

**MAYOR & COUNCIL
REGULAR MEETING
JANUARY 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 January 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.

PROCLAMATION

Mayor Greuter read a proclamation calling on the citizens of the Borough of Rockaway to assure that every child is in a safe place reading together with a caring adult on March 2, 2011 and enthusiastically endorsing NEA's Read Across America and Read Across America-NJ and recommitting our community to engage in programs and activities to make America's children the best readers in the world. Dr. Patrick Tierney, Superintendent of Rockaway Borough Schools, accepted the proclamation.

MAYOR'S APPOINTMENTS

Mayor Greuter appointed Joyce Freiermuth, 99 E. Flagge St., Robert Grow, 110 Lakeside Dr., and Kathy Haake, 74 Rockaway Ave., to be members of an Environmental Advisory Committee with terms to expire December 31, 2011. Mayor Greuter will meet with the new Committee to discuss their duties.

Upon motion by Councilman Willer, seconded by Councilman Vicente, and carried unanimously via voice vote to approve the Mayor's appointments as submitted. The Committee members were sworn in by the Borough Clerk.

APPROVAL OF MINUTES

Upon motion by Councilman Mulligan, seconded by Councilman Donofrio, and carried unanimously upon voice vote, the minutes of the January 6, 2011 Reorganization Meeting, the January 8, 2011 Budget Meeting, and the January 13, 2011 Regular Meeting were accepted as submitted.

CORRESPONDENCE

Mayor Greuter received a letter the January 20, 2011 letter from Gregory LaConte, Corresponding Secretary of the Municipal Clerks' Association of Morris County, announcing that Borough Clerk Sheila Seifert will be its president for 2011-2012.

Mayor Greuter reported that Cablevision and Verizon send checks for franchise fees in the amounts of \$62,851.00 and \$21,344.44 respectively.

PUBLIC PORTION

Mayor Greuter opened the meeting to the public.

Mr. Grow asked if the Public Works Department would remove the snow on Main Street; Mayor Greuter replied affirmatively. Dr. Tierney commended the Public Works Department for their work removing snow during the recent six snow storms.

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

COUNCIL COMMENTS

Personnel Committee - Councilwoman Kanigel

The Historical Committee elected its new officers, including Tom Barbato as president. The Committee received a grant from the Morris County Heritage Commission to purchase a new computer and projector.

Public Works/Public Utilities Committee - Councilman Donofrio

Public Works has done a wonderful job removing snow.

Ordinance Committee - Councilman Mulligan

Tom Haynes retained the seat as Chairman of the Recreation Commission. The Commission reviewed payroll and staffing for the summer programs.

Fire Committee - Councilman Willer

Councilman Willer suggested that at the upcoming budget meeting, the Council discuss the funding for the Memorial Day parade and the Family Festival.

Finance and Licensing Committee - Councilman Vicente

The second budget meeting will be held on Saturday, January 31. Minutes and agendas are posted on the Borough web page.

Public Safety Committee - Council President Burnside

No report.

ATTORNEY'S REPORT

According to a newspaper article, a lawsuit was filed by an individual claiming he was falsely arrested in the Borough. The matter will be turned over to the insurance company.

Mr. Wacks suggested that the Governing Body consider annexing to Denville the property in the Borough that Denville intends to purchase as open space; this would limit the Borough's liability. He distributed the statute regarding annexation (N.J.S.A. 40A:7-12 et seq.).

MAYOR'S REPORT

Mayor Greuter attended meetings of the Business Owners Association, the EPA, Planning Board, and Library. He received a \$100 donation for the Fire Department from a wedding that he conducted.

CLERK'S REPORT

Requested a closed session to discuss potential litigation (Sanitary Sewer Pipelining Project and Sidewalks).

CONSENT AGENDA ITEMS

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

RESOLUTION 22-11: AMEND READ ONLY ACCESS AGREEMENT WITH PRIORITY SEARCH SERVICES

WHEREAS, on September 9, 2010, the Mayor and Council authorized the Mayor and Clerk to execute an Agreement to Authorize Read Only Access between the Borough of Rockaway and Priority Search Services, 830 Broad St., Shrewsbury, NJ 07702 (732-741-5080) to allow such access to the Tax Collector's records, for the sole purpose of providing tax search information to the title industry, which access is required pursuant to the Open Public Records Act; and

WHEREAS, Priority Search Services is now requesting water utility information for the same purpose; and

WHEREAS, the rights and obligations of the Borough of Rockaway and Priority Search Services are set forth in a certain Agreement to Authorize Read Only Access between the parties as approved by Resolution 119-10; and

WHEREAS, it is in the best interest of the Borough of Rockaway and its residents to amend this Agreement to allow "read only" access to the Water Utility records.

NOW, THEREFORE, BE IT RESOLVED that the Agreement to Authorize Read Only Access between the Borough of Rockaway and Priority Search Services is hereby amended to include water utility information for the sole purpose of providing utility search information to the title industry, and the Mayor and Clerk are authorized to execute said Agreement; and

BE IT FURTHER RESOLVED that a copy of the said Agreement shall be kept on file with the Clerk of the Borough of Rockaway.

DATE: January 27, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 23-11: TRANSFER 2010 OVERPAID TAX MONIES TO 2011

BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey to transfer 2010 overpaid tax monies to the 2011 tax year as follows:

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Gray	79	1	\$1,083.88

DATE: January 27, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 24-11: CANCEL TAX BALANCES LESS THAN \$5.00

BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway by New Jersey State Statute 40A:5-17 to cancel all 2010 tax monies of less than \$5.00 as follows:

OVERPAYMENTS

<u>Block</u>	<u>Lot</u>	<u>Qualification</u>	<u>Amount</u>
73	23		.01
		TOTAL	\$.01

UNDERPAYMENTS

<u>Block</u>	<u>Lot</u>	<u>Qualification</u>	<u>Amount</u>
1	45		.30
10	2		.04
13	9		.09
19	14		.04
33	5.01	c3.21	.05
35	1.01		.31
35	7		.03
38	76		.32
38	145		.54
40	24		4.25
45	9		.04
72	6		.02
73.04	21		.03
79	10		4.79
81.05	4		.01
TOTAL			\$10.86

DATE: January 27, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 25-11: APPROVE 2011 AMUSEMENT DEVICE LICENSE

WHEREAS, the following named applicant has duly filed application for the license known as an Amusement Device License, for the period from January 1, 2011 to December 31, 2011:

<u>License Number</u>	<u>Name</u>	<u>Place of Business</u>
193	Rockaway Billiards	353 Route 46 West Rockaway, NJ 07866

WHEREAS, the said applicant has fully completed the required application and paid the proper fees pertaining to said license; and

WHEREAS, said application lists number of machines, machine type, and serial number of each machine, as described in the Code of the Borough of Rockaway §95-1;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that the Amusement Device License be and the same is hereby granted to the above named applicant and shall be effective as provided by law.

DATE: January 27, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

PUBLIC PORTION

Mayor Greuter opened the meeting to the public.

Mrs. Bonnie Hook, Jackson Ave., asked if the Council could decide at the budget meeting if the police overtime for the Rockaway Day event would be funded by the municipality.

Mrs. Hook expressed her concern that she did not find out about the closing of Jackson Ave. for the RVRSA interceptor work until she saw signs posted a week ago. She wants to know that her Council is working for her and will watch out for her interests. Councilwoman Kanigel suggested that a notation be made on the website that the road will be closed.

Ms. Kathy Haake, 74 Rockaway Ave., asked for a copy of the State statute regarding annexation and what the difference would be to the Borough if Annex Builders owns the property or if Denville owns it. Mr. Wacks explained that because the property is privately owned by Annex, it is not open to public as it would be if the property were acquired as open space by Denville.

Fr. Michael Chendorain, Sts. Peter & Paul, asked who assigns a new address (the post office) and verified that the new rectory being built behind the church must have a number on it and on the street to meet fire regulations.

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

CLOSED SESSION

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

RESOLUTION 26-11: 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: Potential Litigation (Sanitary Sewer Pipelining Project and Sidewalks).
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: January 27, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor and Council went into closed session at 8:25 p.m. and resumed the public meeting at 8:34 p.m.

ADJOURNMENT

The meeting adjourned at 8:34 p.m.

Approved:

Sheila Seifert, Borough Clerk

Date: