

**MAYOR & COUNCIL
REGULAR MEETING
SEPTEMBER 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 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 September 8, 2011. Mayor Greuter announced the location of the fire exits.

Councilmembers Present

Thomas Donofrio
Joyce Kanigel
Thomas Mulligan
Joseph Vicente
Melissa Burnside - Council President

Councilmembers Absent

John Willer

Richard Beilin, Esq., representing Borough Attorney Ed Wacks, was also present.

Everyone present participated in the salute to the flag.

APPROVAL OF MINUTES

Upon motion by Councilwoman Kanigel, seconded by Councilman Vicente, and carried unanimously upon voice vote, to amend Resolution 115-11 that was adopted on August 25, 2011 to approve the unpaid temporary leave of absence for Chief Financial Officer/Treasurer John J. Doherty from August 24, 2011 through and including September 2, 2011.

Upon motion by Councilman Donofrio, seconded by Council President Burnside, and carried unanimously upon voice vote, the minutes of the August 25, 2011 Regular Meeting were accepted as amended.

CORRESPONDENCE

Mayor Greuter read the August 25, 2011 letter from Betty Shuman, Director of Social Services, stating that she will retire on December 31, 2011. She recommended that the Borough continue social services. Council President Burnside indicated that she would like to meet with Mrs. Shuman to discuss this.

On motion by Council President Burnside, seconded by Councilman Vicente, and unanimously carried by voice vote to accept the correspondence, and approve Betty Shuman's retirement date of December 31, 2011 with regret.

COUNCIL REPORTS

Personnel Committee - Councilwoman Kanigel

Historical Committee

The Neighbor News printed a nice article about the 100th anniversary of the Firehouse.

Requested a closed session to discuss a personnel matter.

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

Congratulated the Department of Public Works, Fire Department, and Police Department for the great job they did handling the flood waters as a result of Hurricane Irene.

Personnel

Requested approval to appoint Francis T. Rodimer, part-time laborer as the new full-time laborer in the Department of Public Works at a salary within the salary ordinance effective October 3, 2011.

Upon motion by Councilman Mulligan, seconded by Council President Burnside, and carried unanimously upon voice vote, to approve the appointment of Francis T. Rodimer as Public Works laborer, on a probationary basis, beginning October 3, 2011 at a salary within the salary ordinance.

Upon motion by Councilman Mulligan seconded by Council President Burnside, and carried unanimously upon voice vote, to accept the Public Works/Public Utilities Committee report.

Ordinance Committee - Councilman Mulligan

Echoed Councilman Donofrio's comments regarding Hurricane Irene and acknowledge that Councilman Donofrio assisted homeowners on his own time and expense by pumping out basements.

Recreation

The soccer parade will be held on Saturday, September 10, at 10 a.m. beginning at Thomas Jefferson School to Friendship Field.

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 Council President Burnside, 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.

Sanitary Sewer Relining Project

The Borough has been relining the sanitary sewers. Councilman Vicente showed a fabric sleeve that is forced down the sewer main and turned into hard material using epoxy.

Upon motion by Councilman Mulligan, seconded by Council President Burnside, and carried unanimously upon voice vote, to accept the Finance and Licensing Committee report.

Public Safety Committee - Council President Burnside

Chief Scheer did an amazing job as OEM coordinator to bring all departments together so that we were ready for Hurricane Irene. One hundred and one people were evacuated; sixty nine went with the help of Public Works, Police and Fire Departments. FEMA information was delivered to residents and businesses. Chief Scheer will submit a reimbursement request to FEMA for expenses incurred during this state of emergency.

Requested a closed session to discuss a personnel matter related to public safety.

Fire Department

The Fire Department called drills on September 14 and 21 and accepted the applications of A. D'Mico as a junior firefighter and K. Chung for active duty.

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

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

ATTORNEY'S REPORT

Requested closed session for contract negotiation.

RVRSALitigation

A status conference will be held next week.

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

MAYOR'S REPORT

Reviewed his recent activities regarding Hurricane Irene including meetings with Senator Bucco and Congressman Frelinghuysen and approving four dumpsters. Congressman Frelinghuysen suggested that the Borough contact the U.S. Army Corps of Engineers for sandbags.

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

CLERK'S REPORT

Request a closed session for contract negotiation.

CONSENT AGENDA ITEMS

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

RESOLUTION 119-11 AUTHORIZE APPLICATION FOR MUNICIPAL ALLIANCE GRANT

WHEREAS, the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey recognize that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, the Mayor and Council of the Borough of Rockaway further recognize that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Mayor and Council of the Borough of Rockaway have applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Morris.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Rockaway, County of Morris, State of New Jersey hereby recognizes the following:

1. The Mayor and Council of the Borough of Rockaway do hereby authorize submission of an application for the NJ Governor's Council on Alcoholism and Drug Abuse Municipal Alliance grant for calendar year 2012 in the amount of \$11,955.00.
2. The Mayor and Council of the Borough of Rockaway acknowledge the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

DATE: September 8, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 120-11 AUTHORIZE EXECUTION OF AGREEMENT WITH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP THEREIN FOR THE PERIOD OF OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2016

WHEREAS, the Morris County Cooperative Pricing Council ("MCCPC") was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of education, and other public bodies located in the County of Morris and adjoining counties; and

WHEREAS, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

WHEREAS, the Mayor and Council of the Borough of Rockaway desire to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency, to renew its membership in the MCCPC for the period of October 1, 2011 through September 30, 2016.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Rockaway, County of Morris, State of New Jersey as follows:

1. The Mayor and Council of the Borough of Rockaway do hereby authorize the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2011 pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for renewal of membership in the MCCPC for a five-year period from October 1, 2011 through September 30, 2016.
2. The Borough Clerk of the Borough of Rockaway is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC.
3. This Resolution shall take effect immediately upon final passage according to law.
4. All appropriate Borough of Rockaway officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

DATE: September 8, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 121-11: REFUND FUNDS FOR HEALTH CANCER SCREENING

BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, to refund \$40.00 to Mr. Pedro Soto, 122 Genes Lane, Rockaway, New Jersey 07866, for the Male Health Cancer Screening scheduled for September 27, 2011. Funds were accepted on August 11, 2011; however, Mr. Soto has decided not to participate.

DATE: September 8, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 122-11: SUBMIT NJ DEPARTMENT OF TRANSPORTATION GRANT APPLICATIONS AND EXECUTE GRANT AGREEMENTS (MAPLE AVE. AND HALSEY AVE. ROAD IMPROVEMENTS PROJECT)

WHEREAS, the Borough of Rockaway wishes to participate in the Transportation Trust Fund Application process; and

WHEREAS, the Mayor and Council have concerns over the condition of Maple Avenue and Halsey Avenue.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Rockaway, formally approves the grant applications for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Borough Engineer are hereby authorized to submit an electronic grant applications identified as 00157 and 00568 application IDs from NJ DOT SAGE to the New Jersey Department of Transportation on behalf of the Borough of Rockaway.

BE IT FURTHER RESOLVED that the Mayor and Borough Engineer are hereby authorized to sign the grant agreements on behalf of the Borough of Rockaway and that their signatures constitute acceptance of the terms and conditions of the grant agreements and approve the execution of the grant agreements.

DATE: September 8, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

ORDINANCE NO. 13-11, 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, SUBSECTION P,
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

WHEREAS, on September 10, 2010, amendments to N.J.S.A. 47:1A-5.b of the Open Public Records Act were signed into law requiring changes to fees for requests for discovery in matters pending in the Borough of Rockaway Municipal Court and for accident reports.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that Chapter A263, Fees, Section A263-1, Fees established, Subsection P, Service fees and copies of documents, is hereby modified as follows:

Section I

1. Sub-subsection (1), Fees for copies of government records: The following item is hereby added:

P. Service fees and copies of documents

(1) Fees for copies of government documents.

Purpose of Fee

Fee

Accident reports - Requests for accident reports on file with the Rockaway Borough Police Department shall be submitted through the Rockaway Borough Police Department.

Letter-sized pages and smaller - \$0.05 per page; legal-sized pages and larger - \$0.07 per page. If copies are requested other than in person, an additional fee of \$5 shall be added.

2. Sub-subsection (2), Municipal Court discovery: the following items are hereby repealed in entirety and modified to read as follows:

P. Service fees and copies of documents

(2) Municipal Court discovery. Pursuant to N.J.S.A. 39:4-131:

(a) All requests for discovery in matters pending in the Borough of Rockaway Municipal Court shall be submitted through the Municipal Prosecutor.

[1] The following fees shall be payable by the requestor to the Borough for the discovery provided:

[a] A fee of \$5 for the first three pages and \$1 per page thereafter shall be charged for copies of all documents made through Municipal Court discovery.

[g] Duplication of videotape, CD, DVD or other recording. A fee of \$35 shall be charged to duplicate a videotape, CD, DVD or other recording.

3. Sub-subsection (2), Municipal Court discovery, item (a) [1] [e], regarding a \$0.25 fee for the envelope for any discovery sent by mail, is hereby repealed in entirety.

4. Sub-subsection (2), Municipal Court discovery: The following item is hereby added:

P. Service fees and copies of documents

(2) Municipal Court discovery. Pursuant to N.J.S.A. 39:4-131:

(a) All requests for discovery in matters pending in the Borough of Rockaway Municipal Court shall be submitted through the Municipal Prosecutor.

[1] The following fees shall be payable by the requestor to the Borough for the discovery provided:

[i] The cost for duplicates of other items (such as simulator solutions) will be based on the actual cost of the item provided.

5. Sub-subsection (2), Municipal Court discovery, item (b) regarding fees to be charged for copies of reports requested other than in person, is hereby repealed in entirety.

6. Sub-subsection (3), Simulator solution, is hereby repealed in entirety.

7. The following item is hereby repealed in entirety and modified to read as follows:

P. Service fees and copies of documents

(4) Recordings of Borough proceedings. The cost to duplicate the recording shall be charged for each recording of the Borough proceedings.

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: September 8, 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 Mulligan, and seconded by Councilman Vicente, the above mentioned ordinance was adopted by the following roll call:

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

PUBLIC PORTION

Mayor Greuter opened the meeting to the public.

Ms. Jessica Patton, 45 Drake Ave., acknowledged that the Borough departments were great; however, now with two weeks of stagnant water, the bugs are insane. The matter will be referred to the Morris County Mosquito Commission.

Mrs. Jennifer Sperry, 53 Drake Ave., and Ms. Patton complained about the water that overflows from the canal every time it rains. The matter will be referred to the Borough Engineer.

According to Mrs. Judy Klein, owner of The Occasion, the Public Works Department will do its best to put the American flags back up for September 11. She shared an article regarding rain water harvesting. Mrs. Klein suggested that a bus shelter be installed so that bus riders do not have to wait in the rain.

Mrs. Bonnie Hook, Jackson Ave., for the Business Owners Association, thanked Chief Scheer for e-mailing her information regarding the hurricane and stressed how much the Borough needs to update its technology and website. She asked if the Borough could order the port-a-john for Celebrate Rockaway Day and be reimbursed by the Business Owners Association. Mayor Greuter declined the request. Councilman Mulligan will investigate the possibility of opening up the bathrooms at the Maple Ave. park.

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 voice vote, the following resolution was adopted:

RESOLUTION 123-11: 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 and Personnel.
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: September 8, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor and Council went into closed session at 8:22 p.m. and resumed the public meeting at 9:10 p.m.

ADJOURNMENT

The meeting adjourned at 9:10 p.m.

Approved:

Sheila Seifert, Borough Clerk

Date: