

**MAYOR & COUNCIL
REGULAR MEETING
JUNE 28, 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 7:32 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 June 28, 2012. Mayor Greuter announced the location of the fire exits.

Councilmembers Present

Joyce Kanigel
John Willer
Melissa Burnside - Council President

Councilmembers Absent

Thomas Donofrio
Thomas Mulligan
Joseph Vicente

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

Everyone present participated in the salute to the flag.

Mayor Grueter introduced the new Superintendent of Rockaway Borough Schools, Dr. Brian Purzak.

APPROVAL OF MINUTES

Upon motion by Council President Burnside, seconded by Councilman Willer, and carried unanimously upon voice vote, the minutes of the June 14, 2012 Regular Meeting were accepted as submitted.

CORRESPONDENCE

Mayor Greuter read the letter from Joseph Ellis, 44 Longview Rd., requesting permission to close Longview Rd. from Farview Rd. to Mountain Ave. for a block party on August 4, from 1 p.m. to 8 p.m. The rain date will be August 5.

On motion by Councilman Willer, seconded by Councilwoman Kanigel, and unanimously carried by voice vote to accept the correspondence, approve the request, and to forward same to the Police, Public Works, and Fire Departments.

COUNCIL COMMENTS

Personnel Committee - Councilwoman Kanigel

Attended the Library Board of Trustees meeting. The second floor room of the Library was refinished.

Fire Committee - Councilman Willer

A piece of playground equipment at Park Lake will be snow-fenced off to limit public access until it can be repaired.

Public Safety Committee - Council President Burnside

Attended the Morris County League meeting which included a tour of the medivac helicopter.

ATTORNEY'S REPORT

There is a bill pending that would extend the period to use COAH trust funds to six years from four years.

Distributed a draft of an ordinance to control underage drinking on private property. Many other towns have adopted similar ordinances.

Received correspondence regarding the RVRSA Sludge Thickening facilities Modifications project. Mr. Beilin believes that this would be considered expansion rather than maintenance of an existing system. As part of the Jersey City litigation, Jersey City's position is that it should not pay for system expansions.

Requested a closed session for Potential Litigation (Donatoni).

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

MAYOR'S REPORT

Requested a closed session to discuss a personnel issue.

Mayor Greuter has asked the Borough Engineer to assess a situation at Park Lake in which rocks were placed adjacent to the swimming lanes.

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

CONSENT AGENDA ITEMS

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

RESOLUTION 103-12: RESOLUTION AUTHORIZING THE ADVERTISEMENT OF BIDS FOR SOLID WASTE AND DESIGNATED RECYCLABLE MATERIALS COLLECTION AND DISPOSAL 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, and in the *Star-Ledger*, officially designated newspaper circulated in the State of New Jersey, 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:

SOLID WASTE AND DESIGNATED RECYCLABLE MATERIALS COLLECTION AND DISPOSAL 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: June 28, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 104-12: CONSENTING TO THE PROPOSED WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT ENTITLED: FUTURE WASTEWATER SERVICE AREA MAP FOR MORRIS COUNTY, PROPOSED AMENDMENT TO THE UPPER DELAWARE, UPPER RARITAN AND NORTHEAST WATER QUALITY MANAGEMENT PLAN (WQMP)

WHEREAS, the County of Morris desires to provide for the orderly development of wastewater facilities within Morris County, New Jersey; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, be in conformance with an approved WQM plan; and

WHEREAS, the NJDEP has established the WQM plan amendment procedure as the method of incorporating changes to the delineation of future wastewater service areas into a WQM plan; and

WHEREAS, a proposed WQM plan amendment noticed in the New Jersey Register on June 18, 2012 for the Upper Delaware, Upper Raritan and Northeast WQM plan has been prepared by the County of Morris with the New Jersey Department of Environmental Protection.

NOW, THEREFORE, BE IT RESOLVED, on this 28th day of June, 2012, by the Governing Body of the Borough of Rockaway that:

1. The Borough of Rockaway hereby consents to the amendment entitled, "Future Wastewater Service Area Map for Morris County, Proposed Amendment to the Upper Delaware, Upper Raritan and Northeast Water Quality Management Plan (WQMP)", and publicly noticed on June 18, 2012, prepared by the County of Morris with New Jersey Department of Environmental Protection, for the purpose of its incorporation into the applicable WQM plan(s).
2. This consent shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.4.
3. A copy of the consent shall also be sent to the Morris County Department of Planning and Development, P.O. Box 900, Morristown, NJ 07963-0900.

DATE: June 28, 2012 BOROUGH OF ROCKAWAY
ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

RESOLUTION 105-12: REFUND TAX SALE CERTIFICATE (BLOCK 46, LOT 26)

BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, by New Jersey State Statute 54:5-58 to refund tax sale certificate dated October 21, 2009 for 13-21 Wall Street, Block 46, Lot 26, in the amount of \$88,790.91 and premium in the amount \$20,000.00 to U.S. Bank Cust/Sass Muni V dtr, 2 Liberty Place, 50 South 16th St., Suite 1950, Philadelphia, PA 19102.

DATE: June 28, 2012 BOROUGH OF ROCKAWAY
ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

RESOLUTION 106-12: ISSUE 2012-2013 TAXICAB/LIVERY DRIVER'S LICENSE

BE IT RESOLVED, that the 2012-2013 Taxicab/Livery Driver's License be issued to the following; said application has been deemed to be complete and further approved by the Police Chief:

<u>License No.</u>	<u>Driver</u>	<u>Address</u>	<u>Employer</u>
100-12	Guerra, John F.	120 Franklin Avenue Rockaway, NJ	Boro Limousine

This license will be in effect from June 1, 2012-May 31, 2013.

DATE: June 28, 2012 BOROUGH OF ROCKAWAY
ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

RESOLUTION 107-12: ISSUE 2012-2013 TAXICAB/LIVERY LICENSE TO OPERATE

WHEREAS, the application for the 2012-2013 Taxicab/Livery License to Operate has been deemed to be complete, and further approved by the Police Chief.

NOW, THEREFORE, BE IT RESOLVED that a 2012-2013 Taxicab/Livery License to Operate be issued to:

BORO LIMOUSINE
120 Franklin Avenue
Rockaway, NJ 07866

for the following vehicle:

Vehicle #1 - 2009 Lincoln - VIN 1LNHM9AR19G627715, Vehicle Garaged On-Site

This license will be in effect from June 1, 2012-May 31, 2013.

DATE: June 28, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 108-12: APPROVE PARTICIPATION WITH THE STATE OF NEW JERSEY IN A SAFE AND SECURE COMMUNITIES PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY

WHEREAS, the Borough of Rockaway wishes to apply for funding for a project under the Safe and Secure Communities Program (Grant #P-5537-12); and

WHEREAS, the Mayor and Council have reviewed the accompanying application and have approved said request; and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and Borough of Rockaway for the purpose described in the application.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris that:

1. As a matter of public policy the Borough of Rockaway wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
2. The Attorney General will receive funds on behalf of the applicant.
3. The Division of Criminal Justice shall be responsible for the receipt and review of the application for said funds.
4. The Division of Criminal Justice shall initiate allocations to each applicant as authorized.

DATE: June 28, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 109-12: REFUND ESCROW BALANCE (BOA 764-12)

BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, to refund the escrow balance for BOA 764-12, (Block 71, Lot 37, 38 Marshall Ave.), in the amount of \$305.00 to Richard Post and Janel Post, 38 Marshall Ave., Rockaway, NJ 07866.

DATE: June 28, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 110-12: REFUND SUMMER PLAYGROUND PROGRAM FEES

WHEREAS, Ms. Jean Clappsy, 12 Overlook Dr., Rockaway, NJ 07866 signed up her two children, Alexia Clappsy and Gianna Clappsy, for the summer playground program; and

WHEREAS, the children will now be unable to attend the summer playground program; and

WHEREAS, Ms. Clappsy has requested a refund of the fee paid.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, to cancel the summer playground program registration for Alexia Clappsy and Gianna Clappsy and to refund \$280.00 to Jean Clappsy, 12 Overlook Dr., Rockaway, NJ 07866.

DATE: June 28, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 111-12: REJECT ALL BIDS SUBMITTED FOR SALT STORAGE AND RECYCLING AREA IMPROVEMENTS

WHEREAS, the Borough of Rockaway has solicited bids in connection with the Salt Storage and Recycling Area Improvements at the Public Works Yard; and

WHEREAS, on June 27, 2012, two bids were submitted in response to the Borough's solicitation; and

WHEREAS, the lowest responsible bidder's bid amount substantially exceeds the cost estimates and the Borough's appropriation for the goods and services; and

WHEREAS, pursuant to N.J.S.A. 40A:11-13.2, a contracting unit may reject all bids where, *inter alia*, the lowest bid substantially exceeds the cost estimates or contracting unit's appropriation for the goods and services; and good cause having been shown.

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 Council hereby reject all bids submitted in connection with the Salt Storage and Recycling Area Improvements project pursuant to N.J.S.A. 40A:11-13.2.
2. The Borough Clerk is hereby directed to return to the Bidders all bid security tendered to the Borough by said Bidders, together with a copy of this Resolution.
3. The Borough Clerk be and is hereby authorized and directed to re-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 the Salt Storage and Recycling Area Improvements project. 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: June 28, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

ORDINANCE NO. 11-12, Public Hearing & Adoption

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
CREATING CHAPTER 8, BOARDS ATTENDANCE REQUIREMENTS,
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

WHEREAS, it is necessary and appropriate at this time to establish the attendance requirements of persons elected or appointed to any council, board, committee, commission, authority or other agency of the Borough of Rockaway and to delineate when such positions may be deemed vacant.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Rockaway that the Code of the Borough of Rockaway is hereby amended to create Chapter 8, Boards Attendance Requirements.

Section I

1. A new Chapter 8 entitled, "Boards Attendance Requirements" is hereby created in the Code of the Borough of Rockaway to read as follows:

"Chapter 8, Boards Attendance Requirements.

§ 8-1. Applicability.

This chapter is intended to cover those holding elective office and those appointed to a board, committee, authority or other agency.

§ 8-2. Attendance requirements.

- A. Any member who is elected or appointed a council, board, committee, authority or other agency, shall make a good faith attempt to attend every meeting of his or her council, board, committee, authority or other agency and to stay at the meeting until it is duly adjourned.
- B. An elected or appointed member of a council, board, committee, authority or other agency should not absent himself or herself to avoid having to vote on an issue.

§ 8-3. The office of mayor or a member of the Governing Body position deemed vacant.

- A. The office of any person or a member of the Governing Body shall be deemed vacant for the following reasons:
 - (1) Upon its being so declared by virtue of a judicial determination;
 - (2) Upon the death of the mayor or a member of the Governing Body;
 - (3) Upon a determination of the other members of the Governing Body that the mayor or a member of the Governing Body no longer resides within the corporate limits of the municipality or ward from which he was elected;
 - (4) Upon the refusal of the mayor or member of the Governing Body to qualify or serve;
 - (5) Upon a judicial determination that the mayor or member of the Governing Body shall have become physically or mentally incapable of serving;
 - (6) Upon the filing of a written resignation with the Borough Clerk by the mayor or a member of the Governing Body, except a resignation filed following the filing of a recall petition;
 - (7) Whenever the mayor, when required by law to attend meetings of the Governing Body, or a member of the Governing Body, fails to attend and participate in any meetings of the Governing Body for a period of eight consecutive weeks without being excused from attendance by a majority of the members of the Governing Body, at the conclusion of such period; provided, however, that the Governing Body may refuse to excuse only with respect to those failures to attend and participate which are not due to legitimate illness.
 - (8) Upon a determination that the office comes within the purview of N.J.S.A. 19:3-25. - what constitutes vacancy.
 - (9) Tie vote creates a vacancy.
- B. Whenever any of the above shall occur, the vacancy shall be filled pursuant to N.J.S.A. 40A:16-1, et seq.

§ 8-4. Board positions deemed vacant.

- A. The office of any person appointed to a specified term, with or without compensation, by the governing body or chief executive of any local unit, including persons appointed to any board, committee, commission, authority or other agency of one or more local units, shall be deemed vacant:
 - (1) Upon its being declared by judicial determination;
 - (2) Upon the death of such officer;
 - (3) Upon the determination of the appointing authority that, in violation of a lawful residency requirement, such officer no longer resides within the corporate limits of the municipality or other designated territorial area;
 - (4) Upon the refusal of a person designated for appointment to such office to qualify or serve;

- (5) Upon the determination of the appointing authority that such officer shall have physically or mentally incapable of serving;
 - (6) Upon the filing by such officer of a written resignation;
 - (7) In the case of a member of a board, committee, authority or other agency, whenever the member, without being excused by a majority of the authorized members of such body, fails to attend and participate at meetings of such body for a period of six consecutive weeks, or for three consecutive regular meetings, whichever shall be of longer duration, at the conclusion of such period, provided that such body shall notify the appointing authority in writing of such determination; provided, further, that such board, committee, commission, authority or other agency may refuse to excuse only with respect to those failures to attend and participate which are not due to legitimate illness.
 - (8) Upon the removal of such officer for cause in accordance with law, or for any other reason prescribed by law.
- B. Whenever any of the above shall occur the appointing authority shall forthwith fill the office for the unexpired term in the manner prescribed by law; provided, however, that in the case of a person failing to qualify or refusing to serve pursuant to paragraph A(4), such office shall not be deemed vacant, if the incumbent officeholder is authorized by law to continue in such office until a successor is appointed and qualifies therefore."

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: June 28, 2012

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 Willer, and seconded by Councilwoman Kanigel, the above mentioned ordinance was adopted by the following roll call:

Roll Call: Ayes: Kanigel, Willer, Burnside
Nays: None

PUBLIC PORTION

Mayor Greuter opened the meeting to the public.

Mrs. Joyce Freiermuth, 99 E. Flage St., has the portfolio of the Rockaway River desnagging sites in the Borough. She is concerned about the work being done by D&M property on Broad St. that could be on Borough property.

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

CLOSED SESSION

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

RESOLUTION 112-12: 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: Potential Litigation (Donatoni) and 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: June 28, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor and Council went into closed session at 7:53 p.m. and resumed the public meeting at 8:11 p.m.

ADJOURNMENT

The meeting adjourned at 8:11 p.m.

Approved: As Submitted

Sheila Seifert, Borough Clerk

Date: July 12, 2012