

**MAYOR & COUNCIL
REGULAR MEETING
FEBRUARY 23, 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 7:37 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 February 23, 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.

Everyone present participated in the salute to the flag.

APPROVAL OF MINUTES

Upon motion by Councilman Vicente, seconded by Council President Burnside, and carried unanimously upon voice vote, the minutes of the February 4, 2012 Budget Meeting were accepted as submitted.

Upon motion by Councilman Vicente, seconded by Councilman Mulligan, and carried unanimously upon voice vote, the minutes of the February 9, 2012 Budget Meeting were accepted as submitted.

PERSONNEL DISCUSSION

Councilman Donofrio explained that a notice was given to John Leonard, Laborer, Department of Public Works, informing him that the Governing Body would discuss his actions on December 13, 2011. Mr. Leonard was present and stated his desire to hold the discussion in open session.

Councilman Donofrio reported that he and Councilman Mulligan had a discussion with Mr. Leonard on January 3, 2012 regarding Mr. Leonard's actions on December 13, 2011 that included an accident with a company vehicle. Mr. Leonard was working in the Public Works yard on a town vehicle when he heard the whistle blow for a fire at 27 Wall St. As he drove towards the fire up Maple Ave., he noticed that one compartment door on the truck was open. He attempted to pull over and the door sliced a utility pole almost in half. When the compartment door opened, it hit the pole, came back and ripped the other door off. Mr. Leonard was unable to immediately contact his supervisor and the Police Department because of the fire. As a former fireman (he resigned in good standing from Denville when he moved to Flanders), he went to the fire to see if he could help out. He admitted that no one had told him to go the fire.

Councilman Donofrio stated that during the January 3 discussion, Mr. Leonard indicated that he had turnout gear in the Borough Fire Department. Councilman Donofrio read a letter dated August 9, 2009 from 2nd Assistant Chief William Hopley to Fire Chief Andrew Pratt that Mr. Leonard's turnout gear was removed from the walls of the apparatus bay and returned to the storage room. Mr. Hopley had verbally advised Mr. Leonard that he was no longer to respond to fire calls with the Fire Department because he had not provided the requested fit test records.

Mr. Leonard said he was not told that by Mr. Hopley and the Department did not ask him to return his pager.

Mr. Leonard returned to the Public Works yard after being instructed to do so by Councilman Donofrio. Mr. Leonard admitted that he then posted a comment on Facebook, during working hours, referring to Councilman Donofrio telling him to get back to work.

Councilman Mulligan recommended that a document be placed in Mr. Leonard's file that a discussion regarding his actions of December 13, 2011 occurred on February 23, 2012. Mr. Leonard was instructed to not use social media during working hours and to not respond to fires unless told. This is a warning that this behavior will not be tolerated and any further infractions could result in disciplinary actions. Mayor Greuter asked the council members individually for agreement and each concurred.

COUNCIL COMMENTS

Personnel Committee - Councilwoman Kanigel

Historical Committee

The Historical Committee submitted another grant proposal for an interpretive sign.

Personnel

Approved the position description for the recreation director position. Requested a closed session to discuss a personnel issue.

Public Works/Public Utilities Committee - Councilman Donofrio

Public Works Yard

Upon motion by Councilman Donofrio, seconded by Councilman Vicente, and unanimously approved via voice vote to approve the plans as prepared by the Borough Engineer for the salt and recycling areas in the Public Works yard.

Ordinance Committee - Councilman Mulligan

No report.

Finance and Licensing Committee - Councilman Vicente

School Elections

The Morris Hills Regional District moved the school election to November while the local Board of Education is keeping the election in April.

Fire Committee - Councilman Willer

There is a report of an individual masquerading as a fire inspector. Mayor Greuter reported that he was locked up yesterday.

Public Safety Committee - Council President Burnside

The Board of Health recommended that the property maintenance code be amended to include unoccupied residential properties. The matter will be referred to the Ordinance Committee.

ATTORNEY'S REPORT

79 Broad St.

The attorneys have not yet received a response from Larry Wiener, Esq. regarding the collection of \$18,700 from the sale of 79 Broad St.

Upon motion by Councilman Vicente, seconded by Council President Burnside, and carried unanimously upon voice vote, to authorize the Borough Attorney to file suit against Annex Builders and Larry Wiener, Esq., for the sum of the \$18,700 and legal fees.

Requested a closed session to discuss potential litigation.

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

MAYOR'S REPORT

Mountain Inn

The Construction Official and Fire Marshal inspected the back building of the Mountain Inn and posted an order to vacate. The Planning Board approved the application of the Mountain Inn to convert one room into an "exercise room" with three machines and to have a vending/open food area with one microwave, no cooking and no running water.

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 two licenses for Camp Sunshine & Snowflake for on-premise pull tab raffle and bingo to be held on various dates during March and April 2012 at Saints Peter and Paul Carpatho Russian Orthodox Church, 64 Beach Street, Rockaway, NJ.

Approved an on-premise 50/50 raffle for Denville Blue Angels at Rockaway Lanes, 365 Route 46, Rockaway, NJ on March 10, 2012.

Approved an off-premise 50/50 raffle for HSA Saint Cecilia for an event on June 8, 2012 at Saint Cecilia's School, 87 Halsey Avenue, Rockaway, NJ.

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

CONSENT AGENDA ITEMS

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

RESOLUTION 50-12: CONFIRM INTENTION OF PARTICIPATION IN MCARP

WHEREAS, there has been created a Morris County Adaptive Recreation Program (MCARP); and

WHEREAS, said program intends to provide recreational opportunities for people with disabilities of all ages, and further to give said persons an opportunity to explore new leisure time opportunities in conjunction with their age and specific abilities; and

WHEREAS, the total project cost is estimated to exceed \$300,000; and

WHEREAS, the Borough of Rockaway's costs with respect thereto will be approximately \$849.00 according to the Fair Share Ratio schedule.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, New Jersey, that the Borough of Rockaway hereby intends to join the Morris County Adaptive Recreation Program (MCARP) as described above and contribute thereto in the amount not to exceed the Fair Share Assessment for one year.

DATE: February 23, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 51-12: CANCEL CERTAIN FULLY FUNDED GENERAL CAPITAL ORDINANCES

WHEREAS, the Borough of Rockaway is desirous to cancel the balances of certain General Capital Ordinances which have been completed; and

WHEREAS, these ordinances are fully funded; and

WHEREAS, the balances of these ordinances will be transferred to General Capital Surplus.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey hereby cancel the balances of the following ordinances:

Ordinance No. 9-3-03	Firehouse	\$ 484.36
Ordinance No. 13-6-05	Property Acquisition	\$126,858.00
Ordinance No. 15-10-03	Lawn Mower	\$ 705.01
Ordinance No. 15-10-04	Fire Department	\$.50
Ordinance No. 8-07-03	Police Digital Log System	\$ 908.00

DATE: February 23, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 52-12: APPROVE TRANSFER OF FUNDS

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

Interest on Bond Anticipation Notes (BAN'S) (01-201-41-725-207)

WHEREAS, there appears to be a surplus in the following account (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:

Interest on Bonds (01-201-41-725-203)

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:

Interest on Bonds \$5,346.92

TO:

Interest on Bond Anticipation Notes (BAN'S) \$5,346.92

DATE: February 23, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 53-12: CONCUR WITH APPOINTMENT OF CHIEF PUBLIC DEFENDER OF THE JOINT MUNICIPAL COURT OF DOVER, SERVING THE TOWN OF DOVER, TOWNSHIP OF MINE HILL, BOROUGH OF MT. ARLINGTON, BOROUGH OF ROCKAWAY, AND BOROUGH OF WHARTON

WHEREAS, the Borough of Rockaway of the County of Morris, State of New Jersey, has entered into a Shared Services Agreement with the Town of Dover, Township of Mine Hill, Borough of Mt. Arlington, and Borough of Wharton which established the Joint Municipal Court of Dover, with the Town of Dover, as lead agency; and

WHEREAS, the Town of Dover has appointed A. Hanlon, Dunn and Robertson, Attorneys at Law, as Conflicts Public Defender effective February 15-29, 2012 and Alexa Perry, Esq. of A. Hanlon, Dunn and Robertson, Attorneys at Law, as Chief Public Defender effective March 1, 2012, of the Joint Municipal Court of Dover serving the Town of Dover, Township of Mine Hill, Borough of Mt. Arlington, Borough of Rockaway, and Borough of Wharton.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, concur with the Town of Dover's appointments of A. Hanlon, Dunn and Robertson, Attorneys at Law, as Conflicts Public Defender effective February 15-29, 2012 and Alexa Perry, Esq. of A. Hanlon, Dunn and Robertson, Attorneys at Law, as Chief Public Defender effective March 1, 2012, of the Joint Municipal Court of Dover serving the Town of Dover, Township of Mine Hill, Borough of Mt. Arlington, Borough of Rockaway, and Borough of Wharton.

BE IT FURTHER RESOLVED that a copy of this resolution shall be forwarded to the Town of Dover, Township of Mine Hill, Borough of Mt. Arlington, and Borough of Wharton which are hereby being requested to consider adoption of a similar resolution.

BE IT FURTHER RESOLVED that a copy of said resolution shall be forwarded to the Honorable Thomas L. Weisenbeck, Assignment Judge Superior Court, and to the Honorable Michael Luther, Chief Judge of the Joint Municipal Court of Dover.

DATE: February 23, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 54-12: ENDORSE THE INCLUSION OF THE BOROUGH OF VICTORY GARDENS IN THE JOINT MUNICIPAL COURT OF DOVER

WHEREAS, the Town of Dover of the County of Morris, State of New Jersey, has established a Joint Municipal Court serving the Town of Dover, Township of Mine Hill, Borough of Mt. Arlington, Borough of Rockaway and Borough of Wharton under a Shared Services Agreement with the Town of Dover as lead agency; and

WHEREAS, the Borough of Victory Gardens currently operates its own municipal court in the town adjoining the Town of Dover; and

WHEREAS, the municipalities have determined it to be in their mutual best interests to provide for joint municipal court facilities, personnel and resources for use by their respective municipal courts with Dover as the lead agency; and,

WHEREAS, the agreement is established in accordance with the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:61-1 et. seq.; and

WHEREAS, each of participating municipalities will realize a savings to their respective tax payers in entering into this Shared Service Agreement; and

WHEREAS, the scope of services provides that Dover will make the necessary facilities available by way of courtroom, offices and storage space; and

WHEREAS, the Dover Municipal Court personnel will include judges, prosecutors and public defenders, interpreters and court administrators as well as security personnel; and

WHEREAS, the municipal court operations will be managed by Dover as a joint court using one set of books and one court calendar; and

WHEREAS, all municipalities will each receive and retain all net revenues generated by each of their respective cases; and

WHEREAS, the supported municipalities have agreed to pay increases based upon increases in the cost of the operation of the joint municipal court; and

WHEREAS, Dover will be able to obtain a substantial annual cost savings benefit which benefit must continue into the future of the agreement; and

WHEREAS, additional municipal participants may become part of the joint municipal court; and

WHEREAS, there will be two judges and two prosecutors appointed with Dover making a recommendation for the presiding judge and the presiding prosecutor and a committee to be established to make a recommendation for the second judge and prosecutor; and

WHEREAS, based on the formula of the Joint Court Advisory Committee Victory Gardens shall pay a base fee of \$10,720.00 annually for their use of the Dover Joint Court; and

WHEREAS, Dover will continue to use its current court administration personnel, and

WHEREAS, the inclusion of the Borough of Victory Gardens in the Joint Municipal Court of Dover would result in both the Borough of Victory Gardens and the Joint Municipal Court of Dover benefiting from operational effectiveness and cost efficiency;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, to endorse the execution of an agreement for a joint shared court with Dover as the lead agency and the inclusion of the Borough of Victory Gardens effective March 1, 2012 upon the terms and conditions set forth herein and to hereby authorize its inclusion in the joint municipal court pursuant to N.J.S.A. 2B:12-1 et. seq. and N.J.S.A. 40A:65-1 et. seq.; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the Borough of Victory Gardens, Township of Mine Hill, Borough of Mt. Arlington, Town of Dover, and Borough of Wharton which are hereby being requested to consider adoption of a similar Resolution; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the Honorable Thomas L. Weisenbeck, Assignment Judge Superior Court, and the Honorable Michael Luther, Chief Judge of the Joint Municipal Court of Dover.

DATE: February 23, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 55-12: AWARD PROFESSIONAL SERVICES CONTRACT (LICENSED SITE REMEDIATION PROFESSIONAL)

WHEREAS, there exists needs for the professional services of Licensed Site Remediation Professional ("LSRP") to the Borough of Rockaway; and

WHEREAS, said needs or certain specified professional services are to be rendered or performed by a person or persons authorized by law to practice a recognized profession whose practice is regulated by law within the meaning of N.J.S.A. 40A:11-2, et seq. as amended; and

WHEREAS, the performance of said professional services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal base of specialized training and study; as distinguished from general academic instruction or apprenticeship and training; and

WHEREAS, said professional services cannot reasonably be described by written specifications; and

WHEREAS, the budget duly composed and approved by the Mayor and Council provides generally for funds for the services of such professional and/or certain escrow accounts paid by applicants for development provide for the payment for such services; and

WHEREAS, a Certificate of Availability of Funds has been filed by the Borough of Rockaway Chief Financial Officer; and

WHEREAS, the Borough of Rockaway has a need to acquire said professional services as a contract without public advertising pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the services to be performed are "Professional Services" as defined in N.J.S.A. 40A:11-5(1)(a)(i) and therefore excepted from the Local Public Contracts Law requirements for competitive 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 Borough of Rockaway, in accordance with the Local Public Contracts Law, hereby authorizes and approves the award of a professional services contract to complete up to two initial receptor evaluations at a cost not to exceed \$4,000.00 as noted on the schedule below, contract copies are on file in the Office of the Clerk and are incorporated herein by reference and their terms and conditions stated on the attached schedule. Said contract is hereby ratified and confirmed, and upon passage of this Resolution, the Mayor and Borough Clerk be and the same are hereby authorized to enter into said contract.
2. That this Contract is awarded without competitive bidding as a professional services contract under the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) because such service is a recognized profession licensed and regulated by law.
3. That the Mayor and Council of the Borough of Rockaway, New Jersey hereby authorize and direct the execution of the aforesaid contracts for the period commencing on the date set forth therein.
4. That an executed copy of the Contract and a copy of this resolution shall be filed in the Office of the Borough Clerk and be available there for inspection in accordance with law.
5. That this resolution shall take effect immediately.

DATE: February 23, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

PROFESSIONAL SERVICES SCHEDULE

LICENSED SITE REMEDIATION PROFESSIONAL:

SUI LEONG, P.E., LSRP
H2M Associates, Inc.
199 Cherry Hill Road
Parsippany, NJ 07054
(862) 207-5900, ext. 2221

1. Licensed Site Remediation Professional	\$165.00 per hour
2. Senior Scientist/Engineer	165.00 per hour
3. Project Manager/Senior Geologist	145.00 per hour
4. Staff Engineer/Scientist	85.00 per hour
5. CAD Operator	85.00 per hour
6. Technician/Administrative Assistant	58.00 per hour
7. Mileage	\$0.55 per mile or IRS min./mile

CERTIFICATION FOR AVAILABILITY OF FUNDS

I, JOHN J. DOHERTY, Borough Treasurer, of the Borough of Rockaway, in the County of Morris, Jersey, do hereby certify that funds in the amount 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:

Sui Leong, P.E., LSRP, H2M Associates, Inc., 199 Cherry Hill Rd., Parsippany, NJ 07054, (862) 207-5900, ext. 2221, at a cost not to exceed \$4,000.00.
Ordinance#: 3-01-05

DATE: February 23, 2012

BY: John J. Doherty, Treasurer

RESOLUTION 49-12

Upon motion by Councilman Vicente, seconded by Councilman Mulligan, and carried via majority vote upon call of the roll, with Councilwoman Kanigel voting no, the following resolution was adopted:

RESOLUTION 49-12: REQUEST EXTENSION OF TIME FOR TREATMENT WORKS APPLICATION (RIDGEVIEW AT ROCKAWAY)

WHEREAS, Rockaway 50 Associates, L.L.C. has proposed to build a 42-unit garden apartment building complex on Hillside Avenue (Block 27.02, Lots 7.01 and 10; Block 29, Lot 1; and Block 33, Lot 3), known as Ridgeview at Rockaway; and

WHEREAS, on March 17, 2011, Ridgeview at Rockaway represented to the Planning Board that construction on the project (Application PB-2-05) had not commenced due to the weakened economy and difficulties in obtaining financing for the project and indicated an intention to seek equity investors to fund the project; and

WHEREAS, Ridgeview at Rockaway applied for and received from the Borough of Rockaway Planning Board an extension until April 17, 2012 of preliminary and final site plan approval and related variance approval and design waivers originally granted by the Board on April 17, 2008; and

WHEREAS, on February 16, 2012 Ridgeview at Rockaway applied for and received from the Borough of Rockaway Planning Board an extension until April 17, 2013 of preliminary and final site plan approval and related variance approval and design waivers originally granted by the Board on April 17, 2008; and

WHEREAS, in 2008 Ridgeview at Rockaway submitted a Treatment Works Approval Permit Application to the State of New Jersey Department of Environmental Protection ("NJ DEP") for approval by the Borough; and

WHEREAS, as authorized by Resolution 134-08, the Governing Body endorsed the Treatment Works Approval Permit Application; and

WHEREAS, on March 31, 2009 NJ DEP issued Treatment Works Approval Application No. 09-0055 valid for two years from the issuance date, which approval may be extended to a maximum period of five years from the original issuance date; and

WHEREAS, as authorized by Resolution 49-11, the Governing Body requested a one-year extension of time for Treatment Works Approval Application No. 09-0055; and

WHEREAS, on May 9, 2011 NJ DEP granted the requested one-year extension for Treatment Works Approval Application No. 09-0055 until March 29, 2012; and

WHEREAS, Ridgeview at Rockaway has requested that the Borough seek a second one-year extension of time for Treatment Works Approval Application No. 09-0055; and

WHEREAS, the Borough Engineer has recommended that the Mayor submit a letter to NJ DEP requesting a one-year extension of time for Treatment Works Approval Application No. 09-0055.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, to authorize the Mayor to submit a letter to State of New Jersey Department of Environmental Protection requesting a one-year extension of time for Treatment Works Approval Application No. 09-0055.

DATE: February 23, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

ORDINANCE NO. 04-12, Introduction & First Reading

**CALENDAR YEAR 2012
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)**

Councilman Willer 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 Vicente, and passed as follows upon call of the roll:

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

PUBLIC PORTION

Mayor Greuter opened the meeting to the public.

Ms. Kathy Haake, 74 Rockaway Ave., questioned the reason for extending the treatment works application for the Ridgeview at Rockaway project. She was not in favor of this project. She questioned Resolution 55-12 and the need for hiring the licensed site remediation professional.

Ms. Bonnie Hook, Jackson Ave., representing the Business Owners Association, discussed Celebrate Rockaway Day. They want to know what the Borough's financial coverage for the event would be. Mayor Greuter told her that they could expect to receive \$1,000; however, additional budget cuts are possible.

Mr. Rob Grow, 110 Lakeside Dr., asked for an explanation of Resolution 51-12 canceling old bond ordinances.

Mr. Tom Haynes, Andrea Dr., distributed a copy of the insurance certificate for Little League. He is extremely disappointed in the lack of cooperation because he felt that certain children who pay for recreation cards are not covered by the Borough's insurance but yet out-of-towners are covered. Mayor Greuter recommended that he meet with the Risk Manager.

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

CLOSED SESSION

Upon motion by Councilman Vicente, seconded by Councilman Donofrio, and adopted unanimously upon voice vote, the following resolution was adopted:

RESOLUTION 56-12: 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 and Potential Litigation.
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: February 23, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor and Council went into closed session at 9:25 p.m. and resumed the public meeting at 9:49 p.m.

ADJOURNMENT

The meeting adjourned at 9:49 p.m.

Approved: As Submitted

Sheila Seifert, Borough Clerk

Date: March 8, 2012