

**MAYOR & COUNCIL  
REGULAR MEETING  
OCTOBER 27, 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 October 27, 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 Vicente, seconded by Councilman Donofrio, and carried unanimously upon voice vote, the minutes of the October 13, 2011 Regular Meeting were accepted as submitted.

CORRESPONDENCE

Mayor Greuter read a letter he sent to the Morris County Board of Freeholders nominating Councilwoman Kanigel as a member of the Region II Municipal Nominee to Historical Preservation Review Board.

Mayor Greuter read a letter from Chief William Hopler of the Rockaway Borough Fire Department thanking the Governing Body for its actions taken with regards to the replacement of the Incident Command Vehicle. The Department will use money from its small capital items budget to help with the cost of changing the radios and lights over to the new vehicle. The Fire Department Association will pay for the lettering of the vehicle and other incidentals.

PRESENTATION

The Environmental Advisory Committee presentation has been rescheduled for November 10.

COUNCIL COMMENTS

Personnel Committee - Councilwoman Kanigel

Discussed the sites at which the Historical Committee would like to place signs designating historical areas.

Public Works/Public Utilities Committee - Councilman Donofrio

The river clean-up scheduled for this Sunday may be canceled if there is a snow storm on Saturday. Water levels will dictate the area that gets done.

Ordinance Committee - Councilman Mulligan

Explained Ordinance 15-11 being introduced tonight which will revise the fees paid by the applicants for land use applications and establish fees for soil disturbance applications.

Finance and Licensing Committee - Councilman Vicente

Met with the auditor to discuss the corrective action plan from the 2010 audit.

The County has scheduled West Main St. for repaving in 2012. Councilman Vicente suggested that the crosswalks be redone to match those at East Main St. and Franklin Ave. If the County installed a traffic light at the intersection of West Main St. and Wall St., the Borough would be required to pay 1/3 of the cost of the light (approximately \$45,000), plus maintain it.

Fire Committee - Councilman Willer

The Community Development Block Grant Revenue Sharing meeting will be held next month. The Council should begin to think about a project for the 2012 application.

Public Safety Committee - Council President Burnside

The Police Department delivered notices regarding free legal assistance to Hurricane Irene victims.

*Public Safety*

Substitute school crossing guard Charles Poindexter has resigned from his position. Chief of Police Scheer recommended the appointment of Mr. Harry Bebb as a substitute school crossing guard. Mayor Greuter appointed Mr. Harry Bebb as a substitute school crossing guard effective November 1.

Upon motion by Council President Burnside, seconded by Councilman Mulligan, and carried unanimously upon voice vote, to accept the resignation of Charles Poindexter from his position as substitute school crossing guard and to concur with the appointment of Mr. Harry Bebb as a substitute school crossing guard, effective November 1, 2011, at a salary within the salary ordinance.

ATTORNEY'S REPORT

Mayor Greuter identified a problem with the Borough ordinance regarding the use of Borough-owned vehicles by the Chief of Police and Fire Chief at night while they are on call. Mr. Wacks drafted an ordinance to allow them to use their Borough-owned vehicles at night while they are on call. In the interim, Mayor Greuter has a proclamation which will suspend Section 61-139B until the ordinance is adopted or until December 31, 2011. The Governing Body agreed that the amendment should affect four positions: Chief of Police, Fire Chief, Fire Marshal, and Superintendent, Department of Public Works

MAYOR'S REPORT

Mayor Greuter reviewed his recent activities, including attendance at the audit exit conference and meeting with JCP&L area manager, and a meeting with County officials regarding FEMA's buyout of properties that experienced flooding.

*Proclamation*

Mayor Greuter read the proclamation to suspend temporarily the operation of Chapter 61-139B as it relates to the use of the Borough-owned vehicle assigned to Chief of Police, the Fire Chief, the Fire Marshal and the Superintendent, Department of Public Works until December 31, 2011 or until an amending ordinance has been adopted on second reading by the Borough Council modifying Chapter 61-139B allowing the Chief of Police, the Fire Chief, the Fire Marshal and the Superintendent, Department of Public Works, to utilize the Borough-owned vehicle assigned to him, whichever date shall first occur..

Upon motion by Councilman Vicente seconded by Councilman Willer, and carried unanimously upon voice vote, to concur with the Mayor's proclamation and to refer the use of Borough-owned vehicles to the Ordinance Committee.

Requested a closed session for contract negotiations.

CLERK'S REPORT

The Morristown & Erie Railway, Inc. will sponsor the "Toys for Tots" train for Marines based at Picatinny Arsenal. The train will stop at East Main St. and Franklin Ave. on Sunday, December 11, between 2:30 and 3:30 p.m.

CONSENT AGENDA ITEMS

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

**RESOLUTION 132-11: SUPPORT THE PASSAGE OF S-3062, "TELECOMMUNICATIONS-CABLE TELEVISION DEREGULATION ENSURING CONSUMER PROTECTION ACT"**

**WHEREAS**, at a time when all municipal revenues are reduced and facing further threat, the need for stability and predictability in video telecommunications is paramount for municipalities and our taxpayers; and

**WHEREAS**, all video franchise fees, all PEG channels, all equipment and training and return feeds are vitally important to keeping communications open through local access channels and programming; and

**WHEREAS**, Mayors and municipal officials give a high priority to the requirements for free Internet and basic cable outlets for all libraries and all municipal buildings served by statewide franchises; and

**WHEREAS**, existing law requires all cable companies that convert from a municipal consent-based franchise to a system-wide franchise to pay a 4% franchise fee; and

**WHEREAS**, A-3285 also amends the provision to reject all bids; and

**WHEREAS**, recently proposed legislation would fundamentally alter the regulation of telephone and cable television service in New Jersey, resulting in widespread opposition from consumer groups and advocates as well as municipalities; and

**WHEREAS**, in response, S-3062 has now been introduced as an alternative to protect the existing System wide Franchise and keeping in place necessary protections for municipalities.

