lewdness, prostitution or pandering."

3. Chapter 261, Health and Sanitation; Article XXI, Massage, Bodywork and Somatic Therapy Establishments; is hereby amended by adding thereto a new § 261-108, to read as follows:

"§ 261-108. Review by Board.

Any proprietor or operator aggrieved by any decision of the Health Officer, including the denial of a license, the refusal to renew a license and the suspension of a license, shall have an absolute right to appeal such decision to the Board at its next regularly scheduled meeting. For such appeal, the Health Officer or his designee shall present that evidence supporting the decision made by the Health Officer, and the aggrieved party shall present that evidence which supports a contrary decision. After hearing all the evidence presented to it, the Board, by a majority vote, shall then affirm, reverse or modify the decision of the Health Officer."

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: December 12, 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 Vicente, and seconded by Councilwoman Kanigel, the above mentioned ordinance was adopted by the following roll call:

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

PUBLIC PORTION

Mayor Greuter opened the meeting to the public.

Mr. John Lucosky, 19 Burton La., was a crossing guard at Main St./Keller Ave. intersection until he was told by Police Chief Doug Scheer that he was using the crossing sign wrong and was going to be suspended. Mr. Lucosky felt upset and he said he quit. The next day, he asked the Chief for his job back; however, Chief said that he had quit, that's it. Mr. Lucosky is here to try to get his job back. Mayor Greuter will speak with Chief Scheer and will be in touch with him.

Fire Chief Sam Passarella reported on the recent activities of the Department, including attendance at the Hunterdon Fire Academy.

Mr. Pat McDonald stated that residents appreciated the ability to purchase Recreation cards and sign up for sports at Winter Wonderland.

Ms. Bonnie Hook reported that the 2014 officers for the Rockaway Borough Business Owners Association will be Rob Grow, president; Denise Nickel, vice president; Allison Bernardini, secretary; and TD Bank, treasurer.

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

CLOSED SESSION

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

RESOLUTION 156-13: 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: three litigation matters (RVRSA, ATK/EPA, and potential sale of the Gee property).
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: December 12, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor and Council went into closed session at 8:04 p.m. and resumed the public meeting at 8:57 p.m.

SALE OF BLOCK 40, LOT 76 (311 WEST MAIN ST.)

Upon motion by Councilman Willer, seconded by Councilman Donofrio, and carried upon majority roll call vote with Councilwoman Kanigel and Councilmen Donofrio and Willer voting aye, and Councilman Vicente voting nay, to authorize the Borough Attorney to negotiate a contract with William P. Askin, Attorney for Thomas Buechel, winning bidder of the December 6, 2013 auction to purchase Block 40, Lot 76, based on his offer of \$550,000.00 with the condition that the Borough would be willing to contribute up to \$200,000 for environmental cleanup and that Mr. Buechel would be bound to close the contract.

ADJOURNMENT

The meeting adjourned at 8:58 p.m.

Approved: As Submitted

Sheila Seifert, Borough Clerk

Date: December 30, 2013