

**MAYOR & COUNCIL
REGULAR MEETING
DECEMBER 8, 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 Councilman John Willer presiding. Mayor Russell Greuter was absent. Councilman Willer called the meeting to order at 7:30 p.m.

Councilman Willer 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 December 8, 2011. Councilman Willer 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

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 Councilman Vicente, and carried unanimously upon voice vote, the minutes of the November 10, 2011 and November 21, 2011 Regular Meetings were accepted as submitted.

COUNCIL REPORTS

Personnel Committee - Councilwoman Kanigel

The Historical Committee will give a presentation at St. Cecilia School regarding the Civil War.

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

The EPA has completed the well work. Councilwoman Kanigel suggested that additional arborvitae be planted around the fence.

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

Explained the three ordinances that are scheduled for public hearing and adoption this evening.

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

Finance and Licensing Committee - Councilman Vicente

Payment of Bills

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

Fire Committee - Councilman Willer

Fire Department

The Fire Department called drills on December 7 and 28 and elected Mark Howarth as Chief and Sam Passarella and Ron Hamman as First Assistant Chief and Second Assistant Chief respectively.

Upon motion by Councilman Donofrio, seconded by Councilman Mulligan, and carried unanimously upon voice vote, to approve the actions of the Fire Department.

A special meeting will be held on December 19 at 7:30 p.m. at the Community Center. The American Red Cross will present information regarding shelters, warming centers, and how residents can become Red Cross Ready during a disaster.

ATTORNEY'S REPORT

Asked the Council if they had any questions regarding the e-mail he sent today. There were none.

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

CONSENT AGENDA ITEMS

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

RESOLUTION 143-11: RESOLUTION SUPPORTING THE DRIVE SOBER OR GET PULLED OVER 2011 YEAR END CRACKDOWN

WHEREAS, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

WHEREAS, 30% of motor vehicle fatalities in New Jersey are alcohol-related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the season at the end of the year is traditionally a time of social gatherings which often include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over Year End Crackdown*; and

WHEREAS, the project will involve increased impaired driving enforcement from December 5, 2011 through January 2, 2012; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Rockaway declares its support for the *Drive Sober or Get Pulled Over 2011 Year End Crackdown* from December 5, 2011 through January 2, 2012 and pledges to increase awareness of the dangers of drinking and driving.

DATE: December 8, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 144-11: AWARD CONTRACT (HVAC MAINTENANCE)

WHEREAS, there exists a need to obtain a contractor for maintenance of the Heating, Ventilation and Air Conditioning Systems (HVAC), at the Municipal Building, Police Station, Public Works office, and Community Center, and duct cleaning services at the Public Works office located at 21-25 Union Street; and

WHEREAS, a diligent attempt to obtain several quotes was made by the Superintendent, Department of Public Works with the lowest response being received by Centralpack Service Corp., P.O. Box 359, 359 Green Pond Road, Hibernia, NJ 07842, (973-625-9230); and

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

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11) states that a contract that is below the bid threshold may be awarded without public 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 Mayor and Borough Clerk are hereby authorized and directed to execute an agreement in an amount not to exceed \$2,070.00 with Centralpack Service Corp., P.O. Box 359, 359 Green Pond Road, Hibernia, NJ 07842, (973-625-9230) for maintenance of the Heating, Ventilation and Air Conditioning Systems (HVAC), at the Municipal Building, Police Station, Public Works office, and Community Center, and duct cleaning services at the Public Works office located at 21-25 Union Street for the period January 1, 2012 through December 31, 2012.
2. A copy of this resolution, and of the subject agreement, shall be made available for inspection in the office of the Borough Clerk.

DATE: December 8, 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:

Centralpack Service Corp., P.O. Box 359, 359 Green Pond Road, Hibernia, NJ 07842; \$2,070.00
The funds are chargeable to budget year: 2012 Temporary and Final Budget
Budget line item #: Building and Grounds

DATE: December 8, 2011

BY: John J. Doherty, Treasurer

RESOLUTION 145-11: AUTHORIZE CONTRACT AWARD (CLEANING SERVICES)

WHEREAS, there exists a need to obtain a contractor to perform cleaning services in the Borough of Rockaway Municipal Building, Police Station, Public Library, Public Works office, office at Donatoni Community Park, and Community Center; and

WHEREAS, a diligent attempt to obtain several quotes was made by the Borough Clerk, with the lowest response being received from Vanguard Cleaning Systems, 115 Route 46 West, Suite A-8, Mountain Lakes, NJ 07046 (973-334-3355); and

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

WHEREAS, the Local Public Contracts Law (NJSA 40A:11) states that a contract that is below the bid threshold may be awarded without public 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 Mayor and Borough Clerk are hereby authorized and directed to execute an agreement in an amount not to exceed \$12,816.00 with Vanguard Cleaning Systems, 115 Route 46 West, Suite A-8, Mountain Lakes, NJ 07046 (973-334-3355) for cleaning services in the Municipal Building, Police Station, Public Library, Public Works office, office at Donatoni Community Park, and Community Center, for the period February 1, 2012 through January 31, 2013.
2. A copy of this resolution, and of the subject agreement, shall be made available for inspection in the office of the Borough Clerk.

DATE: December 8, 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:

Vanguard Cleaning Systems, 115 Route 46 West, Suite A-8, Mountain Lakes, NJ 07046; \$12,816.00
The funds are chargeable to budget year: 2012 Temporary and Final Budget
Budget line item #: Building and Grounds

DATE: December 8, 2011

BY: John J. Doherty, Treasurer

RESOLUTION 146-11: AUTHORIZE CONTRACT AWARD (BRUSH DISPOSAL)

WHEREAS, there exists a need to dispose of the brush collected as the result of the heavy snowstorm which occurred October 29-30, 2011; and

WHEREAS, a diligent attempt to obtain several quotes was made by the Superintendent, Department of Public Works, with the lowest response being received from Mulch Concept, 193 Route 94, Lafayette, New Jersey 07848; and

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

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40a:11-1, et. seq. as amended, states that a contract that is below the bid threshold may be awarded without public bidding;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that, based upon the recommendation of the Superintendent, Department of Public Works, the Borough enter into a contract in an amount not to exceed \$5,600.00 with Mulch Concept, 193 Route 94, Lafayette, New Jersey 07848 to dispose of the brush collected as the result of the heavy snowstorm which occurred October 29-30, 2011.

DATE: December 8, 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:

Mulch Concept, 193 Route 94, Lafayette, New Jersey 07848; \$5,600.00
The funds are chargeable to budget year: 2011
Budget line item #: Recycling Trust

DATE: December 8, 2011

BY: John J. Doherty, Treasurer

RESOLUTION 147-11: AUTHORIZE ISSUANCE OF SPECIAL PERMIT FOR SOCIAL AFFAIR (FRIENDS OF RANDOLPH ANIMAL POUND)

WHEREAS, the following named applicant filed an application for a license known as a Special Permit for Social Affair for January 27, 2012 (Rain date February 3, 2012), to be held at the Exchange Restaurant, 160 East Main Street, Rockaway, NJ, 7:00 p.m. to 9:00 p.m.

Friends of Randolph Animal Pound
c/o Claudine Cheung
7 Heritage Court
Randolph, NJ 07869

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey that a license under a Special Permit for Social Affair License be granted to the above named applicant.

DATE: December 8, 2011 BOROUGH OF ROCKAWAY
ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

RESOLUTION 148 - 11: REFUND TAX SALE CERTIFICATE (BLOCK 1, LOT 9.01)

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 19, 2011 for 11 John Street, Block 1, Lot 9.01, in the amount of \$9,276.40 and premium in the amount \$9,000.00 to U.S. Bank Cust for Phoenix, 50 South 16th St., Ste. 1950, Philadelphia, PA 19102.

DATE: December 8, 2011 BOROUGH OF ROCKAWAY
ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

ORDINANCE NO. 16-11, Public Hearing & Adoption

Councilman Vicente offered the following ordinance as read by title on second 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**

WHEREAS, the Mayor and Council of the Borough of Rockaway have determined that a need exists for certain fees charged under Chapter 169, Land Use Administration and Procedures, Article V, Fees and Escrow Deposits, of the Code of Ordinances of the Borough of Rockaway to be amended in order to better reflect the actual costs of the relevant services.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that Chapter 169, Land Use Administration and Procedures, Article V, Fees and Escrow Deposits, is hereby modified as follows:

Section I

1. Article V, Fees and Escrow Deposits, Section 169-63, Escrow deposits, Subsection B, is hereby repealed in entirety and modified to read as follows:

§ 169-63. Escrow deposits.

B. Subject to the provisions of this section, each applicant shall, prior to the application being ruled complete pursuant to the provisions of the Municipal Land Use Law, submit the following sum(s) to be held in escrow in accordance with the provisions hereof:

(1) Residential development.

Number of Units	Escrow to be Posted
0 to 5	\$ 1,500
6 to 10	\$ 2,000
11 to 25	\$ 3,000
26 to 100	\$ 5,000
101 plus	\$10,000

- (2) Commercial/industrial.
 - (a) Escrow to be posted: \$1,000.
 - (b) Development application.

Total Floor Area (square feet)	Escrow to be Posted
1,250 to 2,500	\$ 2,000
2,501 to 20,000	\$ 5,000
20,001 plus	\$10,000

- (3) Appeals in accordance with N.J.S.A. 40:55D-70a or N.J.S.A. 40:55D-70b: \$1,000.

2. Section 169-63, Escrow deposits, Subsection E, is hereby repealed in entirety and modified to read as follows:

E. All such escrow funds shall be utilized to pay the cost of any professional or paraprofessional fees and the cost of any application for development as provided in this chapter. All sums not actually so expended shall be refunded to the applicant within 30 days after the final determination by the appropriate Board with respect to such application

3. Section 169-63, Escrow deposits, is hereby amended to add Subsection G as follows:

G. In the event that the escrow funds should become depleted to less than 25 percent of the required initial deposit prior to the completion of the application procedure and/or inspection of improvements, the applicant shall, within 10 days of receipt of notice from the Chief Financial Officer, deposit additional funds of not less than 50 percent of the initial escrow deposit amount. In order to expedite the processing of applications by the appropriate Board, the Chief Financial Officer shall notify the applicant immediately upon the depletion of funds in the escrow account.

Section II

1. Article V, Fees and Escrow Deposits, is hereby modified to add the following Section 169-66, Soil Disturbance.

§ 169-66. Soil Disturbance Fees.

A. The application fee to obtain permission for soil disturbance shall be submitted with the application as follows:

- (1) For less than 500 cubic yards of soil: \$200 plus \$0.10 per cubic yard.
- (2) For more than 500 cubic yards of soil: \$500 plus \$0.10 per cubic yard.

B. Prior to issuance of a soil disturbance permit and approval of same by the Borough Council or Borough Engineer, the applicant shall pay a permit fee as per the following schedule:

Soil Movement	Fee
Movement of soil within the same site	\$0.10 per cubic yard
Exportation of soil from the site	\$0.25 per cubic yard (includes \$0.10 for movement)
Importation of soil from location outside the site	\$0.25 per cubic yard (includes \$0.10 for movement)

C. The applicant shall also be responsible for payment of engineering and legal review and inspection fees and shall submit the following escrow fees at the time the application is made:

- (1) For less than 500 cubic yards of soil: \$500.
- (2) For more than 500 cubic yards of soil: \$1,000.

D. Exemption from fees. The Morris Hills Regional School District Board of Education and the Rockaway Borough Board of Education may be exempt from the requirements of soil disturbance and soil movement fees at the discretion of and upon application to the Borough Council.

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 on January 1, 2012.

Date: December 8, 2011

Borough of Rockaway

Attest: Sheila Seifert, Borough Clerk

By: Russell Greuter, Mayor

Councilman Willer opened the meeting to the public. There being no comments, Councilman Willer 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, Willer
Nays: None

ORDINANCE NO. 17-11, 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, the Board of Recreation Commissioners has recommended that a maximum limit be established for fees for sports cards for nonresidents of the Borough of Rockaway; and

WHEREAS, the Mayor and Council concur with the recommendation of the Board of Recreation Commissioners; and

WHEREAS, the Mayor and Council desire to reduce the fee charged for parking permits for applications submitted after July 1.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that the following amendments be made to Chapter A263, Fees, Section A263-1, Fees established, as follows:

Section I

1. Subsection F (1) (a) [2] is hereby repealed in entirety and modified to read as follows:

"F. Chapter 179, Parks and Recreation Areas, including the beach and tennis facilities.

- (1) The fees imposed beginning January 1, 2011, shall be as follows:

- (a) Sports cards.

[2] Nonresidents of the Borough of Rockaway: \$100 per person. Certain restrictions may apply. The eligibility for nonresidents to participate in Borough-sponsored programs will be determined by the Borough of Rockaway Recreation Commission and may change from year to year. Fees shall not exceed \$300 per immediate family (three people)."

2. Subsection M, Chapter 241, Vehicles and Traffic, sub-subsection (1) (a) is hereby repealed in entirety and modified to read as follows:

"M. Chapter 241, Vehicles and Traffic.

(1) Applications for parking permits:

- (a) Per annum, per passenger vehicle: \$150. Monthly and weekly permits may be purchased in the amount of \$15 and \$5 respectively."

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 January 1, 2012.

DATE: December 8, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Councilman Willer opened the meeting to the public. There being no comments, Councilman Willer 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, Willer
Nays: None

ORDINANCE NO. 18-11, 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 61, PERSONNEL POLICIES,
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

WHEREAS, it has come to the attention of the Mayor and Council that the Chief of Police, the Fire Chief, the Fire Marshal and the Superintendent, Department of Public Works all have Borough-owned vehicles assigned to them so that they may carry out their official functions in connection with matters concerning the Borough; and

WHEREAS, Chapter 61-139B of the Ordinances of the Borough of Rockaway prohibits the use by all Borough officials of a Borough-owned vehicle outside of their normal working hours and beyond their place of residence; and

WHEREAS, the officials noted above in order to carry out their obligations to protect the public and to provide life saving services must be permitted to use Borough-owned vehicles beyond their normal duty hours and from their homes after hours regardless of the distance of their home from the Borough of Rockaway.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Rockaway that Chapter 61-139B is hereby amended by adding the following additional sentence at the end of the second sentence thereof:

"This prohibition shall not apply to the Chief of Police, the Fire Chief, the Fire Marshal and the Superintendent, Department of Public Works."

BE IT FURTHER ORDAINED that Chapter 61-139C be amended to delete in its entirety paragraph (1) and to re-number paragraph (2) to be paragraph (1).

BE IT FURTHER ORDAINED that the other sections of Chapter 61-139 not modified by this ordinance shall remain unchanged and in full force and effect.

This Ordinance shall take effect as provided by law.

DATE: December 8, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Councilman Willer opened the meeting to the public. There being no comments, Councilman Willer 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, Willer
Nays: None

PUBLIC PORTION

Councilman Willer opened the meeting to the public.

Mr. Dan Sperry, 53 Drake Ave., requested an update of the water problem he is experiencing on Drake Ave. Councilman Donofrio will speak with Public Works. Mr. Sperry felt that the October 13, 2011 minutes inaccurately described the problem; it is not flooding between his and Mr. Patton's yards but town water that is flooding their yards. He stated that the drain is poorly designed and dumping in the back blocked the canal and now water is directed his way

Mrs. Joyce Freiermuth, 99 E. Flagge St., will discuss the Environmental Committee's report with Mr. Sperry after she shares it with Mayor Greuter.

Mrs. Freiermuth asked Mr. Wacks what the e-mail was about that he mentioned in his report. Mr. Wacks responded that it was an update on the Donatoni litigation and can't be commented on publicly.

Mrs. Bonnie Hook, 23 Jackson Ave., discussed the capital budget meeting and the lack of opportunity for input from the public and Business Owners.

There being no further comments, Councilman Willer closed the meeting to the public.

ADJOURNMENT

The meeting adjourned at 7:55 p.m.

Approved:

Sheila Seifert, Borough Clerk

Date: