

**MAYOR & COUNCIL  
REGULAR MEETING  
AUGUST 11, 2011  
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 August 11, 2011. 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 Mulligan, seconded by Council President Burnside, and carried unanimously upon voice vote, the minutes of the July 28, 2011 Regular Meeting were accepted as submitted.

CORRESPONDENCE

Mayor Greuter read the July 28, 2011 letter from the Rockaway Rotary Club requesting permission and assistance for its annual Halloween Parade to be held on October 31 at 6 p.m., proceeding down Main Street from PNC Bank to Keller Avenue and the back of Thomas Jefferson School.

On motion by Councilman Willer, seconded by Councilman Vicente, to accept the correspondence, approve the request, and forward same to the Police Chief, Fire Chief, and Department of Public Works, and to inform the Rotary Club that they may be obligated to pay for the Police overtime in the 2012 parade.

Mayor Greuter read the August 9, 2011 letter from Sheila Corrigan Zeman, Halsey Ave., expressing her extreme concern regarding the deterioration of Halsey Ave. and surrounding streets that has occurred over the last few months. She believes that restoring the streets leaving a dark strip of tar down the street looks dreadful and is unfair for many reasons: "(1) The shoddy appearance of the street will undoubtedly bring our battered property values down. (2) These streets are heavily traveled by commercial and personal vehicles, and will now be more prone to potholes that may lead to damage of our cars. (3) The incomplete repair job creates a delineation in this town between the nice areas and the bad areas. By failing to go to bat for a full repavement of the affected streets, you are saying it's OK for our streets to have a rotten appearance when other sections of town have nicely paved streets. You are creating a "shoddy" vibe in our neighborhood. (4) We already live in a town with the negative stigma of being a superfund town. The incomplete repair job to our streets and the resulting appearance creates a 'poor' looking area." Her letter stated she is very disappointed that the mayor and council are willing to except (sic) a substandard and incomplete job. Fully paved roads should be the only solution that is accepted.

Mayor Greuter reported that a Memorandum of Agreement signed by the EPA and the Borough in 2007 requires the EPA to restore the road to its previous condition; we cannot tell them to repave curb to curb. A base coat of asphalt was applied to Halsey Ave. and should be topped tomorrow. We will apply for a DOT grant to repave Maple Ave. next year and, depending on funding, will try to do Halsey Ave. Discussion ensued, with the Governing Body agreeing that they would prefer repairs to restore the streets to their original condition.

Upon motion by Councilman Willer, seconded by Councilwoman Kanigel, and carried unanimously upon voice vote, to accept the correspondence, and refer it to the EPA and the contractor referencing the agreement that was signed in 2007 as they state that they will restore our facilities to the condition they were before the construction.

Mrs. Zeman, who was in the audience, stated that she had spoken with Mr. Brian Quinn, Remedial Project Manager for the EPA, and Kevin O'Brien of the U.S. Army Corps of Engineers (USACE) who said that they would restore the trenches and if she didn't like it, to talk to Mayor and Council. She is worried about what she will be left with after they leave.

Mayor Greuter will schedule a meeting with the EPA and USACE.

Mayor Greuter received a letter from Turn The Towns Teal, Inc. requesting permission to tie teal ribbons in the center of the Borough for the month of September to create awareness of ovarian cancer and its symptoms.

Upon motion by Councilman Willer, seconded by Council President Burnside, and carried unanimously upon voice vote, to approve the request to tie teal ribbons in the center of the Borough for the month of September.

#### Personnel Committee - Councilwoman Kanigel

##### *Historical Committee*

The Historical Committee presented a plaque to the Fire Department commemorating the 100th anniversary of the building of the Fire House.

Requested a closed session to discuss a personnel issue.

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

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

##### *Energy Efficiency Grant*

The first stage of the \$190,000 grant has been completed: new lights and sensors have been installed and a new boiler for the Police Station should be completed early next week.

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

#### Ordinance Committee - Councilman Mulligan

No 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.

##### *Truck Traffic*

Councilman Vicente met with Council President Burnside, Councilman Donofrio, and Police Chief Doug Scheer regarding weight limit restrictions for trucks traveling on Borough streets. Councilman Vicente believes that the streets in the Borough are used as a cut-through and would like to designate certain roads as off-limits to big trucks. He suggested an open forum for the public to speak.

Councilman Mulligan wanted to know what the Police Chief's opinions were. In prior years, Mr. Wacks has written memos regarding controlling weight limits and truck routes; he will distribute them to the Governing Body. The topic will be discussed at the next Council meeting.

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 August 17. Reported on the actions of Fire Marshal, including 47 nonlife hazard use inspections and issuance of 15 notices of violation.

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

*Truck Traffic*

Agreed that there was a spirited dialogue at the meeting regarding truck weight limits. Chief Scheer presented many facts and it is important for the Mayor and Council to hear them and what was presented.

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

ATTORNEY'S REPORT

Requested a closed session regarding litigation and another matter subject to attorney-client privilege.

*RVRSA Litigation*

If Jersey City is successful and is able to relieve itself of its financial obligation to the RVRSA, the remaining municipalities will have to bear the difference. The attorneys continue to keep close tabs on this 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

Mayor Greuter briefly reviewed his activities, including attendance at the Library Board of Trustees and Planning Board meetings, and speaking with utilities regarding outages. A letter was sent to the Railroad regarding the use of train cars for storage.

Mayor Greuter read the August 5, 2011 letter from the Rockaway Rowdies Soccer requesting permission and assistance for its fall Soccer Opening Day Parade to be held on September 10 at 10 a.m., beginning at Thomas Jefferson School to Friendship Field.

On motion by Councilman Willer, seconded by Councilman Mulligan, to accept the correspondence, approve the request, and forward same to the Police Chief, Fire Chief, and Department of Public Works, and to inform the Rowdies that they may be obligated to pay for the Police overtime in the 2012 parade.

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

CLERK'S REPORT

*Bingo/Raffle License Approvals*

Approved three licenses for 11th Hour Animal Rescue Inc. for events to be held on August 6, 2011: on-premise raffle tricky tray, off-premise 50/50 raffle, and on-premise 50/50 raffle.

Approved off-premise 50/50 raffle Rockaway Boro Fire Dept. Assoc. for November 24, 2011 event.

Approved a calendar raffle for HSA Sacred Heart running from December 1, 2011 through February 29, 2012 and for HSA Saint Cecilia for period of November 11, 2011 through March 23, 2012.

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

CONSENT AGENDA ITEMS

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

**RESOLUTION 107-11: AUTHORIZE CHANGE ORDER NO. 2 (BEACH STREET ROADWAY RECONSTRUCTION)**

**WHEREAS**, on October 28, 2010, the Borough of Rockaway executed a contract with Mike Fitzpatrick & Son ("Fitzpatrick"), 18 Cozy Lake Road, Oak Ridge, NJ 07438 (973-208-5500) for the Beach Street Roadway Reconstruction Project in the amount of \$156,095.00; and

**WHEREAS**, additional work, including the 2" profile milling of approximately 2,090 square yards of curbline, is needed which was not anticipated at the time bids were being solicited; and

**WHEREAS**, the Borough Engineer has recommended that the Borough authorize a change order (not more than 20% of the original contract) in an amount not to exceed \$6,870.00 to be awarded to Fitzpatrick to perform said work; and

**WHEREAS**, the procedures for this change order are in compliance with N.J.A.C. 5:34-48 of the regulations governing Local Public Contracts; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, hereby authorize Change Order No. 2 in an amount not to exceed \$6,870.00 to the contract for the Beach Street Roadway Reconstruction Project awarded to Mike Fitzpatrick & Son, 18 Cozy Lake Road, Oak Ridge, NJ 07438 (973-208-5500), thereby increasing the cost of this contract to \$162,965.00.

DATE: August 11, 2011

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:

Mike Fitzpatrick & Son, 18 Cozy Lake Road, Oak Ridge, NJ 07438 \$6,870.00  
Ordinance#: 4-11-04

DATE: August 11, 2011

BY: John J. Doherty, Treasurer

**RESOLUTION 108-11: 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 2010 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-42, 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 11, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

**RESOLUTION 109-11: RESOLUTION JOINING THE NATIONAL MOMENT OF REMEMBRANCE OF THE 10TH ANNIVERSARY OF SEPTEMBER 11TH**

**WHEREAS**, the governing body of the Borough of Rockaway expresses their support of the United States Senate regarding coming together as a Nation and ceasing all work or other activity for a moment of remembrance beginning at 1:00 p.m. Eastern Daylight Time on September 11, 2011, in honor of the 10th anniversary of the terrorist attacks committed against the United States on September 11, 2001; and

**WHEREAS**, at 8:46 a.m., on September 11, 2001, hijacked American Airlines Flight 11 crashed into the upper portion of the North Tower of the World Trade Center in New York City, New York; and

**WHEREAS**, 17 minutes later, at 9:03 a.m., hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center; and

**WHEREAS**, at 9:37 a.m., the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, the impact of which caused immediate and catastrophic damage to the headquarters of the Department of Defense; and

**WHEREAS**, at approximately 10:00 a.m., the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others; and

**WHEREAS**, nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001; and

**WHEREAS**, tens of thousands of individuals narrowly escaped the attacks at the Pentagon and World Trade Center and, as witnesses to this tragedy, are forever changed; and

**WHEREAS**, countless fire departments, police departments, first responders, governmental officials, workers, emergency medical personnel, and volunteers responded immediately and heroically to those horrific events; and

**WHEREAS**, the Fire Department of New York suffered 343 fatalities on September 11, 2001, the largest loss of life of any emergency response agency in United States history; and

**WHEREAS**, the Port Authority Police Department suffered 37 fatalities in the attacks, the largest loss of life of any police force in United States history in a single day; and

**WHEREAS**, the New York Police Department suffered 23 fatalities as a result of the terrorist attacks; and

**WHEREAS**, the impact of that day on public health continues through 2011, as nearly 90,000 people are at risk of or suffering from negative health effects as a result of the events of September 11, 2001, including 14,000 workers and 2,400 community residents who are sick, and tens of thousands of others whose health is being monitored; and

**WHEREAS**, 10 years later, the people of the United States and people around the world continue to mourn the tremendous loss of innocent life on that fateful day; and

**WHEREAS**, 10 years later, thousands of men and women in the United States Armed Forces remain in harm's way defending the United States against those who seek to threaten the United States; and

**WHEREAS**, on the 10th anniversary of this tragic day, the thoughts of the people of the United States are with all of the victims of the events of September 11, 2001 and their families; and

**WHEREAS**, the lives of Americans were changed forever on September 11, 2001, when events threatened the American way of life; and

**WHEREAS**, in 2009, Congress and the President joined together to designate September 11 as a National Day of Service and Remembrance under the Serve America Act (Public Law 111-13; 123 Stat. 1460); and

**WHEREAS**, in September 2009 and 2010, President Obama issued Proclamation 8413 (74 Fed. Reg. 47045) and Proclamation 8559 (75 Fed. Reg. 56463) proclaiming September 11, 2009, and September 11, 2010, respectively, as Patriot Day and National Day of Service and Remembrance; and

**WHEREAS**, September 11 will never, and should never, be just another day in the hearts and minds of all people of the United States;

**NOW, THEREFORE BE IT RESOLVED** that the governing body of the Borough of Rockaway:

(1) recognizes September 11, 2011, as a day of solemn commemoration of the events of September 11, 2001, and a day to come together as a Nation; and

(2) offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks; and

(3) honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of those attacks and, in doing so, bravely risked and often gave their own lives; and

(4) recognizes the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, homeland security and law enforcement personnel, and their families, who have given so much, including their lives and well-being, to support the cause of freedom and defend the security of the United States; and

(5) reaffirms that the people of the United States will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked the United States; and

**BE IT FURTHER RESOLVED** that on the 10th anniversary of this tragic day in United States history the governing body of the Borough of Rockaway calls upon all of the people and institutions of the United States to observe a moment of remembrance on September 11, 2011, including (i) media outlets; (ii) houses of worship; (iii) military organizations; (iv) veterans organizations; (v) airlines; (vi) airports; (vii) railroads; (viii) sports teams; (ix) the Federal Government; (x) State and local governments; (xi) police, fire, and other public institutions; (xii) educational institutions; (xiii) businesses; and (xiv) other public and private institutions; and

**BE IT FURTHER RESOLVED** that the governing body of the Borough of Rockaway encourages the observance of the moment of remembrance to last for one minute beginning at 1:00 p.m. Eastern Daylight Time by, to the maximum extent practicable, ceasing all work or other activity; and marking the moment in an appropriate manner, including by ringing bells, blowing whistles, or sounding sirens.

DATE: August 11, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

**RESOLUTION 110-11: URGE THE SWIFT PASSAGE OF S-2976 AUTHORIZING PUBLIC ACCESS TO GOVERNMENT RECORDS THROUGH GOVERNMENT WEBSITE**

**WHEREAS**, the Open Public Records Act (N.J.S.A. 47:1A-1 et seq.) (OPRA) was adopted to assure the public's access to sufficient information to enable it to understand and evaluate the actions of public bodies by making accessible for inspection or copying of government records; and

**WHEREAS**, since the adoption of OPRA, there has been an escalating series of requests from all over the nation for voluminous public records, already freely accessible to the general public through government websites; and

**WHEREAS**, providing information to the requestors which is already freely available to the public on government websites constitutes an unnecessary additional expense to the tax payers; and

**WHEREAS**, in the new renaissance of fiscal responsibility, unnecessary expenses by government should strictly be curtailed; and

**WHEREAS**, Senate Bill No. 2976 would address this issue by relieving the taxpayers of this additional unnecessary expense by allowing government agencies to refer OPRA requestors to their websites should the information desired be already freely available there; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, supports the aforesaid legislation and requests that the current Open Public Records Law be amended as specified under Senate Bill No. 2976.

**BE IT FURTHER RESOLVED**, that copies of this Resolution be forwarded to New Jersey Governor Chris Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

DATE: August 11, 2011 BOROUGH OF ROCKAWAY  
ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

**ORDINANCE NO. 12-11**

ORDINANCE NO. 12-11, Introduction & First Reading

**ORDINANCE OF THE BOROUGH OF ROCKAWAY  
MAYOR AND COUNCIL  
ESTABLISHING THAT A BUSINESS ENTITY WHICH MAKES POLITICAL  
CONTRIBUTIONS TO MUNICIPAL CANDIDATES AND MUNICIPAL AND  
COUNTY POLITICAL PARTIES IN EXCESS OF CERTAIN THRESHOLDS  
SHALL BE LIMITED IN ITS ABILITY TO RECEIVE PUBLIC CONTRACTS  
FROM THE BOROUGH OF ROCKAWAY IN THE COUNTY OF MORRIS**

**(CONTRACTOR PAY-TO-PLAY REFORM ORDINANCE)**

Councilman Mulligan explained that this is a requirement from the Best Practices Inventory and 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 August 25, 2011.

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. 13-11, Introduction & First Reading

**ORDINANCE OF THE BOROUGH OF ROCKAWAY  
MAYOR AND COUNCIL  
AMENDING CHAPTER A263, FEES, SUBSECTION P,  
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

Councilman Mulligan explained that this ordinance clarifies the fees for government records and documents obtained through Municipal Court discovery.

Councilman Donofrio 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 8, 2011.

Said motion was seconded by Council President Burnside and passed as follows upon call of the roll:

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

ORDINANCE NO. 09-11, Public Hearing

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

**ORDINANCE OF THE BOROUGH OF ROCKAWAY  
MAYOR AND COUNCIL  
AMENDING CHAPTER 172, ZONING,  
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

This ordinance modifies the regulations for signs found in Chapter 172, Zoning, to set the licensing fee for temporary banners at \$40 for a 21-day permit period; define "A-frame signs" and allow the display of one A-frame sign per business for an annual fee of \$50.

Mayor Greuter opened the meeting to the public.

Mr. Rob Grow, 110 Lakeside Dr., and owner of Potbelly's Restaurant, questioned the need for this ordinance; said that he does not want to pay a fee; and suggested expanding the Business Center ("BC") zone eastward to Beach Street and westward to Mt. Pleasant Ave. or Nichols Dr.

Mrs. Bonnie Hook, Jackson Ave., owner of Georgia's Stained Glass, and president of Rockaway Borough Business Owners Association, does not agree with the ordinance because businesses that are not in the BC zone will have to remove their A-frame-type signs.

Mayor Greuter suggested that the Ordinance Committee investigate the possibility of expanding the BC zone or expanding the zones that would permit A-frame signs.

Mr. Arnie Bernard, 68 Union St., suggested a one-time fee instead of an annual fee.

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

Councilman Mulligan moved that the above mentioned ordinance be adopted. The motion was not seconded.

Councilman Donofrio moved that the above mentioned ordinance be deferred for not more than 60 days. Said motion was seconded by Council President Burnside and unanimously carried via roll call vote.

ORDINANCE NO. 10-11, 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 A263, FEES,  
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

**WHEREAS**, on June 6, 2011, the Mayor and Council of the Borough of Rockaway, County of Morris, adopted Ordinance 06-11, amending certain fees for Chapter 115, Uniform Construction Codes, of the Code of Ordinances of the Borough of Rockaway and now recognize that additional clarification is needed; and

**WHEREAS**, it has come to the attention of the Mayor and Council that Chapter A263, Subsection M (3) regarding fees for the services of police officers for private traffic control or other private police officer services did not include a provision for an escrow deposit.

**NOW, THEREFORE BE IT ORDAINED** by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that Chapter A263, Fees, Section A263-1, Fees established, is hereby modified as follows:

Section I

1. Subsection C, Chapter 115, Uniform Construction Codes, sub-section (1): the following items are hereby repealed in entirety and modified to read as follows:

C. Chapter 115, Uniform Construction Codes.

(1) The fee for a construction permit shall be the sum of the subcode fees listed, plus all applicable special fees such as elevator or sign fees.

(c) The electrical subcode fees shall be as follows:

- [4] Each motor or electrical device greater than 10 hp and less than or equal to 50 hp; and for all transformers and generators greater than 10 kw and less than or equal to 45 kw: \$50 each.
- [5] Each motor or electrical device greater than 50 hp and less than or equal to 100 hp; and for all transformers and generators greater than 45 kw and less than or equal to 112.5 kw: \$125 each.
- [6] Each motor or electrical device greater than 100 hp; and for each transformer or generator greater than 112.5 kw: \$500.
- [7] For each service panel, service entrance or subpanel; and for each utility load management device: per schedule below.

<b>Number of Amps Being Installed</b>	<b>Fee</b>
0 to 200	\$125.00
201 to 400	\$175.00
401 to 800	\$250.00
801 to 1,200	\$350.00
1,201 and higher	\$400.00

- [8] Each communication device (data or voice): \$50 for first 50 devices; additional devices: \$5 each.
- [9] Minimum fee shall be \$60.

2. Subsection C, Chapter 115, Uniform Construction Codes, sub-section (1): the following item is added to (d) regarding Fire equipment and hazardous equipment:

C. Chapter 115, Uniform Construction Codes.

- (1) The fee for a construction permit shall be the sum of the subcode fees listed, plus all applicable special fees such as elevator or sign fees.
- (d) Fire equipment and hazardous equipment.
- [8] Minimum fee shall be \$60.

### Section II

**BE IT FURTHER ORDAINED** that Subsection M, Chapter 241, Vehicles and Traffic (3) be repealed in its entirety and replaced as follows:

M. Chapter 241, Vehicles and Traffic

- (3) Fee for the services of police officers for private traffic control or other private police officer services. Any person, company or corporation who shall require the services of a police officer for private traffic control or other private police officer services shall be required to pay an hourly charge for such services equal to the hourly amount earned by the highest ranking officer in the Borough plus an administrative fee of 15% of the hourly charge, with a minimum charge for such services equal to (four) hours (plus the 15% administrative add-on charge). Payment will be required if three hours' minimum notification of cancellation is not given. Unless otherwise prohibited by law, an escrow deposit will be required in an amount to be determined by the Chief Financial Officer.

### Section III

- 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 11, 2011

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 Mulligan 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.

Mr. Louis Spadafora, 16 Halsey Ave., complained that his section of road has been in a poor condition for a long time. There are no curbs; water runs up towards the sidewalk. Discussion ensued regarding the trench reparations being performed by the EPA. The Engineer and Superintendent, Department of Public Works, will investigate and consider the road for resurfacing next year.

Mrs. Hook wondered how long the EPA would repair potholes. Mayor Greuter will investigate. She suggested sprucing up the river area, perhaps by placing rocks near the Jackson Ave. falls.

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 111-11: 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; Litigation; and Attorney-Client Privilege.
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 11, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor and Council went into closed session at 9:10 p.m. and resumed the public meeting at 9:29 p.m.

#### ADJOURNMENT

The meeting adjourned at 9:29 p.m.

Approved:

Sheila Seifert, Borough Clerk

Date: