

**MAYOR & COUNCIL
REGULAR MEETING
MAY 9, 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 6:30 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 May 9, 2013. A subsequent notice was published in the newspapers indicating that a closed session for contract negotiations (shared service) would begin at 6:30 p.m. Mayor Greuter announced the location of the fire exits.

Councilmembers Present

Thomas Donofrio
Joyce Kanigel (arrived at 7:01 p.m.)
Thomas Mulligan (arrived at 6:32 p.m.)
Joseph Vicente
John Willer
Melissa Burnside - Council President (arrived at 7:02 p.m.)

Councilmembers Absent

Richard Beilin, Esq., representing 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 Donofrio, and adopted unanimously upon voice vote, the following resolution was adopted:

RESOLUTION 70-13: 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)
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: May 9, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor and Council went into closed session at 6:32 p.m. and resumed the public meeting at 7:00 p.m., whereupon a recess was taken until 7:30 p.m.

2013 MUNICIPAL BUDGET

(Councilman Mulligan left the meeting at 7:30 p.m.)

Auditor Kathryn Mantell reported that the Local Finance Board granted approval for the appropriation CAP waiver and the Division of Local Government Services approved the budget for adoption by the Governing Body.

Adoption of the 2013 Municipal Budget

RESOLUTION 71-13: READ 2013 MUNICIPAL BUDGET BY TITLE

WHEREAS, Chapter 259 of the Public Laws of 1995 amends the "Local Budget Law," N.J.S.A. 40A:4 et seq., to provide that the local budget may be read by its title only on the date of the public hearing, under the following conditions:

1. At least one week prior to the date of the hearing, a complete copy of the approved budget:
 - a. shall be made available for public inspection in the free public library of the municipality and in the free county library located in the county in which the municipality is located, and the public officer delegated the responsibility for delivering copies of the approved budget to such libraries shall forward to the governing body an attestation that each such delivery was made; and
 - b. is made available to each person requesting the same, during said week and during the public hearing; and
2. The governing body shall, by resolution passed by not less than a majority of the full membership, determine that the conditions set forth in subsection 1.a. and 1.b. of this section have been made; and

WHEREAS, the certification by the Borough Clerk attesting to compliance with item 1.a. above is attached hereto and made a part hereof, and the Budget Summary as allowed by law was published in *The Citizen* issue of April 10, 2013.

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, (not less than a majority of the full membership thereof affirmatively concurring) that the said 2013 Local Municipal Budget of the Borough of Rockaway shall be read by title only, all of the aforementioned conditions of P.L. 1995, c. 259 having been met.

DATE: May 9, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

**BOROUGH OF ROCKAWAY
CERTIFICATION OF BOROUGH CLERK**

In compliance with P.L. 1995, C. 259, I hereby certify that a complete Summary of the 2013 Local Municipal Budget of the Borough of Rockaway as introduced at a Regular meeting of the Mayor and Council on Thursday, March 28, 2013, was published in *The Citizen* issue of April 10, 2013; and

I further certify that on April 2, 2013, one full copy of the 2013 Local Municipal Budget was forwarded to the Borough of Rockaway Free Public Library, 82 East Main Street, Rockaway, New Jersey, for public inspection, and one full copy of said Budget was forwarded to the Morris County Public Library, 30 East Hanover Avenue, Whippany, New Jersey, for public inspection, and that copies of the full Budget have been made available at the Office of the Borough Clerk of Rockaway for all those requesting same.

Dated: May 9, 2013

Sheila Seifert
Borough Clerk

The aforesaid resolution was moved by Councilman Vicente, seconded by Council President Burnside, and carried as follows upon call of the roll:

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

Mayor Greuter opened the public hearing for the 2013 municipal budget. There being no comments, Mayor Greuter closed the meeting to the public.

(Councilman Mulligan returned to the meeting at 7:32 p.m.)

Adoption of the 2013 Municipal Budget

RESOLUTION 72-13: AUTHORIZE THE ADOPTION OF 2013 MUNICIPAL BUDGET

SEE PAGES 41 AND 42 OF BUDGET

DATE: May 9, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

The aforesaid resolution was moved by Councilman Vicente, seconded by Councilman Donofrio, and adopted as follows upon call of the roll to hereby adopt the Budget for the year 2013:

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

APPROVAL OF MINUTES

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

CORRESPONDENCE

Mayor Greuter read a letter from Mr. Raymond Sedivec resigning from his position as alternate on the Land Use Board. Upon motion by Councilman Willer, seconded by Councilman Mulligan, to accept the correspondence and resignation with regret.

Mayor Greuter read a May 9, 2013 letter from Sylvia Banbor, Recycling Coordinator, stating that Donjon, with whom the Borough has a contract to pick up electronic waste at no charge, will no longer accept e-scrap unless the Borough agrees to pay \$0.30 per pound for TV's and monitors. She recommended that the Borough no longer deal with Donjon and have the container pulled by the end of the month. She is researching alternatives and Mayor Greuter will contact Assemblyman Bucco regarding law requiring the manufacturers to provide free waste pickup.

A letter was sent to the president of the Rockaway Borough Seniors asking that a key for the closet in the kitchen be provided to the Borough.

On motion by Councilman Willer, seconded by Councilman Donofrio, and unanimously carried by voice vote to accept the correspondence.

COUNCIL/COMMITTEE REPORTS

Councilwoman Kanigel - Finance and Licensing Committee

Sustainable Jersey - Councilwoman Kanigel attended a program on local leadership on clean energy programs. There are programs available for businesses (Direct Install) and homeowners (Home Performance with Energy Star) and free energy audits.

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

Councilman Donofrio - Public Works/Public Utilities Committee

No report.

Councilman Mulligan - Ordinance Committee

No report.

Councilman Vicente - Personnel

2013 Budget - Councilman Vicente thanked the financial team for their efforts in preparing the budget.

Shared Service - The Governing Body met with representatives from Rockaway Township regarding a shared service that would be a tax benefit to the Borough residents next year.

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

Councilman Willer - Fire Committee

Fire Department - The Fire Department called drills on May 19 and 29 and officers' drill on May 13; requested an application for membership from Roy Chavez, dropped Paul Ostensen's application for membership; and will march in the Memorial Day parade on May 27.

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

Council President Burnside - Public Safety Committee

Police Department - There is a permanent container in Police Department lobby for unwanted drugs and needles.

PBA Contract - The PBA is voting on the revised contract tonight.

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

ATTORNEY'S REPORT

Donatoni Field Litigation – The attorneys are trying to schedule mediation. Public Works will be asked to take photographs of the field.

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

CDBG Project - The potable water system improvements project was approved to receive \$70,411 from Community Development.

Joint Municipal Court of Dover - Mayor Greuter attended a meeting with the mayors of the other municipalities in the Joint Court system and learned that Dover will increase fees by two percent. Victory Gardens has joined the Joint Court. Court revenues are down.

COAH - Received a notice that COAH is looking to take our housing trust funds. The Borough Attorney will look at this.

Broad Street Encroachment - On the undeveloped portion of Broad Street, someone has encroached on our property by placing shrubs and boulders to a grassy area. It appears as though the neighbor whose property adjoins the open space property has encroached on our property.

Ms. Joyce Freiermuth, Environmental Advisory Committee, stated that the adjoining property owner has now encroached at least 50' into the open space property, into the area where the Committee proposed a trail.

Mayor Greuter will send two letters, giving two weeks for the improvements to be removed.

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

CLERK'S REPORT

Website - Pages are being loaded onto the new website which may be up in two weeks.

Upon motion by Councilman Willer, 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 73-13: RENEW AGREEMENT FOR ANIMAL CONTROL SERVICES

WHEREAS, the Borough of Rockaway has contracted with the Township of Randolph for Animal Control Services; and

WHEREAS, the Township of Randolph has submitted a proposal to continue this shared services agreement for Animal Control Services at a cost of \$10,488.00 for the period of January 1, 2013 through December 31, 2013; and

WHEREAS, the Borough of Rockaway Chief Financial Officer has certified that the funds are or will be available for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, New Jersey that proper Borough officials are authorized and directed to execute an Agreement between the Township of Randolph and the Borough of Rockaway for Animal Control Services for the year 2013 in the amount of \$10,488.00.

DATE: May 9, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 74-13: RENEW AGREEMENT FOR PUBLIC HEALTH SERVICES

WHEREAS, the Borough of Rockaway has contracted with the Township of Randolph for Public Health Services; and

WHEREAS, the Township of Randolph has submitted a proposal to continue this shared service agreement for Public Health Services at a cost of \$144,528.00 per annum for the period January 1, 2013 through December 31, 2015; and

WHEREAS, the Borough of Rockaway Chief Financial Officer has certified that the funds are or will be available for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, New Jersey that proper Borough officials are authorized and directed to execute an Agreement between the Board of Health of the Township of Randolph and the Board of Health of the Borough of Rockaway for Public Health Services for the period January 1, 2013 through December 31, 2015, for the sum of \$144,528.00 per annum.

DATE: May 9, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 75-13: AWARD CONTRACT (BOND COUNSEL)

WHEREAS, N.J.S.A. 40A:2-38.1 provides for the compensation of an attorney for services rendered in connection with the issuance of bonds; and

WHEREAS, there exists a need for specialized legal services in connection with the authorization and the issuance of bonds and other obligations by the Borough of Rockaway, County of Morris, State of New Jersey (herein the "Municipality"); and

WHEREAS, such specialized legal services can be provided only by a recognized Bond Counsel firm, and the Law Office of John G. Hudak, Esq., LLC, 812 North Wood Avenue, Suite 304, Linden, NJ 07036, (908-925-0784) is so recognized by the financial community; and

WHEREAS, the Borough of Rockaway Chief Financial Officer has certified that the funds are or will be available for this purpose; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i) requires that notice with respect to contracts for professional services, awarded without competitive bids, must be publicly advertised; and

WHEREAS, the services to be performed are "Professional Services" as defined in N.J.S.A. 40A:11-5(1)(a)(i) and therefore excepted from the Local Public Contracts Law requirements for competitive bidding.

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

1. That the Mayor and Council hereby award the Contract, for calendar year 2013, to the Law Office of John G. Hudak, Esq., LLC, 812 North Wood Avenue, Suite 304, Linden, NJ 07036, in accordance with N.J.S.A. 40A:2-38.1 and N.J.S.A. 40A:11-1, et seq.
2. That the Mayor of the Borough of Rockaway, on its behalf, is hereby authorized and directed to execute the Contract hereby awarded to the Law Office of John G. Hudak, Esq., LLC, and the Borough Clerk of the Borough of Rockaway to attest to said Contract for professional services in connection with the issuance and authorization of all bonds, bond anticipation notes and tax anticipation notes or lease purchase certificates of participation or similar obligations and related matters of capital and debt financing by the Municipality.
3. That no appropriation of funds is required at this time, payment coming from the proceeds of the sale of bonds and bond anticipation notes and tax anticipation notes or similar obligations (such as lease purchase certificates of participation) or other authorizations in accordance with the Contract.
4. That this Contract is awarded without competitive bidding as a professional services contract under the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) because legal services are a recognized profession licensed and regulated by law.
5. That the Mayor and Council of the Borough of Rockaway, New Jersey hereby authorize and direct the execution of the aforesaid contract for the period commencing on the date set forth therein.
6. 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.
7. That an executed copy of the Contract between the Borough of Rockaway and Law Office of John G. Hudak, Esq., LLC, and a copy of this resolution shall be filed in the Office of the Borough Clerk and be available there for inspection in accordance with law.
8. That this resolution shall take effect immediately.

DATE: May 9, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 76-13: AWARD CONTRACT (LEGAL SERVICES)

WHEREAS, there exists needs for certain specified professional services to the Borough of Rockaway; and

WHEREAS, said needs or certain specified professional services are to be rendered or performed by a person or persons authorized by law to practice a recognized profession whose practice is regulated by law within the meaning of N.J.S.A. 40A:11-2, et seq. as amended; and

WHEREAS, the performance of said professional services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal base of specialized training and study; as distinguished from general academic instruction or apprenticeship and training; and

WHEREAS, said professional services cannot reasonably be described by written specifications; and

WHEREAS, the budget duly composed and approved by the Mayor and Council provides generally for funds for the services of such professional and/or certain escrow accounts paid by applicants for development provide for the payment for such services; and

WHEREAS, Edward Wacks, Wacks & Hartmann, LLC, has completed and submitted a Business Entity Disclosure Certification which certifies that Edward Wacks, Wacks & Hartmann, LLC, has not made any reportable contributions to a political candidate committee in the Borough of Rockaway in the previous year, and that the contract will prohibit Edward Wacks, Wacks & Hartmann, LLC, from making any reportable contributions through the term of the contract; and

WHEREAS, the Borough of Rockaway Chief Financial Officer has certified that the funds are or will be available for this purpose; and

WHEREAS, the services to be performed are "Professional Services" as defined in N.J.S.A. 40A:11-5(1)(a)(i) and therefore excepted from the Local Public Contracts Law requirements for competitive bidding.

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 Borough of Rockaway, in accordance with the Local Public Contracts Law, hereby authorizes and approves the award of professional services contracts for January 1, 2013 through December 31, 2013, contract copies are on file in the Office of the Clerk and are incorporated herein by reference and their terms and conditions stated on the attached schedule. Said contracts are hereby ratified and confirmed, and upon passage of this Resolution, the Mayor and Borough Clerk be and the same are hereby authorized to enter into said contracts.
2. That these Contracts are awarded without competitive bidding as professional services contracts under the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) because such services are a recognized profession licensed and regulated by law.
3. That the Mayor and Council of the Borough of Rockaway, New Jersey hereby authorize and direct the execution of the aforesaid contracts for the period commencing on the date set forth therein.
4. 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.
5. That an executed copy of the Contracts and a copy of this resolution shall be filed in the Office of the Borough Clerk and be available there for inspection in accordance with law.
6. That this resolution shall take effect immediately.

PROFESSIONAL SERVICES SCHEDULE

MUNICIPAL ATTORNEY: Edward Wacks
Wacks & Hartmann, LLC
55 Madison Avenue
Suite 320A
Morristown, NJ 07960
(973) 644-0770

If additional services are needed, fees will be charged as follows:

1. Retainer (Municipal/Water Utility)	\$46,800.00
2. Non-Retainer Litigation	15,500.00
3. Tax Appeal Matters	4,000.00
4. Tax Foreclosures of Properties	1,200.00
5. Miscellaneous Charges	2,500.00
6. Superior Court Litigation	750.00 per day 225.00 per hour
7. Appellate Court Litigation	1,000.00 per day 275.00 per hour
8. Municipal Court Appearances	450.00 minimum 225.00 per hour
9. Additional Meetings	350.00 minimum 175.00 per hour
10. General Work	175.00 per hour

LABOR ATTORNEY: Matthew J. Giacobbe
Cleary Giacobbe Alfieri Jacobs, LLC
169 Ramapo Valley Road
Oakland, NJ 07436
(973) 845-6700

- | | |
|-------------------|-------------------|
| 1. All Partners | \$145.00 per hour |
| 2. All Associates | \$135.00 per hour |

RESOLUTION 77-13: AWARD CONTRACT (ELECTRICAL CONTRACTOR FOR WATER UTILITY)

WHEREAS, there exists a need for certain electrical services to the Borough of Rockaway's Water Utility; and

WHEREAS, said need is for certain specified services to be performed by Robert O'Malley, Electrical Contractor, Inc., 292 South Main Street, Wharton, New Jersey 07885; (973-361-1963) and

WHEREAS, the Borough of Rockaway Chief Financial Officer has certified that the funds are or will be available for this purpose; and

WHEREAS, the Local Public Contracts Law (NJSA 40A:11-1 et seq) requires that a resolution authorizing the payment of such professional 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 \$15,000.00 with Robert O'Malley Electrical Contractor Inc., 292 South Main Street, Wharton, New Jersey 07885; (973-361-1963) for certain electrical services in connection with the Borough's Water Utility for calendar year 2013 as per proposal on file with the Borough Clerk.
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.

DATE: May 9, 2013 BOROUGH OF ROCKAWAY
ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

RESOLUTION 78-13: AWARD CONTRACT (PLANNER AND ENGINEER)

WHEREAS, there exists needs for certain specified professional services to the Borough of Rockaway; and

WHEREAS, said needs or certain specified professional services are to be rendered or performed by a person or persons authorized by law to practice a recognized profession whose practice is regulated by law within the meaning of N.J.S.A. 40A:11-2, et seq. as amended; and

WHEREAS, the performance of said professional services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal base of specialized training and study; as distinguished from general academic instruction or apprenticeship and training; and

WHEREAS, said professional services cannot reasonably be described by written specifications; and

WHEREAS, the budget duly composed and approved by the Mayor and Council provides generally for funds for the services of such professional and/or certain escrow accounts paid by applicants for development provide for the payment for such services; and

WHEREAS, Paul W. Ferriero, Ferriero Engineering, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Paul W. Ferriero, Ferriero Engineering, Inc. has not made any reportable contributions to a political candidate committee in the Borough of Rockaway in the previous year, and that the contract will prohibit Paul W. Ferriero, Ferriero Engineering, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Borough of Rockaway Chief Financial Officer has certified that the funds are or will be available for this purpose; and

WHEREAS, the services to be performed are "Professional Services" as defined in N.J.S.A. 40A:11-5(1)(a)(i) and therefore excepted from the Local Public Contracts Law requirements for competitive bidding.

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 Borough of Rockaway, in accordance with the Local Public Contracts Law, hereby authorizes and approves the award of professional services contracts for the period of January 1, 2013 through December 31, 2013, contract copies are on file in the Office of the Clerk and are incorporated herein by reference and their terms and conditions stated on the attached schedule. Said contracts are hereby ratified and confirmed, and upon passage of this Resolution, the Mayor and Borough Clerk be and the same are hereby authorized to enter into said contracts.
2. That these Contracts are awarded without competitive bidding as professional services contracts under the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) because such services are a recognized profession licensed and regulated by law.
3. That the Mayor and Council of the Borough of Rockaway, New Jersey hereby authorize and direct the execution of the aforesaid contracts for the period commencing on the date set forth therein.
4. 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.
5. That an executed copy of the Contracts and a copy of this resolution shall be filed in the Office of the Borough Clerk and be available there for inspection in accordance with law.
6. That this resolution shall take effect immediately.

PROFESSIONAL SERVICES SCHEDULE

PLANNER: Jessica L. Giorgianni, P.P., AICP
H2M Associates, Inc.
119 Cherry Hill Road, Suite 200
Parsippany, NJ 07054
(862) 207-5900

Review plans for development, forwarded for review by the Borough, will prepare written reports of all findings and recommendations, and will attend such meetings as requested by the Borough.

The Borough agrees to a consideration for the herein outlined services at the rate as follows:

- | | |
|------------------------------|------------------|
| 1. Senior Project Planner | \$99.00 per hour |
| 2. Mileage (amount per mile) | IRS rate |

ENGINEER: Paul W. Ferriero, P.E., P.P., C.M.E., L.E.E.D., A.P.
Ferriero Engineering, Inc.
180 Main Street
P.O. Box 571
Chester, NJ 07930
(908) 879-6209

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|------------------------------|-------------------|
| 1. Principal Engineer | \$120.00 per hour |
| 2. Professional Engineer | 110.00 per hour |
| 3. Senior Designer | 90.00 per hour |
| 4. Junior Designer | 72.50 per hour |
| 5. Licensed Surveyor | 110.00 per hour |
| 6. Zoning Officer 1 | 80.00 per hour |
| 7. Zoning Officer 2 | 65.00 per hour |
| 8. CAD Operator | 70.00 per hour |
| 9. GIS Operator | 78.00 per hour |
| 10. Senior Draftsman | 55.00 per hour |
| 11. Two Person Field Crew | 130.00 per hour |
| 12. Construction Inspector | 70.00 per hour |
| 13. Soils Technician | 75.00 per hour |
| 14. Printing - 24" x 36" | 4.00 per sheet |
| 15. Printing - 30" x 42" | 5.00 per sheet |
| 16. Color Copies (11" x 17") | 4.00 per sheet |
| 15. Reproducible Film | 45.00 per sheet |

DATE: May 9, 2013 BOROUGH OF ROCKAWAY
ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

RESOLUTION 79-13: REFUND TAX SALE CERTIFICATE (BLOCK 14, LOT 33)

BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, by New Jersey State Statute 54:5-58 to refund tax sale certificate dated October 17, 2012 for 78 Cobb Street, Block 14, Lot 33 in the amount of \$43,350.42 to U.S. Bank/EmpireV, US Bank Custodian, 2 Liberty Place, 50 South 16th Street, Suite 1950, Philadelphia, PA.19102.

DATE: May 9, 2013 BOROUGH OF ROCKAWAY
ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

RESOLUTION 80-13: APPROVE 2013-2014 POOLROOM & BILLIARD ROOM LICENSE

WHEREAS, the following named applicant has duly filed an application for the license known as a Poolroom and Billiard Room License,

<u>License Number</u>	<u>Name</u>	<u>Place of Business</u>
219	Robert Guerra On the Snap, LLC T/A Rockaway Billiards	353 Route 46 West Rockaway, NJ 07866

WHEREAS, the said applicant has fully completed the required application and fees pertaining to said license; and

WHEREAS, the Chief of Police has approved said application;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that the Poolroom and Billiard License be and the same is hereby granted to Robert Guerra, On the Snap, LLC, T/A Rockaway Billiards and shall be effective as provided by law, for the period from July 1, 2013 to June 30, 2014.

DATE: May 9, 2013 BOROUGH OF ROCKAWAY
ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

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 photographs of exercise equipment in a room, hallway, and mart. Mr. Sateary stated that financing has been a problem and that there were issues with the contractor. A permit from the Building Department was issued in December. They expect to submit plans next week and begin construction in Room 100 by the end of the month.

Discussion ensued. The Council expressed concern that there has been no progress for more than five years. Mayor Greuter asked them to come back on May 23 with tangible proof that progress is being made.

PUBLIC PORTION

Mayor Greuter opened the meeting to the public.

Mr. Don Doty, Chairman, Parks and Recreation Advisory Committee, asked for control over the e-mails between the Committee and Council. All messages to the Committee should be going through him as the chair. He requested that all communication from the Council go through the Recreation Liaison. Mayor Greuter agreed, and included that all communication from the Council be directed to the proper liaisons.

Mr. Rob Grow, Lakeside Dr., questioned why court revenue is down and was told that there are several reasons, including the economy, people are doing community service, hurricanes, and the amount of fines being assessed is down.

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

ADJOURNMENT

The meeting adjourned at 8:32 p.m.

Approved: As Submitted

Sheila Seifert, Borough Clerk

Date: May 23, 2013