**NOW, THEREFORE, BE IT RESOLVED**, video franchise related revenue and benefits must not be reduced by the State, and

**BE IT FURTHER RESOLVED**, that the Governing Body of the Borough of Rockaway supports S-3062, which is currently assigned to the Senate Economic Growth Committee, and urges its swift passage; and

**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, Senator Bob Smith, the primary sponsor of S-3062, the members of the Senate Economic Growth Committee, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

DATE: October 27, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

**RESOLUTION 133-11: APPROVE INSTALLATION OF THREE HISTORICAL MARKERS**

**WHEREAS**, the Rockaway Borough Historical Committee has identified three sites upon which to install historical markers: the Fire House located at 1 East Main Street; near the Memorial Park softball field off Maple Ave.; and Jackson Ave River Park; and

**WHEREAS**, the Governing Body of the Borough of Rockaway appreciates the efforts of the Historical Committee to treasure the Borough's history and to share information about its past with residents and visitors.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, to grant permission to the Rockaway Borough Historical Committee to install three historical markers at the following locations:

1. The Fire House located at 1 East Main Street to commemorate its building circa 1911
2. Memorial Park, site of an upper canal basin and inclined plane for the Morris Canal
3. Jackson Ave. River Park to identify the location a gristmill, barn, forge, and axe factory

DATE: October 27, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

**RESOLUTION 134-11: RELEASE PERFORMANCE BOND (BLOCK 22, LOT 6)**

**WHEREAS**, on or about July 14, 2010, Coviello & Rush, d/b/a D&M Auto Body (the "Applicant") filed an application for approval of a soil disturbance permit concerning the property located at Block 22, Lot 6, a/k/a 352 East Main Street, Rockaway, New Jersey (the "Property"); and

**WHEREAS**, on September 1, 2010 the Borough of Rockaway Mayor and Council conducted a hearing on this matter pursuant to Section 170-6 *et seq.* of the Borough of Rockaway Code; and

**WHEREAS**, on September 9, 2010 the Mayor and Council adopted Resolution 120-10 granting the Applicant's application for a soil disturbance permit, subject to certain terms and conditions; and

**WHEREAS**, the Applicant met the said terms and conditions, including the posting of a \$2,500.00 escrow deposit and \$25,000.00 performance bond; and

**WHEREAS**, the Applicant has indicated that the blasting portion of the project was completed on September 21, 2011 and has requested the release of the performance bond; and

**WHEREAS**, the Chief Financial Officer has certified that there is no outstanding escrow balance due from the Applicant to the Borough; and

**WHEREAS**, the Borough Engineer has inspected the site and is satisfied that the work has been completed properly and has recommended the release of the \$25,000.00 performance bond to the Applicant; and

**WHEREAS**, the Mayor and Council of the Borough of Rockaway concur with the recommendations of the Borough Engineer.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Rockaway, that the Borough Clerk is hereby authorized to release the \$25,000.00 performance bond as posted by Coviello & Rush, d/b/a D&M Auto Body.

DATE: October 27, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

ORDINANCE NO. 16-11, Introduction & First Reading

**ORDINANCE OF THE BOROUGH OF ROCKAWAY  
MAYOR AND COUNCIL  
AMENDING CHAPTER 169, LAND USE ADMINISTRATION AND PROCEDURES,  
ARTICLE V, FEES AND ESCROW DEPOSITS,  
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 December 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, Council President Burnside  
Nays: None

PUBLIC PORTION

Mayor Greuter opened the meeting to the public.

Mrs. Judy Klein raised several issues including the "No Turn on Red" prohibitions at the East Main St./Franklin Ave. intersection; the use of the Firehouse sign to announce Council meetings; lighting of the Christmas tree at Lakeside and West Main St.; the lack of a sidewalk on the sharp corner of Jackson Ave.; and suggested that someone speak with the landlords of the ten empty stores in town. The Business Owners would like to place candy canes on the street lamps, and permission was granted to do so.

Mrs. Bonnie Hook, 23 Jackson Ave., reported on ideas for improvement from the Business Owners Association including lighting at Maple Ave. park and the Police Station parking lot, dead trees near Quik Check and the gas station should be removed and replaced, empty telephone booth at the gas station on corner of East New St./East Main St. should be removed, bus shelters, a picnic table is missing a seat, wires are hanging near Maple Ave. park, and the river area could be cleaned. She asked Mr. Wacks for the list of the website requirements. She wanted to know when the \$10,000 for the website was closed out and what it was spent on, a list of the open capital items from previous years, and how many parking permits were issued. A neighbor complained about having to pay full price for the parking permit for two months of the year. Mrs. Hook wanted to know if money could be used for other downtown improvements or the river and was encouraged to attend the December 5 capital budget meeting. Mrs. Hook had sent a letter to the EPA project manager Brian Quinn and has had no response to date. Mayor Greuter will call him.

Mr. Tom Patton, 45 Drake Ave., and Mr. Dan Sperry thanked Mayor Greuter and the Borough Engineer their efforts to minimize the flooding in their area.

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

#### CLOSED SESSION

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

#### **RESOLUTION 135-11: 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: Contract Negotiation
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: October 27, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor and Council went into closed session at 9:00 p.m. and resumed the public meeting at 9:12 p.m.

#### ADJOURNMENT

The meeting adjourned at 9:12 p.m.

Approved:

Sheila Seifert, Borough Clerk

Date: