

**MAYOR & COUNCIL  
REGULAR MEETING  
DECEMBER 30, 2013  
7:30 p.m.**

The Regular Meeting of the Mayor and Council of the Borough of Rockaway, in the County of Morris, New Jersey, was held in the Community Center, 21-25 Union Street, Rockaway, N.J. with Mayor Russell Greuter presiding. Mayor Greuter called the meeting to order at 7:30 p.m.

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

Richard Beilin, Esq., representing Borough Attorney Edward Wacks, Esq., was also present.

Everyone present participated in the salute to the flag.

APPROVAL OF MINUTES

Upon motion by Councilman Willer, seconded by Councilman Donofrio, and carried unanimously upon voice vote, the minutes of the December 12, 2013 Regular Meeting and the December 16, 2013 Special Meeting were accepted as submitted.

COUNCIL COMMENTS

Councilman Donofrio, whose term of office expires December 31, 2013, thanked the public for the opportunity to serve the Borough. The individual Council members conveyed their appreciation to him for his work during the past three years and the consensus was that he will be missed.

There were no other Council comments.

ATTORNEY'S REPORT

*Massage Parlor Litigation* - With the adoption of Ordinance 21-13, an application for a massage establishment was submitted. The permit will be issued pending receipt of the license fee.

*OPRA/OPMA* - In a case involving the Lincoln Park School Board, a Law Division judge ruled that meeting agendas must include copies of documents scheduled to be discussed. This decision is not binding, but we will continue to follow the situation to see whether the guidelines for meeting agendas change as a result.

*RVRSA Litigation* - Mediation efforts continue.

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

MAYOR'S REPORT

Mayor Greuter reported that new email accounts have been established for Council members.

The 2014 Community Development Project will be for improvements to the Community Center, such as additional handicap accessibility, siding, and windows.

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

RESOLUTIONS (CONSENT AGENDA ITEMS)

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

**RESOLUTION 159-13: 2014 COMMUNITY DEVELOPMENT PROJECT**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Rockaway that, after due discussion and consideration, the following project shall be submitted by the Borough of Rockaway as the Community Development Project for the year 2014:

COMMUNITY CENTER IMPROVEMENTS

**BE IT FURTHER RESOLVED**, that the Mayor and Council authorized the expenditures of funds, not to exceed \$4,000 for the preparation of necessary cost estimates, studies, designs and other miscellaneous items in support of the Borough's project submission.

DATE: December 30, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

**RESOLUTION 160-13: APPROVE TRANSFER OF FUNDS – CURRENT INSIDE CAP**

**WHEREAS**, there appears to be insufficient funds in the following accounts (excepting the appropriation for contingent expenses or deferred charges) to meet the demands thereon for the balance of the current year:

Mayor and Council Salaries and Wages	(20-110-011)
Municipal Clerk Salaries and Wages	(20-120-011)
Finance Salaries and Wages	(20-130-011)
Land Use Other Expenses	(20-190-204)
Streets and Roads Salaries and Wages	(26-290-011)
Streets and Roads Other Expenses	(26-290-209)
Recreation Salaries and Wages	(28-370-011)
Telephone	(31-440-212)

**WHEREAS**, there appears to be a surplus in the following accounts (excepting the appropriation for contingent expenses, deferred charges, cash deficit of preceding year, reserve for uncollected taxes, down payments, capital improvement fund, or interest and debt redemption charges) over and above the demand deemed to be necessary for the balance of the current year:

Liability Insurance	(23-210-201)
Workers Compensation	(23-215-201)
Police Other Expenses	(25-240-214)
Solid Waste Salaries and Wages	(26-305-011)
Solid Waste Other Expenses	(26-305-213)
Board of Health Other Expenses	(27-330-216)

**NOW, THEREFORE, BE IT RESOLVED** (not less than two-thirds of all the members thereof affirmative concurring) that in accordance with the provision of R.S. 40A:4-58, part of the surplus in the accounts heretofore mentioned be and same are hereby transferred to the accounts (excepting the appropriation for contingent expenses or deferred charges) mentioned as being insufficient, to meet the current demands, and

**BE IT FURTHER RESOLVED** that the Treasurer is hereby authorized and directed to make the following transfers:

FROM:	
Liability Insurance	\$ 4,017.24
Workers Compensation	6,162.00
Police Other Expenses	10,000.00
Solid Waste Salaries and Wages	10,910.34

Solid Waste Other Expenses	5,000.00
Board of Health Other Expenses	2,903.73

To:	
Mayor and Council Salaries and Wages	\$ 1,413.81
Municipal Clerk Salaries and Wages	7,755.94
Finance Salaries and Wages	3,753.30
Land Use Other Expenses	69.80
Streets and Roads Salaries and Wages	12,000.00
Streets and Roads Other Expenses	5,000.00
Recreation Salaries and Wages	0.46
Telephone	9,000.00

DATE: December 30, 2013 BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

ORDINANCE NO. 22-13, Public Hearing & Adoption

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

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

**WHEREAS**, the Board of Health of the Borough of Rockaway has recommended that the fee for a certificate of habitability inspection and for a reinspection be increased to cover anticipated expenditures; and

**WHEREAS**, such fees have remained the same since 1987; and

**WHEREAS**, the Mayor and Council of the Borough of Rockaway concur with the recommendation of the Board of Health.

**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 261, Health and Sanitation; Article XIVA, Multiple Dwelling Rental Properties; Section 261-55.3, Issuance of certificate of habitability; fees, as follows:

Section I

1. Chapter 261, Health and Sanitation; Article XIVA, Multiple Dwelling Rental Properties; §261-55.3, Issuance of certificate of habitability; fees; Subsection B (1) is hereby repealed in entirety and modified to read as follows:

"B. Fees.

(1) The fee for a certificate of habitability shall be paid in full at the time that the request for the inspection under this article is made by the owner. The fee schedule shall be as follows:

(a) For each inspection of a dwelling unit: \$50.

(b) For each reinspection of a dwelling unit because it fails to comply with applicable regulations (per unit): \$20."

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 February 1, 2014.

DATE: December 30, 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 Donofrio, the above mentioned ordinance was adopted by the following roll call:

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

ORDINANCE NO. 23-13, Public Hearing & Adoption

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

**ORDINANCE OF THE BOROUGH OF ROCKAWAY  
MAYOR AND COUNCIL  
AMENDING CHAPTER 149, GARBAGE, RUBBISH AND REFUSE,  
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that the following amendments be made to Chapter 149, Garbage, Rubbish and Refuse; Article I, Collection, Removal and Disposal, of the Code of the Borough of Rockaway:

Section I

1. Chapter 149, Garbage, Rubbish and Refuse; § 149-3, Collection, removal and disposal to be at public expense, is hereby repealed in entirety and replaced with the following:

"§ 149-3. Provision for collection of garbage from residential properties.

The Mayor and Council of the Borough of Rockaway may make provision, either by contract or through Borough employees, or otherwise as circumstances may require, for the collection and disposal of garbage from residential properties, and is are authorized and empowered to determine from time to time the extent and frequency of collections, and to make suitable rules and regulations with respect to same."

2. Chapter 149, Garbage, Rubbish and Refuse; § 149-4, Placement for collection, is hereby repealed in entirety and replaced with the following:

"§ 149-4. Placement for collection.

A. The owner, tenant or occupant of any house, dwelling or apartment occupied as a residence or the owner, tenant, licensee or occupant of any commercial or industrial business operated within the Borough of Rockaway shall cause all garbage to be put in watertight receptacles provided with a tight-fitting cover and handle consistent with the rules and regulations governing the care, collection, removal and disposal of garbage.

B. Such receptacles and bundles shall be placed at or near the curb in front of such house or premises on such days as shall be designated by the Mayor and Council for the particular locality in which the residence may be for the purpose of being collected and taken away. Such receptacles shall be removed from the public street and taken to the rear of the residence or some other closed areaway following such collection."

Section II

1. This Ordinance may be renumbered for codification purposes.
2. All Ordinances of the Borough of Rockaway which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

3. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.
4. This Ordinance shall take effect as provided by law.

DATE: December 30, 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 Donofrio, 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.

As a follow-up to his attendance at the December 12, 2013 meeting, Mr. John Lucosky, 19 Burton La., again appeared to request that he be reinstated as a crossing guard. He said that he always went to the Sergeant, not the Police Chief, and the Chief told him that he was using the crossing sign wrong. Mayor Greuter stated that the Chief's ruling stands.

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

#### ADJOURNMENT

The meeting adjourned at 7:40 p.m.

Approved: As Submitted

Sheila Seifert, Borough Clerk

Date: January 9, 2014