

**MAYOR & COUNCIL  
REGULAR MEETING  
MAY 24, 2012  
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 May 24, 2012. 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 Ed Wacks, was also present.

Everyone present participated in the salute to the flag.

APPROVAL OF MINUTES

Upon motion by Councilman Mulligan, seconded by Councilman Donofrio, and carried unanimously upon voice vote, the minutes of the May 10, 2012 Regular Meeting were accepted as submitted.

COUNCIL COMMENTS

Personnel Committee - Councilwoman Kanigel

Attended the Library Board of Trustees meeting.

Mr. Ed Miller, former president of the Historical Committee, received the Living Treasure award.

Public Works/Public Utilities Committee - Councilman Donofrio

Roads that are scheduled for resurfacing in 2012 include Hillside Ave. from Rt. 46 to the end; Mt. Pleasant from W. Main St. to Pleasant Pl.; Walnut Pl. from Hemlock Rd. to Adams St.; and Chestnut Terr. from Walnut Pl. to the Township line.

Ordinance Committee - Councilman Mulligan

Councilman Mulligan had invited Recreation Director, Carol Johnson, to attend the meeting to answer questions regarding the bocce ball court that is being constructed by volunteers at Donatoni Community Park.

Councilman Vicente read a prepared statement voicing his opposition to the construction of the court in a flood-prone area without detailed information being provided to the Governing Body. He objected to the project being constructed without plans being shown to the Mayor and Council and felt that the project is poorly planned.

Mayor Greuter thanked Ms. Johnson and the volunteers for their efforts.

Finance and Licensing Committee - Councilman Vicente

*Payment of Bills*

Upon motion by Councilman Vicente, 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.

The Rockaway Borough School District has named Dr. Brian Purzak as the new Superintendent of Schools. Councilman Willer suggested that he be invited to attend a meeting of the Governing Body.

Fire Committee - Councilman Willer

Reported on the actions of the Fire Marshal, including picking up hazardous materials from seniors' homes and transporting them to the County for proper disposal and commercial inspections.

Public Safety Committee - Council President Burnside

Council President Burnside asked Police Chief Douglas Scheer to discuss his proposal to create a lieutenant's position in the Police Department.

Chief Scheer recommended that the lieutenant's position be re-created in the Borough's Police Department to afford better structure, command, and a stronger line of authority. A union-member sergeant would be promoted to the non-union lieutenant's position, thereby eliminating payments for overtime and holidays.

Mayor Greuter requested that the Public Safety Committee meet with Chief Scheer to consider his suggestion and make a recommendation at the next meeting of the Governing Body.

ATTORNEY'S REPORT

Provided a brief update of ongoing litigation matters, including Donatoni Field and RVRSA.

Mr. Beilin and the Tax Assessor represented the Borough on 42 tax appeals.

The Planning Board attorney recommended changes to the previously introduced ordinances regarding outdoor dining and BYOB. (NOTE: Ordinances no. 07-12, 08-12, and 09-12 were originally scheduled for public hearing on April 26, 2012. The hearing was not held.) The changes are significant and will require the ordinances to be re-introduced and republished.

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

MAYOR'S REPORT

Mayor Greuter cited his recent activities, including attendance at the DARE graduation ceremony, Social Studies Olympiad, meetings of the area Rockaway River De-Snag Committee and the LEPC.

The June 5 Primary Election will be held at the Rockaway Assembly of God Church.

The Business Owners Association sent a letter stating Rockaway Day will be held on September 23 from noon to 5 p.m.

The Rockaway River De-Snag Committee municipalities want to share equipment and manpower to de-snag the Rockaway River. Mayor Greuter recommended that Public Works employees assist Denville for a day or two.

Upon motion by Councilman Willer, seconded by Councilman Donofrio, and carried unanimously upon voice vote, to authorize the initiation of the Borough's participation in the Rockaway River de-snagging by allowing one or two members of the Public Works Department to assist Denville for a day or two.

Mayor Greuter reported that Denville is looking for another municipality to contribute \$20,000 for the purchase of a crack sealer.

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

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 93-12: AUTHORIZE ISSUANCE OF SPECIAL PERMIT FOR SOCIAL AFFAIR (ROCKAWAY BOROUGH FIRE DEPARTMENT)**

**WHEREAS**, the following named applicant filed an application for a license known as a Special Permit for Social Affair for August 4, 2012 (Rain date August 5, 2012), Clam Bake, 11:00 a.m. to 7:00 p.m.

Rockaway Borough Fire Department  
1 East Main Street  
Rockaway, NJ 07866

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey that a license under a Special Permit for Social Affair License be granted to the above named applicant.

DATE: May 24, 2012 BOROUGH OF ROCKAWAY

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

**RESOLUTION 94-12: AUTHORIZE ISSUANCE OF SPECIAL PERMIT FOR SOCIAL AFFAIR (ROCKAWAY BOROUGH FIRE DEPARTMENT)**

**WHEREAS**, the following named applicant filed an application for a license known as a Special Permit for Social Affair for the Family Festival on July 5, 2012 and July 6, 2012 from 5:00 p.m. to 11:00 p.m. and July 7, 2012 from 5:00 p.m. to 10:00 p.m. (Rain date July 8, 2012), from 5:00 p.m. to 10:00 p.m..

Rockaway Borough Fire Department  
1 East Main Street  
Rockaway, NJ 07866

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey that a license under a Special Permit for Social Affair License be granted to the above named applicant.

DATE: May 24, 2012 BOROUGH OF ROCKAWAY

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

ORDINANCE NO. 11-12, Introduction & First Reading

**ORDINANCE OF THE BOROUGH OF ROCKAWAY  
MAYOR AND COUNCIL  
CREATING CHAPTER 8, BOARDS ATTENDANCE REQUIREMENTS,  
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 June 28, 2012.

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

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

ORDINANCE NO. 10-12, Public Hearing & Adoption

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



Mr. Robert Grow, 110 Lakeside Dr., asked for assistance from the Public Works Department to unload a load of topsoil at Lincoln School between June 20-22. The Council agreed that the department could help during normal business hours.

Mr. Sam Passarella, Assistant Fire Chief, reported that the Fire Department visited Park Lake School and that students from the Lincoln School visited the Department.

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

#### PERSONNEL DISCUSSION

Mayor Greuter explained that a notice was given to John Leonard, Laborer, Department of Public Works, informing him that the Governing Body would discuss his February 28, 2012 motor vehicle accident at its May 24, 2012 meeting beginning at 7:30 p.m. Mr. Leonard was offered the opportunity to have the discussion in public or closed session. He accepted that opportunity and agreed to appear at a public hearing at that date and time; however, neither Mr. Leonard nor a representative was present and no explanation was given by either of them for their failure to appear.

Councilman Donofrio explained that he had met with Mr. Leonard, Councilman Mulligan, and a Teamsters representative on March 1. Mr. Leonard had parked a truck and then realized he had to move it in order to do a markout. He didn't notice that a car had pulled up behind him and backed into it. A police report concerning the incident was introduced. It was noted that this was his second accident in a short period of time.

Mr. Tom Slockbower, Water Foreman, who was present in the audience, confirmed that defensive driving training was given to the department in the fall.

Upon motion by Councilman Donofrio that Mr. Leonard be given a day off without pay or be required to take a vacation day. Council President Burnside suggested that the motion be modified to exclude the vacation option. Councilman Donofrio withdrew this motion.

Upon motion by Councilman Donofrio, seconded by Council President Burnside, and carried via majority vote, with Councilman Mulligan voting no, that Mr. Leonard be given off a day without pay.

#### CLOSED SESSION

Upon motion by Councilman Mulligan, seconded by Councilman Vicente, and adopted unanimously upon call of the roll, the following resolution was adopted:

#### **RESOLUTION 95-12: 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: Personnel.
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 24, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor and Council went into closed session at 8:48 p.m. and resumed the public meeting at 9:05 p.m.

#### ADJOURNMENT

The meeting adjourned at 9:06 p.m.

Approved: As Submitted

Sheila Seifert, Borough Clerk

Date: June 14, 2012