

**MAYOR & COUNCIL  
REGULAR MEETING  
MARCH 8, 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 March 8, 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

Borough Attorney Ed Wacks was also present (arrived at 7:35 p.m.).

Everyone present participated in the salute to the flag.

APPROVAL OF MINUTES

Upon motion by Councilman Vicente, seconded by Councilman Mulligan, and carried unanimously upon voice vote, the minutes of the February 23, 2012 Regular Meeting and the February 25, 2012 Budget Meeting were accepted as submitted.

CORRESPONDENCE

Mayor Greuter read the March 2, 2012 letter from Dan and Kim Rose, 77 Walnut Pl., expressing appreciation for publicly thanking their son for his service and welcoming him home from Iraq by displaying a giant "Welcome Home" and "Thank You" on the marquis outside the Borough Hall and Fire Department. They suggested that similar thanks be displayed for other returning Rockaway Borough military members.

Mayor Greuter stated that when we are notified, such announcements would be placed on the board for an appropriate amount of time.

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

COUNCIL REPORTS

Personnel Committee - Councilwoman Kanigel

*Building Department Personnel*

The Construction Official has been filling in the vacant Fire Subcode Official position since March 1.

Upon motion by Councilwoman Kanigel, seconded by Councilman Vicente, and carried unanimously via roll call to name James Silance, Construction Official, as Acting Fire Subcode Official beginning March 1, 2012 until March 30, 2012 or until the position is filled.

Mr. Robert Provencher, Plumbing Subcode Official, submitted his resignation effective March 15, 2012.

Upon motion by Councilwoman Kanigel, seconded by Councilman Vicente, and carried unanimously via voice vote to accept the resignation of Mr. Robert Provencher, Plumbing Subcode Official, effective March 15, 2012.

The Construction Official and Borough Clerk interviewed candidates for the part-time Fire Subcode Official position. Mr. Thomas Pinand, the individual recommended for the Fire Subcode Official position, also has the required Plumbing Subcode certification. The Construction Official suggested that the two positions be combined, resulting in a small savings in salaries (\$3,000).

Mayor Greuter appointed to appoint Mr. Thomas Pinand to the positions of Fire Subcode Official and Plumbing Subcode Official, on a probationary basis beginning March 19, 2012 at a salary within the salary ordinance, subject to satisfactory completion of a background check.

On motion by Councilman Vicente, seconded by Council President Burnside, and unanimously carried via voice vote to concur with the Mayor's appointment of Thomas Pinand to the positions of Fire Subcode Official and Plumbing Subcode Official, on a probationary basis beginning March 19, 2012, a salary within the salary ordinance, satisfactory completion of a background check.

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

#### Public Works/Public Utilities Committee - Councilman Donofrio

No report.

#### Ordinance Committee - Councilman Mulligan

Explained the ordinances that will be introduced this evening. Ordinance 05-12 will amend the personnel policies as required by JIF, the use of electronic media, and driver criteria policies. Ordinance 06-12 updates the salaries for non-union employees. Ordinances 07-12 and 08-12 are related to regulating and streamlining the approval process for outdoor dining. Ordinance 09-12 regulates BYOB for restaurants.

The Committee will begin to work on an ordinance regarding the rules and regulations proposed by the Environmental Committee for the open space land and would like to have the control under Mayor and Council ordinances. Mr. Wacks advised that an ordinance could be written to promulgate the rules and regulations for the open space property under the Governing Body's control.

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

#### Finance and Licensing Committee - Councilman Vicente

##### *Payment of Bills*

Upon motion by Councilman Vicente, seconded by Councilman Mulligan, 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.

##### *2012 Budget*

The 2012 budget is scheduled for introduction on March 22. The tax impact will be about \$88 per year for the average household assessed at \$300,000.

##### *Community Development Block Grant*

Explained the CDBG funding request presentations that were held this week. The Borough representatives sat on the Services Committee. We submitted an application in the Improvements category for sanitary sewer manhole refurbishment.

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

Fire Committee - Councilman Willer

*Fire Department*

The Fire Department called drills on March 21 and 28, called junior and new member drills on March 11 and 25, accepted the applications of Bob Hopler and Harry Green Jr. to the junior program pending Mayor and Council approval, and Fabian Retamales into the junior program.

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

The Fire Marshal would like to present information to senior organizations regarding the perils of hoarding. The Governing Body agreed that it would be beneficial.

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

Public Safety Committee - Council President Burnside

*FEMA*

Chief Scheer submitted a claim for \$15,024.69 to FEMA regarding the Borough's October snowstorm costs; we hope to be reimbursed for 75 percent or \$11,268.51.

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

ATTORNEY'S REPORT

*Property Maintenance Code*

Mr. Wacks advised that the Ordinance Committee should consider creating a stand-alone ordinance applicable to residential structures and detached structures such as garages. Sample ordinances were referred to the Ordinance Committee.

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

MAYOR'S REPORT

Mayor Greuter attended the CDBG meeting with Council President Burnside and Superintendent, Department of Public Works, conducted a ribbon-cutting ceremony for the re-opening of Bridges to Learning Day Care, and performed a wedding.

The Borough will ask H2M to review the DEP's case file of the 1990 contamination at the Public Works yard.

Requested a closed session to discuss personnel.

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

CLERK'S REPORT

*Bingo/Raffle License Approvals*

Approved off premise 50/50 raffle license for HSA St. Cecilia to be held at St. Cecilia School, 87 Halsey Ave., on May 25, 2012.

*Elections*

The Board of Elections determined that the Rockaway Assembly of God church meets the requirements to be a polling place. Therefore, the Primary and General Elections will be held there. The April Rockaway Borough School Election will continue to be held at Thomas Jefferson School.

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

CONSENT AGENDA ITEMS

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

**RESOLUTION 58-12: RESOLUTION OPPOSING THE NEW JERSEY WATER SUPPLY FLUORIDATION ACT**

**WHEREAS**, the New Jersey Public Water Supply Fluoridation Act has been proposed in the Legislature as Assembly Bill A-1811 and Senate Bill S-959; and

**WHEREAS**, the New Jersey Assembly Health and Senior Services has approved A-1811 disregarding the warnings of environmentalists and utility officials testifying before the Committee; and

**WHEREAS**, the United States government has called for lower levels of water fluoridation following a study published in Environmental Health Perspectives, which found that increased fluoride consumption led to decreased IQ in children. New research has also linked sodium fluoride to cardiovascular disease, the leading cause of death worldwide. The research revealed that fluoride stimulates the hardening of arteries, a disease commonly known as atherosclerosis; and

**WHEREAS**, the Borough Council is concerned about the impact of state-required fluoridation of the Borough of Rockaway water supply; and

**WHEREAS**, the Borough Council is concerned that this unfunded mandate would impose added costs on rate payers.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey does hereby oppose the New Jersey Public Water Supply Fluoridation Act and urges its legislative representatives to protect the residents of the Borough of Rockaway from the State mandated fluoridation; and

**BE IT FURTHER RESOLVED** that the Borough Clerk is hereby directed to mail a copy of this resolution to the clerks of Morris County Municipalities and elected State legislators representing the Borough of Rockaway.

DATE: March 8, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

**RESOLUTION 59-12: REPEAL CONTRACT AWARD (DPW TRUCK)**

**WHEREAS**, on February 9, 2012, the Mayor and Council adopted Resolution 47-12 authorizing the issuance of a purchase order for a truck for use by the Department of Public Works to Warnock Fleet, 175 Route 10, East Hanover, NJ 07936, (973 884-2100), under State Contract No. A78848, not to exceed the amount of \$25,500.00; and

**WHEREAS**, it has been determined that the State Contract Number provided by Warnock Fleet does not provide the type of truck desired by the Department of Public Works.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that Resolution 47-12 authorizing the issuance of a purchase order for a truck for use by the Department of Public Works to Warnock Fleet, 175 Route 10, East Hanover, NJ 07936, (973 884-2100), under State Contract No. A78848, is hereby repealed.

DATE: March 8, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

**RESOLUTION 60-12: APPROVE TRANSFER OF FUNDS**

**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:

Length of Service Awards Program

(01-201-25-275-256)

**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:

Fire Department Other Expenses

(01-201-25-255-213)

**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 account heretofore mentioned be and same are hereby transferred to the account (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:  
 Fire Department Other Expenses \$2,400  
 To:  
 Length of Service Awards Program \$2,400

DATE: March 8, 2012 BOROUGH OF ROCKAWAY  
 ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

**RESOLUTION 61-12: CANCEL OUTDATED CHECKS**

**WHEREAS**, during the preparation of the 2011 Annual Financial Statements, it was recommended by the Borough Auditor that all checks that are outstanding over one year should be cancelled.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Rockaway that the following checks that are outstanding over one year are hereby cancelled:

<u>Institution</u>	<u>Account</u>	<u>Payee</u>	<u>Issue Date</u>	<u>Check #</u>	<u>Amount</u>
Commerce Bank	Fed State Grant	BS Troop 122	10/19/2009	1556	\$100.00
Sovereign Bank	Public Assistance	Unknown	Prior 2007	284	\$102.00
		Unknown	Prior 2007	372	\$595.00
		Unknown	Prior 2007	590	\$675.00
Sovereign Bank	Current Fund	Unknown	Prior 2008	1837	\$30.00
		Unknown	Prior 2008	2731	\$1,121.10
		Unknown	Prior 2008	2749	\$80.00
		Unknown	Prior 2008	2758	\$101.25
		Unknown	Prior 2008	2974	\$70.00
		Unknown	Prior 2008	3036	\$1,364.90
		Unknown	Prior 2008	4919	\$225.00
		Unknown	Prior 2008	9913	\$99.13
TD Bank	Current Fund	Unknown	May 2006	8490	\$220.26
		Unknown	October 2006	8970	\$844.50
		Unknown	October 2006	9013	\$150.00
		Unknown	October 2006	9014	\$40.00
		Unknown	December 2006	9161	\$50.00
		Unknown	February 2007	9399	\$250.00
		Unknown	November 2007	10255	\$150.00
		Unknown	September 2008	11296	\$1,034.58
		Unknown	December 2008	11645	\$500.00
		Unknown	December 2008	11703	\$638.20
		MCLOM	March 2009	11985	\$90.00
		MCLOM	May 2009	12171	\$90.00
		Unknown	July 2009	12364	\$43.00
		Patsy Battaglia	October 2009	12608	\$1,250.00
		Winzer Corp	December 2009	12786	\$254.10
C&L Auto Body	November 2010	13799	\$425.00		

DATE: March 8, 2012 BOROUGH OF ROCKAWAY  
 ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

ORDINANCE NO. 05-12, Introduction & First Reading

**ORDINANCE OF THE BOROUGH OF ROCKAWAY  
MAYOR AND COUNCIL  
AMENDING CHAPTER 61, PERSONNEL POLICIES,  
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 April 12, 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. 06-12, Introduction & First Reading

**ORDINANCE OF THE BOROUGH OF ROCKAWAY MAYOR AND COUNCIL  
MUNICIPAL AND WATER UTILITY SALARIES**

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 March 22, 2012.

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

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

ORDINANCE NO. 07-12, Introduction & First Reading

**ORDINANCE OF THE BOROUGH OF ROCKAWAY  
MAYOR AND COUNCIL  
AMENDING THE CODE OF THE BOROUGH OF ROCKAWAY  
TO ADD A NEW CHAPTER,  
CHAPTER 177, OUTDOOR DINING**

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 April 26, 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. 08-12, Introduction & First Reading

**ORDINANCE OF THE BOROUGH OF ROCKAWAY  
MAYOR AND COUNCIL  
AMENDING CHAPTER 172, ZONING,  
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 April 26, 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. 09-12, Introduction & First Reading

**ORDINANCE OF THE BOROUGH OF ROCKAWAY  
MAYOR AND COUNCIL  
AMENDING CHAPTER 91, ALCOHOLIC BEVERAGES,  
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 April 26, 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

PUBLIC PORTION

Mayor Greuter opened the meeting to the public.

Ms. Joyce Freiermuth, 99 E. Flagge St., asked for clarification regarding the work to be performed by H2M.

Sean Montalto-Rook, a member of Boy Scout Troop 113, asked for an Eagle Scout project. Mayor Greuter referred him to the Environmental Committee.

Mr. Rob Grow, 110 Lakeside Dr., objected to the limitations of the period outdoor dining would be permitted by Ordinance 07-12. Discussion ensued.

Upon motion by Councilman Mulligan, seconded by Councilman Donofrio, and unanimously carried via voice vote to change Section 177-3 of Ordinance 07-12 as introduced to remove the April 1 to October 31 limit of an outdoor dining license.

Mr. Grow asked how many A-frame signs he could display at his restaurant. Mayor Greuter responded that he could have one and suggested he speak with the Zoning Officer. Councilman Mulligan stated that he could have one sign on the sidewalk and another sign inside the outdoor dining area.

Mrs. Bonnie Hook, 23 Jackson Ave., asked for information regarding the budget process.

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

CLOSED SESSION

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

**RESOLUTION 62-12: 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: March 8, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor and Council went into closed session at 8:14 p.m. and resumed the public meeting at 8:17 p.m.

ADJOURNMENT

The meeting adjourned at 8:17 p.m.

Approved: As Submitted

Sheila Seifert, Borough Clerk

Date: March 22, 2012