

**MAYOR & COUNCIL
REGULAR MEETING
MARCH 28, 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 March 28, 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

David Brady, Esq., representing Borough Attorney Edward Wacks, Esq., was also present.

Everyone present participated in the salute to the flag.

**ROCKAWAY BOROUGH SCHOOL DISTRICT
BUDGET PRESENTATION**

Superintendent of Schools Dr. Brian Purzak and School Business Administrator Joseph Hurley presented the proposed 2013-2014 budget for the Rockaway Borough School District. The prepared budget will result in an increase of about \$80 on a house with an average assessment of \$300,000.

2013 MUNICIPAL BUDGET

Kathryn Mantell, Auditor, reported that the increase from the Borough of Rockaway's 2012 budget will be approximately \$184 on a house with an average assessment of \$300,000.

Councilman Willer moved that Resolution 56-13, Municipal Budget Notice, be adopted. Said motion was seconded by Councilman Mulligan, and passed as follows upon call of the roll:

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

RESOLUTION 56-13: MUNICIPAL BUDGET NOTICE

Section 1.

Municipal Budget of the Borough of Rockaway, County of Morris for the Fiscal Year 2013.

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2013.

BE IT FURTHER RESOLVED, that said Budget be published in *The Citizen* in the issue of April 10, 2013.

The Governing Body of the Borough of Rockaway does hereby approve the following as the Budget for the year 2013:

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

Notice is hereby given that the Budget and Tax Resolution was approved by the Borough Council of the Borough of Rockaway, County of Morris, on March 28, 2013.

A hearing on the Budget and Tax Resolution will be held at the Community Center, 21-25 Union Street, on May 9, 2013 at 7:30 p.m. at which time and place objections to said Budget and Tax Resolution for the year 2013 may be presented by taxpayers or other interested persons.

DATE: March 28, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

ROCKAWAY BOROUGH PUBLIC LIBRARY
GRANT APPLICATION PRESENTATION

Councilwoman Kanigel explained that the Library Board of Trustees of the Rockaway Borough Public Library recommended that a grant application be submitted to the Morris County Historic Preservation Fund for funds to support a planning grant for improvements to the building, including repair work to its siding to prevent further deterioration.

APPOINTMENTS

Mayor Greuter announced the appointment of Ms. Adrianna Smith to a three-year term as part-time Recreation Director, beginning April 15, 2013.

Upon motion by Councilman Vicente, seconded by Councilman Mulligan, and carried unanimously upon voice vote, to concur with the Mayor's appointment of Adrianna Smith to a three-year term as part-time Recreation Director, beginning April 15, 2013.

Mayor Greuter announced the appointment of Mr. Robert Grow to the Board of Health for a term expiring December 31, 2015.

Upon motion by Council President Burnside, seconded by Councilman Donofrio and carried unanimously upon voice vote, to concur with the Mayor's appointment of Robert Grow, 110 Lakeside Dr., to the Board of Health for a term expiring December 31, 2015.

The Borough Clerk swore in Ms. Smith and Mr. Grow.

Mayor Greuter thanked Carol Johnson for her past work as Recreation Director.

APPROVAL OF MINUTES

Upon motion by Councilman Vicente, seconded by Councilman Donofrio, and carried unanimously upon voice vote, the minutes of the March 9, 2013 Budget Meeting and the March 14, 2013 Regular Meeting were accepted as submitted.

Mayor Greuter stated that the January 26, 2013 Budget Meeting minutes must be amended. The amount for LOSAP in the Volunteer Fire Department line item is based on \$400 per member for 36 members, for a total of \$14,400.00 not \$1,440.00 as originally submitted and approved.

Upon motion by Councilman Willer, seconded by Council President Burnside, and carried unanimously upon voice vote, to amend the minutes of the January 26, 2013 Budget Meeting to reflect \$14,400.00 for LOSAP in the Volunteer Fire Department line item; thereby increasing the line item total to \$79,630.00.

CORRESPONDENCE

Mayor Greuter read a letter from Marcelo De Oliveira, owner of Jersey Xtreme Tumble & Cheer LLC, complimenting Sylvia Banbor, for assistance during his use variance application process.

Upon motion by Councilman Willer, seconded by Councilman Donofrio, and carried unanimously upon voice vote to accept the correspondence and place a copy in Ms. Banbor's personnel file.

Tom Haynes, President, Rockaway Borough Little League, wrote a letter dated March 26, 2013 announcing the kickoff of the baseball season with an opening day parade at 10:00 a.m. on Saturday, April 13, (rain date Sunday, April 14), proceeding from Friendship Field, down Main Street, to Keller Avenue and to the Thomas Jefferson School baseball field.

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

COUNCIL COMMENTS

Councilwoman Kanigel - Finance and Licensing Committee

No comments.

Councilman Donofrio - Public Works/Public Utilities Committee

Water Foreman Tom Slockbower requested and received permission to recycle/scrap cast iron storm drain parts. Interviews are being conducted to replace a DPW employee.

Councilman Mulligan - Ordinance Committee

Councilman Mulligan thanked Mrs. Carol Johnson, Recreation Director, for her positive impact to the Borough.

Explained Ordinance 04-13 which will be adopted this evening.

Councilman Vicente - Personnel

Mayor Greuter sent a letter to Rockaway Township requesting a meeting to discuss shared services regarding the Construction Department.

Councilman Willer - Fire Committee

The Fire Committee met with the Fire Chiefs on Tuesday night.

Council President Burnside - Public Safety Committee

The Local Emergency Planning Committee met with this week. Council President Burnside encouraged residents to sign up for the United Alert system to receive notices from the Police Department.

The PBA Contract has been agreed on and includes 13 steps from starting patrolman to senior sergeant.

ATTORNEY'S REPORT

Mr. Brady reported that nothing has changed in the legal field since the last meeting.

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

MAYOR'S REPORT

Mayor Greuter reviewed his recent activities, including attendance at the induction of late Superintendent of Schools Gustavo Perna into the Rockaway Borough Schools Hall of Fame; reached out to the realtor regarding the sale of property; and will reach out to Firefighter One about selling the old fire truck.

Mayor Greuter met with representatives from a new monthly magazine entitled "Rockaway Life" to be published beginning in August. The 32-page magazine will be mailed to 5,200 wealthiest households in the 07866 zip code and include feature articles and a calendar of events.

Community Center Keys - Recently organizations who use the Community Center have either lost or not returned the key in a timely manner. Mayor Greuter recommended that a policy be established to charge the organization who does not return the key for the cost of replacing the locks and all keys to the building.

Upon motion by Councilman Donofrio, seconded by Councilman Mulligan, to charge an organization who does not return the Community Center key for the cost of replacing the locks and keys.

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

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 57-13: SUPPORT AND EXECUTE ROCKAWAY BOROUGH FREE PUBLIC LIBRARY GRANT APPLICATION

WHEREAS, the Rockaway Borough Free Public Library is housed in a historic building that was acquired by the Borough of Rockaway in 1939, by bequest of Mrs. Marie Foster, on condition the property always be used as public library, park, and museum; and

WHEREAS, it is the duty of the Library Board of Trustees to "do all things necessary and proper for the maintenance of the free public library in the municipality" under N.J.S.A. 40:54-12; and

WHEREAS, the Library Board of Trustees of the Rockaway Borough Free Public Library has determined that the library building is in need of repair work to its siding to prevent further deterioration; and

WHEREAS, Morris County Historic Preservation Trust Fund grants are available for repair and restoration of historic buildings, such as the Rockaway Borough Free Public Library; and

WHEREAS, Morris County Preservation Trust funds are also available for other improvements and restoration work that would contribute to the efficient and effective functioning of the Rockaway Borough Free Public Library, as determined by the Library Board of Trustees, such as installation of better lighting, air conditioning, and carpeting; and

WHEREAS, the Morris County Preservation Trust requires potential grantees to enlist the services of a certified preservation architect to prepare a "planning document" that will determine the scope of repair and restoration work for the historic building; and

WHEREAS, the Library Board of Trustees recommends that the Borough of Rockaway submit a grant application to the Morris County Preservation Trust for funds to support preparation of such a planning document; and

WHEREAS, there is no charge for the Borough of Rockaway to submit an application the Morris County Historic Preservation Trust, on behalf of the library, for said planning grant funds; nor would future receipt of County planning grant funds necessitate a further appropriation of funds from the municipal budget, as the Library Board of Trustees has determined that sufficient funds for a required match will be available in the Board's accounts as provided within the annual mandatory appropriation under N.J.S.A. 40:54-8, as fund balances restricted for capital projects and grants under N.J.S.A. 40:54-15.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, to approve the submission of an application to the Morris County Historic Preservation Trust for grant funds to support a planning grant for the Rockaway Borough Free Public Library and to authorize the Mayor to execute said grant application.

BE IT FURTHER RESOLVED that the Mayor and Council support the Library Board of Trustees' determination that matching funds for such a grant will be made available from funds already in the library's mandatory annual appropriation, to be used for necessary capital expenditures for the library as provided for by law.

RESOLUTION 58-13: EXECUTE CONTRACT BETWEEN BOROUGH OF ROCKAWAY AND P.B.A. LOCAL NO. 268

WHEREAS, the previously executed agreement between the Borough of Rockaway ("Borough") and P.B.A. Local No. 268 ("Union") expired December 31, 2012; and

WHEREAS, the Borough and the Union have conducted successful negotiations for a successor Collective Bargaining Agreement; and

WHEREAS, the new terms and conditions negotiated and agreed to by the parties have been incorporated into a successor Collective Bargaining Agreement between the Borough and the Union; and

WHEREAS, the Borough desires to ratify the terms of the new Collective Bargaining Agreement between the Borough and the Union covering the years January 1, 2013 through December 31, 2015.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Clerk are authorized to execute the Agreement between the Borough of Rockaway and P.B.A. Local No. 268 for the period of January 1, 2013 through December 31, 2015.

DATE: March 28, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 59-13: RESCIND RESOLUTION TO PAY EMPLOYEES WHO WAIVE HEALTH BENEFIT COVERAGE

WHEREAS, the Borough of Rockaway offers health insurance to its Employees through the New Jersey State Health Benefits Plan ("SHBP"); and

WHEREAS, on July 10, 2008, the Mayor and Council of the Borough of Rockaway adopted Resolution 112-08 to offer Employees who have another means of obtaining health insurance an incentive to waive health benefit coverage, thereby saving the cost of duplicate benefits; and

WHEREAS, since that time the State of New Jersey has made changes to the SHBP which provide for the conditions and the amount to be paid to Employees who have another means of obtaining health insurance.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway as follows:

1. Resolution 112-08 is hereby rescinded and any payments to Employees who have another means of obtaining health insurance an incentive to waive health benefit coverage shall be consistent with P.L. 2010, c. 2, as amended.
2. This Resolution shall take effect immediately.

DATE: March 28, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 60-13: TURF MANAGEMENT CONTRACT AWARD

WHEREAS, on November 19, 2012, the Mayor and Council adopted Resolution 156-12 awarding a contract to Fullerton Grounds Maintenance, 5 Howard Boulevard, Ledgewood, NJ 07852 (973-927-0927), in the amount of \$30,180.00 for Turf Management of Recreation Fields for a two-year period beginning January 1, 2013 and ending December 31, 2014; and

WHEREAS, Fullerton Grounds Maintenance cannot meet the Borough's insurance requirements and the contract has not been executed; and

WHEREAS, the next lowest response for Turf Management of Recreation Fields was received from Farmside Landscape & Design, 12 Kuperus Lane, Wantage, NJ 07461 (973-875-7200); and

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 (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, by the Mayor and Council of the Borough of Rockaway as follows:

1. Resolution 156-12 awarding a contract to Fullerton Grounds Maintenance, 5 Howard Boulevard, Ledgewood, NJ 07852 (973-927-0927), in the amount of \$30,180.00 for Turf Management of Recreation Fields for a two-year period beginning January 1, 2013 and ending December 31, 2014 is hereby rescinded.
2. Proper Borough officials are authorized and directed to execute a contract for Turf Management of Recreation Fields 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 nine-month period beginning April 1, 2013 and ending December 31, 2013 on a form approved by the Borough Attorney.
3. This Resolution shall take effect immediately.

DATE: March 28, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

ORDINANCE NO. 04-13, Public Hearing & Adoption

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER 139, FIRE PREVENTION AND PROTECTION,
AND CHAPTER A263, FEES,
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

WHEREAS, the Fire Marshal of the Borough of Rockaway has recommended that, during periods of time that a building's fire sprinkler or fire suppression system is not operational for more than four hours within a 24-hour period, a fire watch be assigned to observe the presence of any flammable or unstable reactive liquids, or oxidizing and organic compounds to provide for an acceptable and adequate level of fire safety and to reduce the risks of actual occurrences of fires; and

WHEREAS, the Mayor and Council concur with the recommendation of the Fire Marshal and have determined that fees for said fire watch shall be assessed to the property owner.

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

Section I

1. Chapter 139, Fire Prevention and Protection, § 139-9, Fire watch, is hereby modified to read as follows:

"§ 139-9. Fire watch.

- A. The purpose of the fire watch assignment is to provide for an acceptable and adequate level of fire safety during periods of time that a building's fire sprinkler system or fire suppression system is not operational for more than four hours within a 24-hour period, other than routine maintenance and repair, or for any other reason as determined by the Fire Marshal.
- B. Fire watch team members shall be properly trained in evacuation procedures and crowd control under the supervision of the Fire Marshal.
- C. Prequalified fire watch team members shall include unit members assigned to the Bureau of Fire Prevention or members of the Rockaway Borough Fire Department if a member of the Bureau of Fire Prevention is not available. In the event that none of the above is available, other qualified individuals may be utilized at the discretion of the Fire Marshal or his assigned designee.
- D. Individuals who are selected for fire watch details shall be briefed so as to have a thorough understanding of the purpose and responsibilities of their assignment.
- E. The fee to be paid by the property owner for the fire watch shall be as provided in Chapter A263, Fees."

2. Chapter 139, Fire Prevention and Protection, § 139-23, Permits and certificate of fire code status; Section B, is hereby modified to read as follows

"§ 139-23. Permits and certificate of fire code status.

- B. The cost for the issuance of a certificate of fire code status shall be as provided in Chapter A263, Fees."

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

Section II

1. Chapter A263, Fees, Section A263-1, Fees established, Subsection E, Chapter 139, Fire Prevention and Protection, Subsection 1, is hereby modified to read as follows:

"E. Chapter 139, Fire Prevention and Protection.

- (1) The fee for fire watch services shall be as follows:
 - (a) Fee for the services of personnel assigned to fire watch duties: \$50 per hour per person, with a minimum charge for such services equal to four hours. Payment of the minimum charge will be required if three hours' minimum notification of cancellation is not given. Unless otherwise prohibited by law, an escrow deposit will be required in an amount to be determined by the Chief Financial Officer.
 - (b) The rate for use of vehicles shall be as follows when requested under orders from the Bureau of Fire Prevention:
 - [1] Engine: \$50 per hour.
 - [2] Ladder truck: \$100 per hour."

Section III

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: March 28, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

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

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

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

PUBLIC PORTION

Mayor Greuter opened the meeting to the public.

Mr. Pat McDonald, Crestwood Rd., reported that SLAP volunteers worked at Heady Park and continue to clean up the parks.

Fire Chief Sam Passarella reported on the recent activities of the Fire Department, including a fire at McWilliams Forge.

Mr. Rob Grow, 110 Lakeside Dr., reported that about 70 people were at the river cleanup.

ADJOURNMENT

The meeting adjourned at 8:35 p.m.

Approved: As Submitted

Sheila Seifert, Borough Clerk

Date: April 11, 2013