

**MAYOR & COUNCIL
REGULAR MEETING
OCTOBER 10, 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 October 10, 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.

PROCLAMATION

Council President Burnside read a proclamation declaring the month of October, 2013 as "Breast Cancer Awareness" month and urging all women and their families to increase their knowledge about breast cancer and join us to celebrate successes and memorialize lost battles.

APPROVAL OF MINUTES

Upon motion by Councilman Vicente, seconded by Councilman Mulligan, and carried unanimously upon voice vote, the minutes of the September 26, 2013 Regular Meeting were accepted as submitted.

CORRESPONDENCE

Mayor Greuter read a letter from Martin Ginsberg, 350 Route 46, complimenting Fire Marshal Tom Trapasso for instructing a fire extinguisher training class held at the Boro Plaza on September 26, 2013.

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

COUNCIL/COMMITTEE REPORTS

Councilwoman Kanigel - Finance and Licensing Committee

Historical Marker Dedication - Mayor Greuter attended the dedication ceremony for the historical marker that was installed on West Main St.

Payment of Bills - Upon motion by Councilwoman Kanigel, seconded by Council President Burnside and carried unanimously upon voice vote, that the bills presented to the Borough of Rockaway for payment by the Borough, as evidenced by proper vouchers, be referred to the Committee or unit contracting for same, and, when endorsed by them and approved by appropriate action of Council, that they are to be paid.

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

Councilman Donofrio - Public Works/Public Utilities Committee

Passaic River Basin De-Snagging and Shoal Dredging Grant - Boonton Township, Denville Township, and Rockaway Borough submitted a multi-jurisdictional letter of interest to Morris County for funding under the Passaic River Basin De-Snagging and Shoal Dredging Grant. We are seeking a cumulative \$300,000 to perform approximately 500' of dredging activities in the Rockaway River in each municipality (between Ogden Ave. and Beach St. bridge in the Borough) for a total of 1,500'. Combined projects submitted through the County will be ranked higher than individual projects.

Water Leak Detection - Leaks were detected and repaired at Herrick Dr., Richard St., and Walnut Pl. Three leaks found on private property will be fixed by the property owners. A deep leak on Wall St. may require hiring an outside firm, and two leaks on W. Main St. will be repaired by DPW.

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

Councilman Mulligan - Ordinance Committee

Teamsters - Councilman Mulligan would like to meet with the Labor Attorney regarding the expiring Teamsters contract.

Ordinances - Explained Ordinances 19-13 and 20-13 that will be introduced this evening and Ordinance 18-13 that is scheduled for public hearing and adoption this evening.

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

Councilman Vicente - Personnel

Personnel - A meeting was held regarding the to-be part-time Technical Assistant to the Construction Officer position and an offer was extended to Sylvia Banbor. Councilman Vicente suggested that the rate paid for the Recycling Coordinator and Land Use Secretary positions be renegotiated. Mr. Wacks advised that this could not be discussed by the Council unless the individual was given a Rice notice.

Library - Children observed a man looking at pornography on a computer at the Rockaway Township Library. Councilman Vicente advised the directors of the Township and Borough Libraries to install filters on the computers.

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

Councilman Willer - Fire Committee

Fire Department - The Fire Department called drills on October 3, 4, and 28 and approved Anthony D'Amico as a full member. Inspection was conducted on October 5.

Upon motion by Councilman Donofrio, seconded by Councilman Mulligan, and carried unanimously upon voice vote, to concur with the actions taken by the Fire Department.

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

Council President Burnside - Public Safety Committee

Board of Health - A positive test for West Nile virus was found at Gill Ave; the area was sprayed. An ordinance regulating tanning facilities beginning January 1, 2014 will be introduced by the Board of Health. The Health Officer recommended that the Borough consider raising the \$25 fee charged for the certificate of habitability. Council President Burnside asked him to review all fees related to the Health Department.

Police Department - The School Resource Officer contract expires at the end of this school year. Councilman Vicente volunteered to join Council President Burnside in the negotiations. There will be incidental fees associated with the Police Department accreditation process that will be offset by cost savings. Police Chief Douglas Scheer, who was present, explained the accreditation process that is sponsored by the State Police Chiefs Association; the process fee is being covered by the Morris County Joint Insurance Fund.

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

ATTORNEY'S REPORT

Litigation - There will be a trial in January regarding an individual who was denied a massage therapist's license. Mr. Wacks is confident that the Borough is on the right track in preventing this individual from operating in Borough; however, the ordinance may need some changes.

Requested a closed session to discuss Litigation (EPA).

49 Wall St., Unit 2 - The deceased resident was a hoarder; the area was not cleaned out and contains hazardous materials. The attorneys sent a letter to the bank giving them a period of time to clean it up or the Borough will do it and impose a lien on the property. Borough employees/volunteers should wear hazmat suits. County Hazmat may be able to help.

Sanitary Sewer Discharge Agreement - Mr. Wacks recommended that the Council approve a new resolution authorizing the Mayor to sign the revised agreement with McWilliams Forge.

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

MAYOR'S REPORT

Mayor's Activities - Mayor Greuter conducted a civil union and a marriage; read a book at Bright Horizons, and attended the unveiling of the historical marker. Mayor Greuter and the Superintendent, Rockaway Borough Schools, have agreed on shared services, including the availability of an IT technician for the Borough.

McMATCH Food Drive - The Borough collected 3,829 pounds of food for the Rockaway Food Closet and preliminary results indicate that we came in first our division and fourth overall in the September county-wide food drive. Thanked the Business Owners Association for their assistance and donations.

Best Practices Inventory Questionnaire - The State's Fiscal Year 2014 Appropriations Act requires the Division of Local Government Services to determine how much of each municipality's final 5 percent allocation of its State aid will be disbursed based upon the results of a Best Practices Inventory. The inventory consists of 50 questions in the categories of General Management, Financial Standards and Procurement, Budget Preparation and Presentation, Health Insurance, Personnel, and Disaster Preparedness/Resiliency. The Chief Financial Officer has certified that the Borough's score is 84 percent; therefore, we will receive the full final 5 percent State aid payment. The completed worksheet was distributed to the Council for review and approval.

Upon motion by Councilman Willer, seconded by Councilman Donofrio, and carried unanimously upon roll call vote, to accept the Best Practices Inventory worksheet as prepared by the Chief Financial Officer.

Sale of Borough-Owned Property - On August 21, an auction was held to sell lots on Van Duyne Ave., Cedar Lane, and West Elycroft Ave. but there were no bidders. The Governing Body agreed to look for another auctioneer.

Sale of Fire Truck - On October 25, 2012, the Governing Body authorized the sale of the old E-One Pumper at a minimum bid of \$35,000 with Company Two Fire; however, it is still not sold. Mayor Greuter will work with the Fire Chief to explore options.

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

CLERK'S REPORT

Verizon Pole - The Verizon pole located on the corner of Dock Street and Wall Street is scheduled for replacement on Tuesday, October 15.

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

RESOLUTION 131-13

Upon motion by Council President Burnside, seconded by Councilman Donofrio, and carried unanimously upon call of the roll, the following resolution was adopted:

RESOLUTION 131-13: RECLASSIFY PERMIT CLERK/TACO POSITION TO PART-TIME

WHEREAS, the duties of the permit clerk, i.e., technical assistant to the construction official ("TACO"), position in the Building Department include the responsibilities of secretary to the Planning Board and secretary to the Zoning Board of Adjustment; and

WHEREAS, effective January 1, 2013, the powers of the Zoning Board of Adjustment were transferred to the Planning Board, entitled as the Borough of Rockaway Land Use Board, thereby reducing the responsibilities of the permit clerk/TACO position; and

WHEREAS, the Mayor and Council of the Borough of Rockaway, County of Morris, have evaluated the financial situation of the Building Department and determined that the Department is not self-sustaining; and

WHEREAS, the Mayor and Council of the Borough of Rockaway, County of Morris, have evaluated the permit clerk/TACO position and have determined that such position should not be full-time based on the level of the public's need for these services and budgetary concerns, and that a change of this position to part-time will be economically effective and increase efficiency.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that, effective January 1, 2014, the permit clerk position in the Building Department shall be part-time, consisting of 24 hours per week.

BE IT FURTHER RESOLVED that the duties of the permit clerk shall not include the responsibilities of secretary to the Land Use Board.

DATE: October 10, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTIONS (CONSENT AGENDA ITEMS)

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

RESOLUTION 132-13: RESOLUTION TO AUTHORIZE THE ADVERTISEMENT OF BIDS FOR EMERGENCY MEDICAL SERVICES AND MEDICAL TRANSPORTATION SERVICES

BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway in the County of Morris, that the Borough Clerk be and is hereby authorized and directed to advertise, as required by law, in the *Daily Record* and *The Citizen*, officially designated newspapers circulated in said Borough, an Invitation to Bidders for sealed proposals to be received by the Borough Clerk of the Borough of Rockaway in the County of Morris, New Jersey, for:

EMERGENCY MEDICAL SERVICES AND MEDICAL TRANSPORTATION SERVICES

Sealed proposals will be opened and read in public at Borough Hall, 1 East Main Street, Rockaway, New Jersey at a date to be determined by the Borough Clerk.

DATE: October 10, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 133-13: SET THE DATE FOR THE SALE OF EXCESS REAL PROPERTY NOT NEEDED FOR PUBLIC USE

BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris and State of New Jersey, that the Borough Clerk be and is hereby authorized and directed to advertise, as required by law, in the *Daily Record* and *The Citizen*, officially designated newspapers circulated in said Borough, a notice of the Public Sale of Real Property Not Needed for Public Use for:

Block 40, Lot 76; 311 West Main Street

The public auction will be held at the Community Center, 21-25 Union Street, Rockaway, New Jersey, at 1:00 p.m. on Friday, November 1, 2013.

DATE: October 10, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

ORDINANCE NO. 19-13, Introduction & First Reading

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

Councilman Mulligan 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 November 14, 2013.

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

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

ORDINANCE NO. 20-13, Introduction & First Reading

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER 247, WATER,
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

Councilman Donofrio 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 November 14, 2013.

Said motion was seconded by Councilwoman Kanigel and passed as follows upon call of the roll:

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

ORDINANCE NO. 18-13, Public Hearing & Adoption

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

**BOND ORDINANCE CANCELING APPROPRIATIONS FOR
WATER/ SEWER UTILITY IMPROVEMENTS IN THE AMOUNT OF \$60,000
FROM PREVIOUSLY ADOPTED BOND ORDINANCES AND
DETERMINING THAT SAID APPROPRIATIONS, INCLUDING BOND PROCEEDS,
ARE NO LONGER NEEDED FOR THE PURPOSES SET FORTH IN
SAID ORDINANCE AND TRANSFERRING SAID AMOUNT TO THE
WATER/ SEWER UTILITY CAPITAL SURPLUS FUND AND
APPROPRIATING THE SUM OF \$60,000 TO FUND THE COST OF
CERTAIN WATER/ SEWER UTILITY IMPROVEMENTS HEREIN AUTHORIZED**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ROCKAWAY, IN THE COUNTY OF MORRIS, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. Pursuant to the Local Bond Law (N.J.S.A. 40A:2-1 *et seq.*) and the Local Budget Law (N.J.S.A. 40A:4-1 *et seq.*) of the State of New Jersey, including N.J.S.A. 40A:2-39, the Borough of Rockaway, County of Morris, State of New Jersey (hereinafter the "Borough") hereby determines that \$60,000 of water/sewer capital appropriations, including bond proceeds as hereinafter set forth, are not necessary for the purposes set forth in the Bond Ordinance authorizing said appropriations and that it is in the best interests of the Borough to cancel said appropriations and to transfer said amount to the Water/Sewer Capital Surplus Fund of the Borough, and to reappropriate said amount to other bondable projects of Borough, as set forth herein. Further, the description and the authorization for the acquisition, construction and/or installation of the projects and improvements previously authorized are hereby amended as set forth hereinafter in Section 2 of this ordinance.

Section 2. The authorization and appropriation in the amount of \$60,000 including bond proceeds, for the improvements hereinafter set forth are hereby canceled and the sum of \$60,000 is transferred to the Water/Sewer Capital Surplus Fund (provided said funds are used for another project or projects for which bonds may be issued, and as set forth in Section 3 hereof), and the authorizations and appropriations set forth in the Bond Ordinance authorizing same is hereby amended as follows:

Bond Ordinance Number	Project	Appropriation to Be Canceled
Bond Ordinance No. 08-09 adopted June 25, 2009	1. Water Main and Transit Pipe repair/replacement, to include all costs, equipment, improvements, and/or appurtenances necessary therefor or related thereto.	\$60,000

Section 3. The amount of \$60,000 is hereby appropriated from the Water/Sewer Capital Surplus Fund as a supplemental appropriation for the improvement hereby authorized and reauthorized as follows:

Improvement/Acquisition	Water/ Sewer Capital Surplus Fund	Useful Life
1) Well #6A Redevelopment and Repairs to remove pumping equipment and televise the well, including all costs, equipment, improvements, and/or appurtenances necessary therefor or related thereto.	\$60,000	40

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The purpose described in Section 3 of this Bond Ordinance is not a current expense and is property or an improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness according to the reasonable life thereof computed from the date hereof is 40 years.

(c) Amounts not exceeding \$10,000 in the aggregate for interest on obligations, costs of issuing obligations, engineering costs, legal fees and other items of expense listed and permitted under N.J.S.A. 40A:2-20 of the Local Bond Law may be included as part of the costs of improvements and are included in the foregoing estimates thereof.

Section 5. The Capital Budget of the Borough is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board of the New Jersey Department of Community Affairs showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Borough Clerk and is available there for public inspection.

Section 6. To the extent that any previous Bond Ordinance or resolution is inconsistent with or contradictory hereto, said Bond Ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 7. The provisions of this Bond Ordinance are severable. To the extent any clause, phrase, sentence, paragraph or provision of this Ordinance shall be declared invalid, illegal, or unconstitutional, the remaining provisions shall continue in full force and effect.

Section 8. This Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

DATE: October 10, 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 Donofrio 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.

Chief Scheer asked Mr. Wacks for clarification about cleaning up 49 Wall St. The reimbursement rate for services provided by Borough volunteers should be those FEMA codes identified through the Office of Emergency Management.

Mr. Pat McDonald, Crestwood Rd., reported that an electrician checked the lights at Heady Field and verified that they are in working order. A tree company has volunteered to utilize his equipment to remove the lens on the light bulbs so that they can be changed and to trim trees. Mr. McDonald will contact the Borough Clerk for insurance requirements.

Fire Chief Sam Passarella thanked everyone for attending the Department's banquet.

Mr. Rob Grow, 110 Lakeside Dr., asked questions about the Historical Committee and the Recycling Coordinator position, and reported that the hairdresser near PNC Bank is now offering massages. Mayor Greuter will follow up with the Health Department.

Joe Carolan, 68 Beach St., stated a special election for the senator vacancy will be held on October 16.

Mayor Greuter invited Kathy Haake and Rob Grow, members of the Environmental Committee, to accompany October 29 meeting of the Rockaway Township Governing Body regarding Park Lake dredging. Councilman Donofrio and Councilwoman Kanigel will also attend.

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

44 BROAD STREET

As presented on August 22, 2013, a developer would like to purchase a portion of the right-of-way on Broad Street to build three houses. Councilwoman Kanigel presented slides showing the Broad Street area and representative houses from the developer's website. Using a formula from a Penn State economist's workbook, she stated that a new residential development would cost the Borough more in services than tax revenue would bring in. Councilwoman Kanigel concluded that it is in the best interest of existing residents for elected officials to not sell publicly-owned land for residential development because of the extremely high cost of public education. Discussion ensued, with residents including Rob Grow, Kathy Haake, and Pat McDonald participating in the discussion.

Upon motion by Councilman Vicente, seconded by Councilman Donofrio, and carried via majority roll call vote, with Councilwoman Kanigel voting no, to invite the developer to a future meeting to present an offer for the Mayor and Council to sell a portion of the right-of-way of Broad Street. The Clerk will send a letter to the developer's attorney.

CLOSED SESSION

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

RESOLUTION 134-13: 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 (EPA).
3. The minutes of the discussion shall be made public as soon as the matters under discussion are no longer of a confidential or sensitive nature.
4. This resolution shall take effect immediately.

DATE: October 10, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor and Council went into closed session at 9:10 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: October 24, 2013