

**MAYOR & COUNCIL
REGULAR MEETING
JUNE 23, 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 June 23, 2011. Mayor Greuter announced the location of the fire exits.

Councilmembers Present

Thomas Donofrio
Joyce Kanigel
Joseph Vicente

Councilmembers Absent

Thomas Mulligan
John Willer
Melissa Burnside - Council President

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 Councilman Donofrio, and carried unanimously upon voice vote, the minutes of the June 6, 2011 Regular Meeting were accepted as submitted.

CORRESPONDENCE

Mayor Greuter read a letter from Mr. Joseph Ellis, 44 Longview Rd., requesting permission to close Longview Rd. from Farview Rd. to Mountain Rd. on Saturday, August 6, rain date August 7, from 1 p.m. to 8 p.m. for a block party.

Upon motion by Councilman Vicente, seconded by Councilman Donofrio, and carried unanimously upon voice vote, to approve the request and to notify the Police, Fire, and Public Works Departments.

ATTORNEY'S REPORT

No report.

ORDINANCE NO. 08-11, Introduction & First Reading

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER 139, FIRE PREVENTION AND PROTECTION,
AND CHAPTER A263, FEES,
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

Councilman Vicente 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 July 28, 2011.

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

Roll Call: Ayes: Donofrio, Kanigel, Vicente
Nays: None

ORDINANCE 03-11

Councilman Donofrio explained Ordinance 03-11, amending Chapter 172 regarding temporary signs, was originally scheduled for public hearing and adoption tonight. Councilman Mulligan met with Rockaway Borough Business Owners Association representatives and comments were also received from the Planning Board attorney with changes being made to lower fees and change the term "portable" signs to "A-frame" signs. Based on these amendments, Ordinance 03-11 is withdrawn and Ordinance 09-11 (see below) will incorporate these changes.

ORDINANCE NO. 09-11, Introduction & First Reading

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

Councilman 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 August 11, 2011.

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

Roll Call: Ayes: Donofrio, Kanigel, Vicente
Nays: None

COUNCIL COMMENTS

Personnel Committee - Councilwoman Kanigel

Historical Committee

County Heritage Commission encouraged the Committee to start to work on a grant.

Public Works/Public Utilities Committee - Councilman Donofrio

Public Works

The annual Water Consumer Confidence Reports were mailed out.

The Superintendent, Department of Public Works, met with a resident who expressed concern about sampling of the water regarding minerals and lead.

Finance and Licensing Committee - Councilman Vicente

Payment of Bills

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

Planner Position

Explained the process for selecting the new planner who will be appointed this evening. The Planner Review Committee interviewed five firms and selected two firms for formal presentations.

MAYOR'S REPORT

Fire Prevention

The Fire Marshal contacted the County Prosecutor's office for access to a vacant condominium regarding its fire safety issues. The Fire Marshal also closed down Shogun Wok for heavy grease in the duct work, which is a hazardous condition.

Planner Position

Mayor Greuter reported that the resolutions for adoption tonight include the appointment of Jessica Giorgianni from H2M Associates, Inc., Parsippany. The Planner Review Committee interviewed five firms and selected two firms for formal presentations.

Shared Services

Due to the retirement of the Rockaway Township Registrar and vacation of the deputy registrar, the Borough Registrar, Catherine Slockbower, will cover registrar responsibilities for the Township next week.

The State requires that each municipality designate an individual as a backup to the licensed water operator. We will also provide back-up licensed water operators to each other.

Picatinny Arsenal has requested the use of Park Lake for kayak lessons for its employees during July and August while two of their lakes are under construction. We are waiting for the legal paperwork to be completed, including a Certificate of Insurance.

Moretrench Donation

The Public Works Department installed five picnic tables at Park Lake which were donated by Moretrench. We have invited Mr. Art Corwin, President and CEO, to the July 28 meeting to accept our thanks.

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

CONSENT AGENDA ITEMS

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

RESOLUTION 90-11: AWARD PROFESSIONAL SERVICES CONTRACT (PLANNER)

WHEREAS, there exists needs for the professional services of Planner 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 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 professional services contract for the period of performance as noted on the attached schedule, 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 professional services contract under the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) because such services are 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 contract for the period commencing on the date set forth therein.
4. That a notice in accordance with this resolution and the Local Public Contracts Law of New Jersey, shall be published in the official newspaper or newspapers of the Borough of Rockaway as required by law.
5. 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.
6. That this resolution shall take effect immediately.

DATE: June 23, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

PROFESSIONAL SERVICES SCHEDULE

PLANNER: Jessica L. Giorgianni, P.P., AICP
H2M Associates, Inc.
119 Cherry Hill Road, Suite 200
Parsippany, NJ 07054
(862) 207-5900

Review plans for development, forwarded for review by the Borough, will prepare written reports of all findings and recommendations, and will attend such meetings as requested by the Borough effective July 1, 2011 through December 31, 2011.

The Borough agrees to a consideration for the herein outlined services at the rate as follows:

Contractor

\$95.00 per hour

RESOLUTION 91-11: 2010 TONNAGE GRANT APPLICATION

WHEREAS, the Mandatory Source Separation and Recycling Act., P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs;

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, the resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of Mayor and Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway that the Borough of Rockaway hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Sylvia Banbor, Recycling Coordinator, to ensure that the said Application is properly filed.

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated trust fund to be used solely for the purpose of recycling.

DATE: June 23, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 92-11: ISSUE 2011-2012 TAXICAB/LIVERY LICENSES TO OPERATE

WHEREAS, the applications for the 2011 – 2012 Taxicab/Livery Licenses to Operate have been deemed to be complete, and further approved by the Police Chief.

