

**MAYOR & COUNCIL  
REGULAR MEETING  
APRIL 28, 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 April 28, 2011. Mayor Greuter announced the location of the fire exits.

Councilmembers Present

Thomas Donofrio  
Joyce Kanigel  
Thomas Mulligan  
Joseph Vicente  
John Willer

Councilmembers Absent

Melissa Burnside - Council President (excused -  
attended 200 Club Dinner for Police  
Department)

Borough Attorney Ed Wacks was also present.

Everyone present participated in the salute to the flag.

2011 MUNICIPAL BUDGET

Mayor Greuter recognized Borough Auditor Tom Ferry in the audience.

Mr. Ferry said that, on April 14, 2011, the Borough adopted Resolution 46-11 to amend the introduced budget to reflect the new Municipal Library Tax Levy Law. Today, the State of New Jersey Division of Local Government Services required additional changes to the budget. Therefore, Mr. Ferry recommended that Resolution 46-11 be rescinded in order that the additional changes from the Division may be incorporated into one resolution to amend the 2011 budget.

**RESOLUTION 51-11: RESCIND RESOLUTION 46-11, AMENDMENT TO 2011 BUDGET**

**WHEREAS**, the Local Municipal Budget for the year 2011 was approved on the 24th day of March, 2011; and

**WHEREAS**, the Local Municipal Budget for the year 2011 was sent to the Division of Local Government Services for examination; and

**WHEREAS**, on April 14, 2011, the Mayor and Council of the Borough of Rockaway approved Resolution 46-11, Amendment to 2011 Budget, amending said Budget to reflect the new Municipal Library Tax Levy Law; and

**WHEREAS**, the Division of Local Government Services (the "Division") has also recommended additional changes be made to the Local Municipal Budget for the year 2011; and

**WHEREAS**, the Borough Auditor has recommended that the Mayor and Council rescind Resolution 46-11 in order that the additional changes from the Division may be incorporated into one resolution to amend the 2011 budget.

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Rockaway, County of Morris, that Resolution 46-11, Amendment to 2011 Budget, is hereby rescinded.

**BE IT FURTHER RESOLVED**, that three certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

DATE: April 28, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

The aforesaid resolution was moved by Councilman Vicente seconded by Councilman Willer and unanimously carried as follows upon call of the roll:

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

*Public Hearing on 2011 Municipal Budget*

Mr. Ferry reviewed the 2011 introduced budget and explained that the increase from the 2010 budget will be 1.58 percent.

Mayor Greuter opened the public hearing on the 2011 Municipal Budget as introduced.

Ms. Kathy Haake, 74 Rockaway Ave., asked for additional information for the "other" expense in the water utility.

Ms. Haake, Ms. Bonnie Hook, 23 Jackson Ave., and Mr. Alfred Andujar, 297 E. Main St., asked questions about the cap bank ordinance that was adopted on April 14, 2011.

Mr. Andujar asked for an explanation of the special items of revenue on page 11.

There being no further comments, the public hearing was closed.

RESOLUTION 52-11, AMENDMENT TO 2011 BUDGET

Borough Auditor Thomas Ferry explained that, on March 21, 2011, Governor Chris Christie enacted P.L. 2011, c. 38 (S-2068), the new Municipal Library Tax Levy Law, changing the way the minimum library appropriation is displayed by reducing the municipal tax levy and rate, and creating a new line item on the tax bill for library purposes. Therefore, it is necessary to amend the Borough's budget that was introduced on March 24, 2011 to move \$305,763.00 appropriated for the library to a new line item.

In addition to the library appropriation, the State Division of Local Government Services requires additional changes, including moving the revenue for the school resource officer (SRO) position and a change to the water budget.

The public hearing and adoption for the amendment are scheduled for May 12, 2011.

Councilman Willer moved that Resolution 52-11, Amendment to 2011 Budget, be adopted. Said motion was seconded by Councilman Donofrio, and unanimously carried upon call of the roll.

