

**MAYOR & COUNCIL  
REGULAR MEETING  
NOVEMBER 14, 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 7:33 p.m.

Mayor Greuter read the following statement: In accordance with Section 5 of the Open Public Meetings Act, Chapter 231, Public Laws, 1975, be advised that notice of this meeting was made by posting on the Bulletin Board, Town Hall, and sending to the officially designated newspapers, a list of meeting dates annually, indicating that the meeting would take place at the Community Center at 7:30 p.m. on November 14, 2013. Mayor Greuter announced the location of the fire exits.

Councilmembers Present

Thomas Donofrio  
Joyce Kanigel  
Thomas Mulligan  
Joseph Vicente  
Melissa Burnside - Council President

Councilmembers Absent

John Willer (excused - attended Community Development Meeting)

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 Council President Burnside, and carried unanimously upon voice vote, the minutes of the October 24, 2013 Regular Meeting were accepted as submitted.

CORRESPONDENCE

Mayor Greuter read the November 1, 2013 letter from Blast Master withdrawing an offer to purchase the 12+ acre parcel located at 311 West Main St. for \$550,000.00. They learned that there is less buildable acreage than originally thought and plan to submit a new offer.

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

Mayor Greuter read the November 12, 2013 letter from William P. Askin, Nicholson & Askin LLC, attorney for Thomas Buechel and Rockaway Recycling, who have authorized him to extend an offer to purchase property owned by the Borough at Block 40, Lot 76 (311 West Main St.) for \$595,000.00.

Mr. Wacks explained that the Borough had previously advertised this property for sale and had no bids. State statute does not provide for the Borough to negotiate separately. The options are (a) to pass a new ordinance to change the terms already approved (i.e., to sell the parcel at a minimum bid of \$550,000) to be those proposed by this new buyer (i.e., the minimum bid would be \$595,000) and conduct another auction; or (b) to adopt a resolution to hold another auction at the minimum bid of \$550,000.

The Governing Body and Mr. Wacks discussed the Borough's options. Mr. Wacks suggested that the Borough could negotiate a contract that would provide an amount that it would be willing to advance if an environmental cleanup is necessary.

The Governing Body agreed to hold another auction at the same minimum as before, with the same conditions stated in Ordinance 17-13.

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

COUNCIL/COMMITTEE REPORTS

Councilwoman Kanigel - Finance and Licensing Committee

*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.

*Historical Committee* - The Historical Committee extended its thanks to Public Works for installing historical panels in front of the Community Center and on the river bank off Jackson Ave.

*Library* - The library has purchased Cyber Control software that will screen out inappropriate website material to be installed in the children's room.

*Technical Assistant to Construction Official Position* - Council President Burnside and Councilwoman Kanigel met with the incumbent, Sylvia Banbor, on October 31. Council President Burnside explained that a resolution to rescind the resolution making this position part-time is on the agenda tonight. The projected savings were going to be less than originally expected. Council President Burnside apologized to Mrs. Banbor, who was in the audience, for the angst that was caused.

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

Councilman Donofrio - Public Works/Public Utilities Committee

*Public Works* - The Halsey Ave. roadway reconstruction project is completed, and the manhole rehabilitation project is underway. A resolution is on for approval tonight to purchase and install a valve to repair a water leak on West Main St. The leak on Wall St. is very deep and may require outside services.

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

Councilman Mulligan - Ordinance Committee

*Ordinances* - Councilman Mulligan explained Ordinance 21-13 that will be introduced tonight to amending Chapter 261, regarding the permitting of massage parlors, and Ordinances 19-13 and 20-13 which are scheduled for adoption this evening.

*Recreation* - The Halloween House Decorating Contest was successful and a Holiday House Decorating Contest is scheduled. A roller hockey fundraiser for electrical work and light pole supplies will be held under the lights tomorrow. This fundraiser should not be used for surveillance systems because the Public Safety Committee has not been notified of the need for such systems by the Police Chief.

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

Councilman Vicente - Personnel

No report.

Council President Burnside - Public Safety Committee

*Board of Health* - The Board recommended, and the Council agreed, to introduce an ordinance to increase the fee for a certificate of habitability to \$50 and the reinspection fee to \$20. The ordinance will be prepared for introduction at the next meeting with a February 1, 2014 effective date.

*Hazard Mitigation Grant* - The Borough will receive \$142,080 to be used towards generators.

*Police Department* - The Police Department uses the Enforsys system for records management which costs \$8,000/year for five years. The Morris County dispatch fees will include such services, with enhancements; however, the data conversion will be a one-time cost of \$35,000. NOTE: On Friday, November 15, Council President Burnside learned that the data conversion fee will be paid over a five-year period.

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

#### ATTORNEY'S REPORT

*Massage Parlor Litigation* - Adoption of Ordinance 21-13 will moot that issue. The individual will be able to make application under the new ordinance.

*EPA/Thiokol* - The attorneys have had no response to the letters that were sent to both entities and will send second letters out.

*Donatoni Community Park* - Suburban will begin to do stakeout work on November 18, and Tomco is scheduled to do its work on November 19-20.

*RVRSA Litigation* - Mayor Greuter attended a mediation session. Jersey City has offered settlements that are unacceptable to municipalities. For example, if one settlement were to be granted, the Borough could pay an additional \$500,000.

*Broad St. Vacation* - The size of the area in the Broad St. right-of-way that will be vacated is being verified. Councilwoman Kanigel stated that people asked her why the offer was accepted with no negotiations. Discussion ensued regarding the procedure to rescind a motion.

*Garbage Collection* - The attorneys are preparing an ordinance to modify the garbage collection ordinance.

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

#### MAYOR'S REPORT

*Activities* - Mayor Greuter reviewed his recent activities, including attendance at the Veterans' Day ceremony, MCMATCH award ceremony, and RVRSA/Jersey City mediation meeting; conducted the auction for the sale of Block 40, Lot 76, and was on the committee that judged the Halloween House Decorating Contest. He and the Environmental Committee had a good meeting with representatives from Rockaway Township regarding Park Lake.

*Borough-Owned Properties* - The Governing Body agreed that Mayor Greuter should contact a new auctioneer to see if he could assist in the sale of unsold properties.

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

#### CLERK'S REPORT

*Bingo/Raffle License Approvals* - Approved calendar raffle license for HSA St. Cecilia, February 7, 2014 through June 6, 2014.

*Second December Meeting* - In preparation for closing the 2013 books, the Finance Department has requested that the December 26 meeting be postponed until December 30. The additional time will be used to finalize the transfers between accounts. The Governing Body agreed.

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

#### RESOLUTION 138-13

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

#### **RESOLUTION 138-13: RESCIND RESOLUTION 131-13, RECLASSIFY PERMIT CLERK/TACO POSITION TO PART-TIME**

**WHEREAS**, on October 10, 2013, the Mayor and Council of the Borough of Rockaway adopted Resolution 131-13, Reclassify Permit Clerk/TACO Position to Part-Time; and

**WHEREAS**, upon further investigation, the Personnel Committee of the Borough of Rockaway has recommended that the position should remain as full-time.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey that Resolution 131-13, Reclassify Permit Clerk/TACO Position to Part-Time is hereby rescinded.

DATE: November 14, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

**RESOLUTIONS (CONSENT AGENDA ITEMS)**

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

**RESOLUTION 139-13: DESIGNATE 2014 FLOATING HOLIDAY**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Rockaway, County of Morris, New Jersey, that Friday, December 26, 2014 be and is hereby designated as the floating holiday for the year 2014.

DATE: November 14, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

**RESOLUTION 140-13: AWARD CONTRACT (DEPARTMENT OF PUBLIC WORKS – VALVE PURCHASE AND INSTALLATION)**

**WHEREAS**, there exists a need to purchase and install an 8" valve in order to repair an 8" water main on West Main Street; and

**WHEREAS**, a diligent attempt to obtain several quotes was made by the Superintendent, Department of Public Works, with the lowest response being received from Carner Bros., P.O. Box 116, 10 Steel Court, Roseland, NJ 07068 (973-226-1840); and

**WHEREAS**, a Certification for Availability of Funds has been filed by the Borough of Rockaway Treasurer; and

**WHEREAS**, the Local Public Contracts Law (NJSA 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, 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 \$8,450.00 with Carner Bros., P.O. Box 116, 10 Steel Court, Roseland, NJ 07068 (973-226-1840) purchase and install an 8" valve in order to repair an 8" water main on West Main Street.
2. A copy of this resolution, and of the subject agreement, shall be made available for inspection in the office of the Borough Clerk.

DATE: November 14, 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 \$8,450.00 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:

Carner Bros., P.O. Box 116, 10 Steel Court, Roseland, NJ 07068 (973-226-1840)

Funds are chargeable to: Water Capital Budget

Budget Line Item#: 06-216-55-810-020

DATE: November 14, 2013

BY: Yolanda Dykes, Treasurer

**RESOLUTION 141-13: RESOLUTION TO EXTEND THE GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FISCAL GRANT FROM JANUARY 1, 2014 TO JUNE 30, 2014**

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

**WHEREAS**, the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

**WHEREAS**, Borough of Rockaway was approved for a Municipal Alliance grant for the January 1, 2013 through December 31, 2013 grant term; and

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse has extended the 2013 grant term until June 30, 2014, in order to transition the grant to a fiscal year rather than calendar year cycle; and

**WHEREAS**, funding has been made available to the Borough of Rockaway Municipal Alliance Committee in the amount of 50% of its approved 2013 grant total for the six-month extension period of January 1, 2014 to June 30, 2014, contingent upon meeting the 25% Cash Match and 75% In-Kind Match grant requirement for the extension funding.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Rockaway Mayor and Council do hereby authorize the submission of the grant extension for the Borough of Rockaway Municipal Alliance grant in the amount of:

DEDR	\$12,838.50
Cash Match	\$ 3,209.63
In-Kind	\$ 9,268.88

The Borough of Rockaway Mayor and Council acknowledge the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

DATE: November 14, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

**RESOLUTION 142-13: 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 2:00 p.m. on Friday, December 6, 2013.

DATE: November 14, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

ORDINANCE NO. 21-13, Introduction & First Reading

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

Councilman Mulligan moved that this ordinance be taken up and passed on first reading and that the Borough Clerk be authorized to have the ordinance published in accordance with the law in *The Citizen* and the *Daily Record* for hearing and final passage on December 12, 2013.

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

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

ORDINANCE NO. 19-13, Public Hearing & Adoption

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

**WHEREAS**, the Parks and Recreation Advisory Committee has recommended that the fees for sports cards be increased to cover anticipated expenditures; and

**WHEREAS**, the fees for sports cards were last amended in 2013; and

**WHEREAS**, the Mayor and Council of the Borough of Rockaway concur with the recommendation of the Parks and Recreation Advisory Committee.

**NOW, THEREFORE, 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 A263, Fees, Section A263-1, Fees established, as follows:

Section I

1. Subsections F (1) (a) [1] and [3] are hereby repealed in entirety and modified to read as follows:

"F. Chapter 179, Parks and Recreation Areas, including the beach and tennis facilities.

(1) The fees imposed beginning January 1, 2014, shall be as follows:

(a) Sports cards.

[1] Residents of the Borough of Rockaway: \$65 per person.

[3] Fees shall not exceed \$195 per immediate family (three people) of residents of the Borough of Rockaway."

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 January 1, 2014.

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

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

ORDINANCE NO. 20-13, Public Hearing & Adoption

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

**WHEREAS**, Chapter 247, Article I, General Regulations, §247-25, "Rates", Subsection C of the Code of the Borough of Rockaway provides that where multiple units within any building are serviced by one meter for all such units, rather than each unit being separately metered, that the owner of the building shall be charged a minimum quarterly charge as provided in Chapter A263, Fees, multiplied by the number of units serviced by that one meter; and

**WHEREAS**, under that provision, where the actual water usage exceeds the minimum allowed for one meter multiplied by the number of units, then the water usage above the minimum is billed in accordance with the rates applicable to single meters; and

**WHEREAS**, that section, as presently written, draws a distinction between properties on which multiple units are located within a single building (in which case the property owner is charged a fee multiplied by the number of units and also pays for usage above the minimum), and properties on which multiple units are not located within a single building (in which case the property owner may not be obligated to pay for usage above the minimum); and

**WHEREAS**, there is no basis upon which to draw this distinction; and

**WHEREAS**, this distinction may result in water usage above the minimum on those multiple unit properties where the units are not located within a single building, without the Borough of Rockaway being compensated for such usage, which is unfair to the Borough and its residents; and good cause having been shown.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Rockaway, County of Morris, that the following amendment be made to the Code of the Borough of Rockaway:

Section I

1. Chapter 247, Article I, General Regulations, §247-25, "Rates", Subsection C, is hereby repealed in entirety and modified to read as follows:

"E. Multiple units with a single meter. Where multiple units on a property are serviced by one meter for all such multiple units rather than individual meters for each of such units, the owner of the property on which such units are located shall be charged a minimum quarterly charge as provided in Chapter A263, Fees, multiplied by the number of units serviced by that one meter. For the minimum charge set forth in Chapter A263, Fees, the owner of such property shall be entitled to the usage of water equal to the minimum allowed for one meter multiplied by the number of units serviced by the one meter. For purposes of this subsection, a "unit" shall be defined as any part of a residential or commercial property, which part is designed for separate ownership or occupancy. Any water usage in excess of the total minimum provided for in this section shall be billed in accordance with the rates applicable to single meters. In the event that during any quarterly period the minimum water cubic feet shall not have been reached, the owner shall only be obligated to pay the minimum rates provided for in this subsection."

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: November 14, 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, Burnside  
Nays: None

PUBLIC PORTION

Mayor Greuter opened the meeting to the public.

Fire Chief Sam Passarella asked Mayor Greuter to read the Fire Department's monthly report. The Fire Department called drills on November 13 and 18, participated in a mutual aid drill in Rockaway Township on November 17, a bailout on November 20 in Parsippany, and a live burn in Hunterdon County on November 30, and approved Tiffany Hamman as a full member, accepted a three-month leave of absence from Nick Auriemma, and placed Andy Mackey on the nonactive exempt rolls.

On motion by Councilman Vicente, seconded Councilman Mulligan, and carried unanimously upon voice vote, to approve the actions of the Fire Department.

Chief Passarella requested and received permission to take Fire Department equipment to Rockaway Township, Parsippany, and Hunterdon County for training drills provided that one truck remains in the Borough. The Governing Body agreed that the new fire truck could be taken to Green Village on November 16.

Mr. Pat McDonald, Crestwood Rd., reported that he met with Chief Scheer regarding security systems. Sgt. Pepperman accompanied Mr. McDonald to Heddy Field and Smith Field. Councilman Mulligan reminded him that Chief Scheer must approach the Public Safety Committee regarding this issue. Mr. McDonald is planning an 80's fundraiser to benefit Rockaway Borough Parks. NOTE: On Friday, November 15, Council President Burnside reported that she had spoken with Chief Scheer about the security cameras at the parks. While he has no issue with the cameras being placed, he wants to be clear that it would be Recreation's responsibility to purchase, install, and maintain the equipment, including any fees for licensing or maintenance.

Sheila Zeman, 27 Halsey Ave., thanked the Governing Body for the road resurfacing of Halsey Ave. and asked about the status of the boarding house ordinance. It is being worked on.

Councilwoman Kanigel will send information to Mayor Greuter and Mr. Wacks regarding a "good neighbor law" in Flemington through which owners of buildings with multiple tenants must post a bond with Flemington for tenants who have criminal records. If they commit crimes, the town can recoup police expenses.

Mr. Rob Grow, Lakeside Dr., reported that Potbelly's will serve as a collection site for Toys for Tots; the train will arrive on December 14. He suggested that the parking lot permit rates be reviewed because lots are empty all day long.

Ms. Kathy Haake, Environmental Committee, reported on the meeting held with representatives of Rockaway Township regarding the dredging of Park Lake. They agreed that the lake is a community asset and will look for grants. The environmental committees from the two municipalities will meet. A "Friends of the Lake" group could be started that would accept donations for use as matching grant funds.

Mrs. Bonnie Hook, representing the Business Owners Association, requested and received permission for candy canes to be placed on the light poles. She suggested that consideration be given to limiting the time that people can put out their garbage cans prior to collection. Council President Burnside will take the comment to the Board of Health.

Councilman Mulligan asked Mr. McDonald if he intended to deposit the proceeds from the 80's fundraiser into the Recreation Trust Fund. Mr. McDonald wants to use the proceeds to pay for a security system. He was advised that any balance left over must go into the Trust Fund.

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

#### ADJOURNMENT

The meeting adjourned at 9:06 p.m.

Approved: As Submitted

Sheila Seifert, Borough Clerk

Date: November 25, 2013