NOW, THEREFORE, BE IT RESOLVED that 2011-2012 Taxicab/Livery Licenses to Operate be issued to:

BORO LIMOUSINE
120 Franklin Avenue
Rockaway, NJ 07866

for the following vehicle:

Vehicle #1 – 2007 Ford 500 - VIN 1FAFP27127G121278, Vehicle Garaged On-Site

ABLE ONE LIMOUSINE SERVICE, INC.
13 Wall Street
Rockaway, NJ 07866

for the following vehicles:

Vehicle #1 – 2004 Lincoln Town Car, VIN 1LNHM81WX4Y4Y625629, Vehicle Garaged Off-Site
Vehicle #2 – 2004 Mercury Grand Marquis, VIN 2MEFM74W04X653777, Vehicle Garaged Off-Site
Vehicle #3 – 2003 Lincoln Town Car, VIN 1LNHM 82W33Y619605, Vehicle Garaged Off-Site
Vehicle #4 – 2006 Ford Van EC3, VIN 1FBSS31LX6DA03345, Vehicle Garaged Off-Site
Vehicle #5 – 2004 Lincoln Town Car, VIN 1L1FM81W24Y682271, Vehicle Garaged Off-Site

This resolution shall take effect upon adoption by the Mayor and Council.

DATE: June 23, 2011 BOROUGH OF ROCKAWAY
ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

RESOLUTION 93-11: ISSUE 2011-2012 TAXICAB/LIVERY DRIVER'S LICENSES

BE IT RESOLVED, that the 2011-2012 Taxicab/Livery Driver's Licenses be issued to the following; said applications have 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>
100-11	Guerra, John F.	120 Franklin Avenue Rockaway, NJ	Boro Limousine
101-11	Willms, Randall	4 Kings Road Rockaway, NJ	Able One Limousine
102-11	Willms, Raymond	130 Park Avenue Leonias, NJ	Able One Limousine
103-11	Vivar, Leonidas A.	131 Van Nostrand Avenue Englewood, NJ	Able One Limousine

This resolution shall take effect upon adoption by the Mayor and Council.

DATE: June 23, 2011 BOROUGH OF ROCKAWAY
ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

RESOLUTION 94-11: APPROVE 2011-2012 ALCOHOL BEVERAGE CONTROL LICENSES

WHEREAS, the following named applicants have duly filed applications for the Class "C" Retail licenses known as Plenary Retail Consumption Licenses, for the period from July 1, 2011 to June 30, 2012:

<u>LICENSE NUMBER</u>	<u>NAME</u>	<u>PLACE OF BUSINESS</u>
1434-33-002-010	JJNS Enterprises, Inc. t/a Tavern on the Rocks	9 Wall Street Rockaway, NJ 07866
1434-33-003-005	March 18th Inc. t/a Caffé Navona	147 U.S. Hwy. 46 Rockaway, NJ 07866
1434-33-004-004	Skat Inc. t/a Shenanigans	75 Maple Avenue Rockaway, NJ 07866
1434-33-005-002	Mill Lane Tavern Inc. t/a Mill Lane Tavern	8 Mill Lane Rockaway, NJ 07866
1434-33-006-005	TRV Corp. t/a The Exchange Restaurant	160 East Main Street Rockaway, NJ 07866
1434-33-007-004	Rockaway Lanes, Inc. t/a Rockaway Lanes	365 Route 46 Rockaway, NJ 07866
1434-32-009-004	H.K. Smith Corp. t/a Smiths Tavern & Liquor Store	173-177 East Main Street Rockaway, NJ 07866
1434-33-010-005	Rostenican Inc. t/a Sideline Bar and Grill	116 Route 46 Rockaway, NJ 07866
1434-33-012-010	Brick 46, Inc.	68 Route 46 Rockaway, NJ 07866

and;

WHEREAS, the following named applicant has duly filed an application for a Class "C" Retail license known as Plenary Retail Distribution License for the period from July 1, 2011 to June 30, 2012.

1434-44-008-004	Lusardi Liquors Inc. t/a Rockaway Wines & Liquors	73 West Main Street Rockaway, NJ 07866
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WHEREAS, the following named applicant has duly filed an application for a Class "C" Retail license known as Club License for the period from July 1, 2011 to June 30, 2012.

1434-31-011-001	Rockden Post 175 American Legion	76 Franklin Avenue Rockaway, NJ 07866
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and;

WHEREAS, the Director of the Division of Alcoholic Beverage Control has caused to be advertised in a newspaper in each County, a General Notice of Intention to apply for said Licenses.

NOW, THEREFORE, BE IT RESOLVED that the Licenses under Class "C" Retail Licenses, known as Plenary Retail Consumption Licenses, be and the same are hereby granted as to each of the above named applicants.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the License under Class "C" Retail Licenses, known as Plenary Retail Distribution Licenses, be and the same is granted to the above named applicant.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the License under Class "C" Retail Licenses, known as Club Licenses, be and the same is hereby granted, the same to be effective as provided by law.

DATE: June 23, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 95-11: REFUND FUNDS FOR ADDENDUM FOR LIVERY LICENSE TO OPERATE (ABLE ONE LIMOUSINE SERVICE, INC.)

WHEREAS, on April 19, 2011 Able One Limousine Service, Inc., 13 Wall Street Inc., Rockaway, NJ 07866, paid a \$25.00 fee for an amendment to the Livery/Taxicab License to Operate for Able One Limousine Service, Inc. deleting one vehicle; and.

WHEREAS, it was determined that the request was made in error.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, to refund \$25.00 to Able One Limousine Service, Inc., 13 Wall Street Inc., Rockaway, NJ 07866.

DATE: June 23, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

PUBLIC PORTION

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

ADJOURNMENT

The meeting adjourned at 7:46 p.m.

Approved:

Sheila Seifert, Borough Clerk

Date: