

**MAYOR & COUNCIL
REGULAR MEETING
AUGUST 9, 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 7:31 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 August 9, 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 July 26, 2012 Regular Meeting were accepted as submitted.

COUNCIL REPORTS

Personnel Committee - Councilwoman Kanigel

Library Board of Trustees

Working on long-range plan.

Historical Committee

The Morris County Heritage Commission will donate a sign for the 1826 stone arch bridge on West Main St.

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

Ordinance Committee - Councilman Mulligan

Turf Management

The two-year contract with Farmside Landscape and Design for turf management of the Borough's recreation fields expires December 31, 2012. The Rockaway Borough Board of Education requested that the Lincoln School field be included in our contract. The Recreation Commission approved the request at its May 2012 meeting; however, this line item is funded through the Maintenance of Parks line item in the Public Works Department's budget. Councilman Mulligan recommended, and the Council agreed, that the Lincoln School field be included in the solicitation for quotations for 2013. There would be no changes to this year's contract.

Councilman Vicente reported that Morris Hills Regional District has plans to replace the grass football fields with turf at Morris Hills and Morris Knolls High Schools. He suggested that perhaps the District would consider resurfacing the field at Donatoni Community Park since the Borough plans to redo it anyway and leave the grass field at Morris Hills High School.

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

Construction Department

Collected five years' worth of data regarding the fees for the Construction Department. Over five years, the municipality collected over \$65,000 in profits; however, in 2009-2011, the Department operated at a loss. To date in 2012, the Department is not in the negative. Discussion ensued regarding the possibility of using another municipality to provide this service. Mayor Greuter stated that the Department is trying to close out old open permits and wants to ensure that this would continue.

Requested a closed session for personnel.

Upon motion by Councilman Donofrio, seconded by Councilman Mulligan, 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 the August 20, and approved Mike Swanick and Joe VanSaders for membership in the junior program. Boonton parade is September 1.

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

Public Safety Committee - Council President Burnside

Read a letter from Chief Scheer requesting no parking on Highview Terrace any time from Mt. Pleasant Ave. for 150' east on the south side and 173' east on the north side to prevent accidents. The Council agreed, and Councilman Mulligan suggested that other streets be considered for inclusion in the ordinance.

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

ATTORNEY'S REPORT

Donatoni Park Litigation

Will schedule Donatoni mediation soon.

Fire Truck Sale

State law requires that the public sales be held to sell unneeded equipment and that the sale be advertised in the newspaper; however, there is a new law that allows you to hold an online auction. The Governing Body agreed to add a resolution tonight to authorize an online auction sale of the old fire truck.

Assistant Fire Chief Sam Passarella, who was in the audience, stated that if the old truck were to be sold before the new one is ready, the Department would make arrangements for mutual aid.

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

MAYOR'S REPORT

Food Drive

Mayor Greuter recommended that the Borough participate in a new food drive competition called Morris County Municipal Action To Curb Hunger or McMATCH from September 1 to September 21. Sponsored by the Morris County Youth Shelter and other volunteer organizations, McMATCH is a county-wide drive to gather food to help restock the shelves at local food providers such as the Rockaway Food Closet. Food collected within the Borough would be donated to the Rockaway Food Closet.

Upon motion by Councilman Vicente, seconded by Councilman Mulligan, and carried unanimously upon voice vote, to register the Borough of Rockaway for the McMATCH food drive.

2011 Audit

Mayor Greuter met with the auditor regarding the 2011 audit. Some items were still not done. He would like to meet with Personnel Committee and discuss issues.

Requested a closed session for personnel.

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

CLERK'S REPORT

Park Lake

Several residents have inquired about donating trees at Park Lake with dedication plaques. A resident has offered to donate two Portuguese oak trees to be planted at Park Lake with a dedication plaque.

Council President Burnside recommended that a plan be put together, including the type and placement of the trees, so that the trees planted are conducive to the area. She will look into it.

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

CONSENT AGENDA ITEMS

Councilman Vicente made a motion to table Resolution 131-12, suggesting that the funds for the variable speed message sign would be better spent for a generator for the Municipal Building. Said motion was seconded by Councilman Willer. The vote was tied, with Councilwoman Kanigel and Councilmen Vicente and Willer voting aye, and Councilmen Donofrio and Mulligan and Council President Burnside voting nay. Mayor Greuter cast the deciding nay vote to defeat the motion.

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

RESOLUTION 126-12: AUTHORIZE APPLICATION FOR MUNICIPAL ALLIANCE GRANT

WHEREAS, the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey recognize that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, the Mayor and Council of the Borough of Rockaway further recognize that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Mayor and Council of the Borough of Rockaway have applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Morris.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Rockaway, County of Morris, State of New Jersey hereby recognizes the following:

1. The Mayor and Council of the Borough of Rockaway do hereby authorize submission of an application for the NJ Governor's Council on Alcoholism and Drug Abuse Municipal Alliance grant for calendar year 2013 in the amount of \$8,559.00.
2. The Mayor and Council of the Borough of Rockaway acknowledge the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

DATE: August 9, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 127-12: RESOLUTION STATING COMPLIANCE OF MAYOR AND COUNCIL WITH LOCAL FINANCE BOARD AUDIT REQUIREMENTS

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts, and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2011 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body, and;

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and:

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the Annual Audit entitled "GENERAL COMMENTS" and "RECOMMENDATIONS", and;

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specially the sections of the Annual Audit entitled "GENERAL COMMENTS" and "RECOMMENDATIONS" as evidenced by the group affidavit form of the governing body attached hereto, and;

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the Annual Audit, pursuant to N.J.A.C. 5:30-6.5, and;

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and;

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52-27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rockaway, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

DATE: August 9, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 128-12: AWARD CONTRACT (REHABILITATION OF THE HILLSIDE AVENUE STEEL WATER TANK)

WHEREAS, on June 27, 2012, the Borough Engineer received five Bid Proposals for the Rehabilitation of the Hillside Avenue Steel Water Tank as follows:

Allied Painting, Inc. 4 Larwin Road Cherry Hill, NJ 08034 Bid Base: \$125,500.00 Alt. Bid No. 1: \$ 5,000.00 Total Bid: \$130,500.00	JNP Construction Corp. 50 Louis Court South Hackensack, NJ 07606 Bid Base: \$133,100.00 Alt. Bid No. 1: \$ 7,500.00 Total Bid: \$140,600.00	U.S. Tank Painting, Inc. 900 Rike Drive Millstone, NJ 08535 Bid Base: \$144,400.00 Alt. Bid No. 1: \$ 8,000.00 Total Bid: \$152,400.00
Pro -Spec Painting, Inc. 1819 Cedar Avenue Vineland, NJ 08360-3413 Bid Base: \$188,690.00 Alt. Bid No. 1: \$ 7,745.00 Total Bid: \$196,435.00	Corrosion Control Corp. 177 Route 130 Pedricktown, NJ 08067 Bid Base: \$216,300.00 Alt. Bid No. 1: \$ 12,200.00 Total Bid: \$228,500.00	

WHEREAS, the apparent low responsive bid submitted by Allied Painting, Inc., 4 Larwin Road, Cherry Hill, NJ 08034 (856-429-3400) in the amount of \$130,500.00 complied with the bid specifications, and the Borough Engineer has recommended that a contract be awarded to the low responsive bidder, Midwest Construction, Inc.; and

WHEREAS, the contract is being awarded through a fair and open process, pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

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

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 Borough Clerk are hereby authorized and directed to execute an agreement in an amount not to exceed \$130,500.00 with Allied Painting, Inc., 4 Larwin Road, Cherry Hill, NJ 08034 (856-429-3400), for the Rehabilitation of the Hillside Avenue Steel Water Tank.
2. A copy of this resolution, and of the subject agreement, shall be made available for inspection in the office of the Borough Clerk.

DATE: August 9, 2012 BOROUGH OF ROCKAWAY
ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

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:

Allied Painting, Inc., 4 Larwin Road, Cherry Hill, NJ 08034 (856-429-3400), at cost not to exceed \$130,500.00.
Ordinance#: 1-12-01 and Capital Surplus

DATE: August 9, 2012 BY: John J. Doherty, Treasurer

RESOLUTION 129-12: AUTHORIZE THE PUBLIC SALE OF PUBLIC PERSONAL PROPERTY

BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that the Borough Clerk be and is hereby authorized and directed to advertise, as required by law, in *The Citizen* and *Daily Record*, officially designated newspapers of the Borough, the following Public Notice:

PUBLIC SALE OF PUBLIC PERSONAL PROPERTY
TUESDAY, SEPTEMBER 11, 2012, 10:00 A.M.
PUBLIC WORKS GARAGE, 21-25 UNION STREET, ROCKAWAY
TERMS: CASH/PERSONAL CHECK WITH I.D.
BOROUGH OF ROCKAWAY, OWNER; 973-627-2000

The following is a list of items of surplus public personal property to be auctioned by the Borough of Rockaway. All property may be inspected beginning at 9:30 a.m. on the day of the sale. All items will be sold in "as-is" condition.

VEHICLES & EQUIPMENT

<u>Description</u>	<u>Identification Number</u>	<u>Minimum Bid</u>
1 Dell Monitor	MX-OX3758-47605-45D-BOTB	\$ 10.00
2 Dell Hard Drive	CN-OT-6952-7082-4CE-2JXX	\$ 10.00
3 Dell Keyboard	CN-07N242-7161651N-01S3	\$ 5.00
4 Norstar Phone System with 12 Phones	NNTM040CSWSO	\$ 25.00
5 1998 Dodge Ram	VIN 3B6MF 3655W M250820	\$200.00
6 2001 Dodge Pick Up	VIN 3B7KF 26Z31 M5822 01	\$200.00
7 2002 Ford	VIN 1FMZU 72E42 UA565 58	\$500.00

BICYCLE DESCRIPTIONS

<u>Description</u>	<u>Identification Number</u>	<u>Minimum Bid</u>
1 Murray, Mythos	Serial # HL0123119	NMB
2 Mongoose, Red, BMX	Serial # SNACB10A26082	NMB
3 Next, Blue/Silver, Power Climber	Serial # 69423109	NMB
4 Next, Purple/Silver	Serial # 8592-78	NMB
5 Next, Green, 26 Shocker	Serial # DCB06081248	NMB
6 Honda, Red, Z-Moto 2.6	Serial # 070242187	NMB
7 Schwinn, Purple, High Plains 24 FS	Serial # CSC2F3199	NMB
8 Huffy, Red, Action Force	Serial # D1134575	NMB
9 Pacific, Blue, Phoenix	Serial # 80903383	NMB

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey that the proper Borough Officials are authorized to hold such auction, at the aforementioned location, time and place, as permitted by N.J.S.A. 40A:12-13 et seq.

DATE: August 9, 2012 BOROUGH OF ROCKAWAY
ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

RESOLUTION 133-12: AUTHORIZE SALE OF SURPLUS PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE (FIRE TRUCK)

WHEREAS, the Borough of Rockaway has determined that the property described on Schedule A below and incorporated herein is no longer needed for public use; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and

WHEREAS, the Borough of Rockaway intends to utilize the online auction services of US GovBid, a division of Auction Liquidation Services, located at usgovbid.com; and

WHEREAS, the sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notice 2008-9.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey that the Borough of Rockaway is hereby authorized to sell the surplus personal property as indicated on Schedule A on an online auction website entitled usgovbid.com; and

BE IT FURTHER RESOLVED that the terms and conditions of the agreement entered into between US GovBid, a division of Auction Liquidation Services, and the Borough of Rockaway are available at usgovbid.com and in the Borough Clerk's office; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded by the Borough Clerk to the Division of Local Government Services, 101 South Broad St., P.O. Box 803, Trenton, NJ 08625-0803.

SCHEDULE A

<u>Item Description</u>	<u>Identification Number</u>
1988 E-One Pumper	VIN # 1F9BB AA85K 10376 72
DATE: <u>August 9, 2012</u>	BOROUGH OF ROCKAWAY
ATTEST: <u>Sheila Seifert, Borough Clerk</u>	BY: <u>Russell Greuter, Mayor</u>

ORDINANCE NO. 15-12, Introduction & First Reading

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER 197, PROPERTY MAINTENANCE,
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 September 13, 2012.

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

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

ORDINANCE NO. 14-12, 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 91, ALCOHOLIC BEVERAGES,
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

WHEREAS, in P.L. 2000, Chapter 33, the New Jersey Legislature authorized municipalities to enact local ordinances making it unlawful for any person under the legal age to knowingly possess or consume alcoholic beverages on private property; and

WHEREAS, the Mayor and Council of the Borough of Rockaway seek to put an end to illegal underage drinking, and believe that such an ordinance is an important step toward reaching this goal.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Rockaway, County of Morris and State of New Jersey, that the following amendments be made to Chapter 91, Alcoholic Beverages, of the Code of the Borough of Rockaway:

Section I

1. Chapter 91, Alcoholic Beverages, is hereby amended to add the following Article IV, Possession or Consumption by Underage Persons:

"Article IV, Possession or Consumption by Underage Persons

§ 91-22. Definitions.

As used in this article, the following terms shall have the meanings indicated:

GUARDIAN -- a person who has qualified as a guardian of the underage person pursuant to a testamentary or court appointment.

RELATIVE -- the underage person's grandparent, aunt or uncle, sibling, or any other person related by blood or affinity.

§ 91-23. Consumption of alcoholic beverages by underage person on public or private property prohibited.

It shall be unlawful for any person under the age of 21 years to purchase, sell, knowingly consume or knowingly have in his or her possession any alcoholic beverage in or upon any private street, highway, park, footway or in a private residence or upon any private property within the Borough of Rockaway, except as hereinafter provided or as may be permitted by state statute.

§ 91-24. Exceptions.

- A. Nothing contained in this section is intended, nor shall it be construed, as prohibiting an underage person from consuming or possessing an alcoholic beverage in connection with a religious observance, ceremony or rite, or consuming or possessing an alcoholic beverage in the presence of and with the permission of a parent, guardian or relative who has attained the legal age to purchase and consume alcoholic beverages; provided that, if the underage person is found to possess or consume an alcoholic beverage in the presence of and with the permission of a relative other than a parent or guardian, the police shall notify the parent or legal guardian, by certified mail, of the incident together with the name of the relative who gave permission for the possession or consumption of the alcoholic beverage by the underage person. The notification shall include a request that the parent or guardian acknowledge and return a copy of the letter to the Rockaway Borough Police Department within 15 days of receipt.
- B. This section shall not prohibit the possession of alcoholic beverages by any underage person while actually engaged in the performance of employment by a person who was licensed under Title 33 of the revised statutes or while actively engaged in the preparation of food while enrolled in a culinary arts or hotel management program at a county vocational school or post-secondary educational institution; however, this article shall not be construed to preclude the imposition of a penalty under this section, N.J.S.A. 33:1-81 or any other section of law against a person who is convicted of unlawful alcoholic beverage activity on or at premises licensed for the sale of alcoholic beverages.

§ 91-25. Violations and penalties.

- A. Any person found guilty of violating the terms of this section shall be subject to a fine of two hundred fifty (\$250.00) dollars for a first offense and a fine of three hundred fifty (\$350.00) dollars for any subsequent offense. In addition, the court may, upon a finding of guilty, postpone for six months the driving privileges of the person found guilty. Upon the conviction of any person and the suspension or postponement of that person's driver's license, the court shall forward a report to the Motor Vehicle Commission stating the first and last day of the suspension or postponement period imposed by the court pursuant to this section. If a person at the time of the imposition of a sentence is less than 17 years of age, the period of license postponement, including a suspension or postponement of the privilege of operating a motorized bicycle, shall commence on the day the sentence is imposed and shall run for a period of six months after the person reaches the age of 17 years. If the person found guilty at the time of the imposition of the sentence has a valid driver's license issued by this state, the court shall immediately collect the license and forward it to the Motor Vehicle Commission along with the report. If for any reason the license cannot be collected, the court shall include in the report the complete name, address, date of birth, eye color and sex of the person, as well as the first and last date of the license suspension period imposed by the court.

- B. The court shall inform the person orally and in writing that if the person is convicted of operating a motor vehicle during the period of license suspension or postponement, the person shall be subject to the penalties set forth in N.J.S.A. 39:3-40. The defendant shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of the written notice shall not be a defense to a subsequent charge of a violation of N.J.S.A. 39:3-40.
- C. If the person convicted under this section is not a New Jersey resident, the court shall suspend or postpone, as appropriate, the nonresident driving privilege of the person based on the age of the person and submit to the Commission the required report. The court shall not collect the license of a nonresident convicted under this article. Upon receipt of a report by the court, the Commission shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.
- D. In addition to the fines and penalties set forth above any person who is convicted of a violation of this section may be required to complete a court-approved alcohol counseling program."

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: August 9, 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 Council President Burnside 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.

Ms. Kathy Haake, 74 Rockaway Ave., suggested that native, not Portuguese, trees be planted at Park Lake. According to the DEP, a fence with large holes for water and debris to pass through (like split rail or barbed wire) could be installed at the Donatoni Community Park. Therefore, a chain link fence, which would be needed for a dog park, would not be permitted.

Chief Scheer stated that people are making drugs ("DMT") using over-the-counter chemicals with instructions found on Google.

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

CLOSED SESSION

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

RESOLUTION 134-12: 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: August 9, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor and Council went into closed session at 8:40 p.m. and resumed the public meeting at 9:02 p.m.

ADJOURNMENT

The meeting adjourned at 9:02 p.m.

Approved: As Submitted

Sheila Seifert, Borough Clerk

Date: August 23, 2012