**RESOLUTION 52-11: AMENDMENT TO 2011 BUDGET**

**WHEREAS**, the Local Municipal Budget for the year 2011 was approved on the 24th day of March, 2011; and

**WHEREAS**, the public hearing on said Budget was held as advertised; and

**WHEREAS**, it is desired to amend said approved Budget.

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Rockaway, County of Morris, that the following amendments to the approved budget of 2011 be made:

<b>CURRENT FUND - ANTICIPATED REVENUES:</b>	<u>From</u>	<u>To</u>
3. Miscellaneous Revenues - Section D: Special Items of General Revenue Anticipated With Prior Written Consent of the Director of Local Government Services - Interlocal Municipal Service Agreements Offset with Appropriations: School Resource Officer	\$ 0	\$ 72,450.00
<b>Total Section D: Interlocal Municipal Service Agreements Offset with Appropriations</b>	<u>\$ 0</u>	<u>\$ 72,450.00</u>
3. Miscellaneous Revenues - Section G: Special Items of General Revenue Anticipated With Prior Written Consent of the Director of Local Government Services -		

Other Special Items: School Resource Officer	\$ 72,450.00	\$ 0
<b>Total Section G: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Other Special Items</b>	<b>\$ 171,781.00</b>	<b>\$ 99,331.00</b>

**Summary of Revenues**

<b>Total Section D: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Interlocal Municipal Services Agreements</b>	<b>\$ 0</b>	<b>\$ 72,450.00</b>
<b>Total Section G: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Other Special Items</b>	<b>\$ 171,781.00</b>	<b>\$ 99,331.00</b>

6. Amount to be Raised by Taxes for Support of Municipal Budget:

a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	\$ 4,925,511.93	\$ 4,619,748.93
c) Minimum Library Tax	\$ 0	\$ 305,763.00

10. Dedicated Revenues from Water Utility

Water Capital Fund Balance	\$ 20,143.00	\$ 15,346.00
<b>Total Water Utility Revenues</b>	<b>\$ 1,340,481.00</b>	<b>\$ 1,335,684.00</b>

11. Appropriations for Water Utility

Operating: Other Expenses	\$ 644,000.00	\$ 639,203.00
<b>Total Water Utility Appropriations</b>	<b>\$ 1,340,481.00</b>	<b>\$ 1,335,684.00</b>

**BE IT FURTHER RESOLVED**, that three certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for his certification of the Local Municipal Budget so amended.

Recorded Vote	(Donofrio	(	Abstain	(
(Insert Last Names)	(Kanigel	(		(
Ayes	(Mulligan	Nays		
	(Vicente			
	(Willer		Absent	(Burnside
	(			(

DATE: April 28, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

PROCLAMATION

Mayor Greuter read a proclamation for proclaiming May 15, 2011 to be "North Jersey Race for the Cure" Day in the Borough of Rockaway, to promote awareness as well as remembrance for those who have been touched by breast cancer.

Upon motion by Councilman Donofrio, seconded by Councilman Vicente, and carried unanimously via voice vote, to concur with Mayor Greuter's proclamation that May 15, 2011 will be "North Jersey Race for the Cure" Day in the Borough of Rockaway.

COUNCIL COMMENTS

Personnel Committee - Councilwoman Kanigel

Attended a meeting regarding Dover's Bassett Highway redevelopment project.

Public Works/Public Utilities Committee - Councilman Donofrio

No comments.

Ordinance Committee - Councilman Mulligan

No comments.

Fire Committee - Councilman Willer

No comments.

Finance and Licensing Committee - Councilman Vicente

Reviewing resumes for Borough Planner position.

Read an e-mail from The Rev. Sue Trigger, Presbyterian Church, 35 Church St., regarding emergency notifications such as warning sirens for residents who may not be listening to television or radio stations. The school districts have an automated call system that could be utilized. Police Chief Scheer will review the use of reverse 9-1-1.

ATTORNEY'S REPORT

Explained Resolution 56-11 regarding Assembly bill A-3412 which would require the county and school district to take a commensurate hit on any refund of county tax board appeals so that the municipality does not bear the full amount. Mr. Wacks recommended that the Borough also support another bill that would allow municipalities to spread refunds for large commercial and industrial appeals over a three-year period.

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

MAYOR'S REPORT

Mayor Greuter reviewed his recent activities, including opening day of Little League and speaking with the County regarding the railroad bridge ties. The Environmental Committee conducted an assembly at Lincoln School and distributed saplings.

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

CLERK'S REPORT

*Bingo/Raffle License Approvals*

Approved on-premise 50/50 and off-premise 50/50 raffle licenses for Rockaway Fire Dept. Assn. for event to be held on July 9, 2011.

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

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 53-11: REFUND WATER UTILITY OVERPAYMENT**

**WHEREAS**, on February 14, 2011 the Borough of Rockaway Water Utility received payment of \$20.00 from Andrea Rodriguez, prior owner of 106 Highview Terrace, Dover, NJ 07801, to be applied to the water utility account no. 001011240 located at that same address; and

**WHEREAS**, Ms. Rodriguez has requested a refund of \$20.00, claiming that such payment was in error as she no longer resides at 106 Highview Terrace, Dover, NJ 07801; and

**WHEREAS**, on April 25, 2011, the Borough received payment of \$20.00 from the current occupants of 106 Highview Terrace, Dover, NJ 07801 and now desires to refund the overpayment to Ms. Rodriguez.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Rockaway, County of Morris, to refund the overpayment of \$20.00 for account no. 001011240, 106 Highview Terrace, Dover, NJ 07801, to Andrea Rodriguez, 9 Dawn Court, Florham Park, NJ 07932.

DATE: April 28, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

**RESOLUTION 54-11: APPROVE PARTICIPATION WITH THE STATE OF NEW JERSEY IN A SAFE AND SECURE COMMUNITIES PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY**

**WHEREAS**, the Borough of Rockaway wishes to apply for funding for a project under the Safe and Secure Communities Program (Grant #P-5237-11); and

**WHEREAS**, the Mayor and Council have reviewed the accompanying application and have approved said request; and

**WHEREAS**, the project is a joint effort between the Department of Law and Public Safety and Borough of Rockaway for the purpose described in the application.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Rockaway, County of Morris that:

1. As a matter of public policy the Borough of Rockaway wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
2. The Attorney General will receive funds on behalf of the applicant.
3. The Division of Criminal Justice shall be responsible for the receipt and review of the application for said funds.
4. The Division of Criminal Justice shall initiate allocations to each applicant as authorized.

DATE: April 28, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

**RESOLUTION 55-11: REFUND TAX SALE CERTIFICATE (BLOCK 24, LOT 6)**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Rockaway, County of Morris, by New Jersey State Statute 54:5-58 to refund tax sale certificate dated October 20, 2010 for 309 East Main Street, Block 24, Lot 6, in the amount of \$16,193.56 to U.S. Bank Cust for Pro Capital LLC, 50 South 16th St., Ste. 1950, Philadelphia, PA 19102.

DATE: April 28, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

**RESOLUTION 56-11: SUPPORT THE PASSAGE OF A-3412, SHARING THE BURDEN OF PROPERTY ASSESSMENT APPEAL REFUNDS**

**WHEREAS**, when County Tax Board appeals are granted, the municipality must reimburse the property taxpayer 100 percent of the appealed tax levy, which includes the municipal, school, county and any special districts tax; and

**WHEREAS**, the municipal tax collector makes the adjustment from the appeal as a credit on the fourth quarter tax bill, resulting in the municipality's fund balance for the preceding year to be diminished, if not completely depleted; and

**WHEREAS**, a recent League of Municipalities' survey has measured the extent to which residents have filed and won tax appeals in 2010; and

**WHEREAS**, 150 municipalities, representing both large and small municipalities in all 21 counties, that participated in the survey reported property value declines of more than \$87,900,000, which resulted from 19,788 tax appeals filed in 2010; and

**WHEREAS**, those responding to the survey indicated that 13,760 appeals were filed in 2009, compared to 19,788 in 2010, representing an increase of 43.7 percent; and

**WHEREAS**, a municipality often experiences an increase in tax appeals because they have conducted a revaluation, however, only 5 of the 150 municipalities which participated in the survey indicated that their 2010 appeals resulted from revaluations; and

**WHEREAS**, as a way of comparison, 23 of the participating municipalities conducted revaluations in 2009, when fewer tax appeals were presented to the County Tax Boards; and

**WHEREAS**, the 2010 spike in appeals should be attributed to the economic down-turn, which lowered property values and placed increased stress on the income of homeowners, all around our Garden State; and

**WHEREAS**, the survey also indicated that in 2010 the various County Tax Boards have granted average property value reductions of close to \$5,000 per appeal; and

**WHEREAS**, 56 percent of those responding indicated that the successful tax appeals would have an impact on fund balances and place additional pressures on local officials during 2011; and

**WHEREAS**, although the survey was a snapshot picture in time, it can be used to project what might follow in 2011, since the reductions which were granted by County Tax Boards in 2010 will have a multiplier effect when neighbors learn of their neighbor's tax reduction, which will likely increase the appeals and in the alternative, tax assessors could be forced to adjust property values, based upon the appeal information; and

**WHEREAS**, successful tax appeals have a three-fold negative impact on municipal budgets. First, the municipality, as the collector of taxes for the school district, county and special districts, must fund the full cost of the legal defense of the assessment. Second, since State law guarantees to the county and the school district 100 percent of their levies, the municipality bears the full cost of any re-imburements resulting from the appeal (as well as the full burden for any uncollected taxes). Third, the end result will be a further decline in the property tax base used to support municipalities, county governments and school systems; and

**WHEREAS**, in light of the revenue limitations that have been placed on all levels of local government by the Legislature (2 percent cap), such declining values will compound and add additional stress to local public officials, as they grapple with the issues confronting the tax paying public; and

**WHEREAS**, Assemblyman Carroll has recently introduced A-3412, which requires fire districts, school districts, and county governments to share in burden of property assessment appeal refunds.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, to hereby urge the swift passage and signing of A-3412.

**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: April 28, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

**RESOLUTION 57-11: REFUND SPORTS CARD FEE**

**WHEREAS**, on February 17, 2011, Mary and Bob Munro, 29 Rose La., Rockaway, NJ 07866 purchased sports card no. 1199 for \$75.00 for their eighth grade daughter to play spring softball; and

**WHEREAS**, due to the lack of players, there is no spring softball team available; and

**WHEREAS**, Mr. and Mrs. Munro have returned the unused sports card and requested a refund.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Rockaway, County of Morris, to refund \$75.00 for unused sports card no. 1199 to Mary and Bob Munro, 29 Rose La., Rockaway, NJ 07866.

DATE: April 28, 2011 BOROUGH OF ROCKAWAY  
ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

ORDINANCE NO. 02-11, 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 123, DONATION BINS,  
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

**WHEREAS**, in P.L. 2007, Chapter 209, the New Jersey Legislature promulgated revised standards for the regulation of charitable clothing bins, and authorized municipalities to implement a permit and enforcement process to enforce those standards; and

**WHEREAS**, the Mayor and Council of the Borough of Rockaway seek to clarify the requirements for ownership, placement and use of a clothing bin.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Rockaway, County of Morris and State of New Jersey, to amend Chapter 123, Donation Bins, as follows:

Section I

1. Section 123-2, Requirements for placement, use of clothing bin for solicitation purposes, Subsection A, is hereby is hereby modified to read as follows:

"§ 123-2. Requirements for placement, use of clothing bin for solicitation purposes.

- A. The donation clothing bin is owned by a charitable organization registered with the Attorney General of the State of New Jersey pursuant to P.L. 1994, c.16, or any person who is exempt from registration under N.J.S.A. 45:17A-26; and"

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: April 28, 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 Vicente, and seconded by Councilman Mulligan, the above mentioned ordinance was adopted by the following roll call:

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

PUBLIC PORTION

Mayor Greuter opened the meeting to the public.

Mrs. Settie Andujar, 297 E. Main St., said she is considering opening a small gift shop and wanted to know what Rockaway Borough offers. Mayor Greuter introduced her to Bonnie Hook, president of the Rockaway Borough Owners Association, who was in the audience.

Mrs. Hook, 23 Jackson Ave., reported that the Business Owners Association will hold a fundraiser dinner on May 14, with proceeds going to the Food Pantry or another fundraiser and Celebrate Rockaway Day.

Mrs. Hook and Mr. Rob Grow, 110 Lakeside Dr., discussed the process of attracting new businesses and assistance that the Business Owners Association could provide. Mrs. Hook distributed an article from the Daily Record regarding businesses in towns.

Mrs. Judie Klein, the Occasion Gift Shop, discussed the need to educate the community for responding to emergencies. Mayor Greuter will meet with Chief Scheer who is the head of the Emergency Management, to discuss contacting the senior citizens.

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

ADJOURNMENT

The meeting adjourned at 8:55 p.m.

Approved:

Sheila Seifert, Borough Clerk

Date: