

**MAYOR & COUNCIL
REGULAR MEETING
NOVEMBER 10, 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 November 10, 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.

CLEAN COMMUNITIES PRESENTATION

Mayor Greuter presented a check for fall clean-up to Mrs. Bonnie Hook of the Rockaway Borough Business Owners Association for their efforts along Jackson Ave., Maple Ave., Mott Pl., Halsey Ave., Main St., and Memorial Park.

PRESENTATION

Mrs. Joyce Freiermuth of the Borough's Environmental Advisory Committee presented information regarding natural bioretention systems that could be installed in wet areas such as the back area of Donatoni field or behind Drake Ave. or Ogden Ave. and funded with a grant through Section 3.19 of the Clean Water Act. The next available grant period is 2013.

Councilwoman Kanigel agreed to work with Mrs. Freiermuth on the grant application.

Mrs. Freiermuth distributed proposed rules and regulations for the Beach St. park. Councilman Mulligan reported that Toni Dennehy from the Recreation Commission was appointed to work with the Environmental Committee on the regulations. Mrs. Freiermuth suggested that signs be installed at the end of Broad St. and East Flagge St.

DISCUSSION

Mayor Greuter and the Council members discussed the Borough's response to the October 29 snowstorm that resulted in lengthy power outages. The Public Safety Committee met with the Public Works Department and Police Chief to discuss lessons learned. The Police, Fire, and Public Works Departments responded very well. It would have been helpful for the governing body to meet to share information. Chief Scheer will contact the American Red Cross regarding heating/cooling center and shelter requirements. Public Works will research generators for the municipal buildings.

Councilman Willer recommended that the Mayor schedule a meeting with the Police, Fire, and Public Works Departments on emergency response needs assessment.

CORRESPONDENCE

Mayor Greuter read the a letter dated November 8, 2011 from Mr. Ron Petrocelli, 140 Beach St., thanking the Public Works Department for their assistance in the aftermath of Hurricane Irene and the recent snow storm.

Council President Burnside read an e-mail from Mr. and Mrs. Vincent Pangallo, 5 Stephen Pl., also thanking Joe Rossi and the wonderful town workers for their response in clearing a tree from their property.

COUNCIL REPORTS

Personnel Committee - Councilwoman Kanigel

The Historical Committee put together a presentation that will be shown to the eighth grade students at Thomas Jefferson School regarding residents who participated in the Civil War.

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

Public Works/Public Utilities Committee - Councilman Donofrio

Many employees did a wonderful job helping residents during the recent snowstorm.

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

Ordinance Committee - Councilman Mulligan

No 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.

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

Fire Committee - Councilman Willer

Fire Department

The Fire Department called drills on November 16 and 30.

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

Public Safety Committee - Council President Burnside

Upcoming events sponsored by the Board of Health include male cancer screening and flu shots.

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

ATTORNEY'S REPORT

As a follow-up to a question posed on October 27, Mr. Wacks provided a copy of the in-process Senate bill regarding website requirements to Mrs. Bonnie Hook.

Requested a closed session to discuss litigation (Donatoni Field).

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's upcoming events include conducting a wedding on Saturday and attending the American Legion's Veterans' Day celebration.

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

CLERK'S REPORT

Community Center Request

The GFWC Woman's Club of the Denville-Rockaway submitted a request to use the Community Center on the evening of Friday, December 2, from 6-9 p.m. for the purpose of holding a gold sale.

Upon motion by Councilman Mulligan, seconded by Councilman Donofrio, and carried unanimously upon voice vote, to approve the request.

Upon motion by Council President Burnside, seconded by Councilman Donofrio, 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 136-11: DESIGNATE 2012 FLOATING HOLIDAY

BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, New Jersey, that Monday, December 24, 2012 be and is hereby designated as the floating holiday for the year 2012.

DATE: November 10, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 137-11: ENDORSE NJ DEP APPLICATION FOR FLOOD HAZARD AREA APPLICABILITY PERMIT (DONATONI FIELD)

WHEREAS, the Mayor and Council of the Borough of Rockaway desire to alleviate the drainage concerns that have been experienced at Donatoni Community Park a/k/a/ Donatoni Field located at 199 West Main St., Block 40, Lots 86 and 88; and

WHEREAS, an independent evaluation by a licensed professional engineer was conducted to review the design and construction of the playing fields at Donatoni Field and recommendations were made to improve drainage; and

WHEREAS, the Borough Engineer has reviewed and concurred with the recommendations to improve drainage at Donatoni Field; and

WHEREAS, the Borough Engineer has prepared a New Jersey Department of Environmental Protection Division of Land Use Regulation Application Form (LURP-2) to rehabilitate the lawfully existing recreational fields, including grading and drainage, to implement said recommendations.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, to authorize the Mayor to sign the New Jersey Department of Environmental Protection Division of Land Use Regulation Application Form (LURP-2) to rehabilitate the lawfully existing recreational fields, including grading and drainage.

DATE: November 10, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

ORDINANCE NO. 17-11, Introduction & First Reading

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER A263, FEES,
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 Councilman Vicente, and passed as follows upon call of the roll:

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

ORDINANCE NO. 18-11, Introduction & First Reading

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER 61, PERSONNEL POLICIES,
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, Burnside
Nays: None

ORDINANCE NO. 15-11, Public Hearing & Adoption

**ORDINANCE OF THE
BOROUGH OF ROCKAWAY, COUNTY OF MORRIS,
APPROPRIATING \$33,000.00
FOR FIRE DEPARTMENT COMMAND VEHICLE**

BE IT ORDAINED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey as follows:

SECTION 1: The purpose described in Section 2 of this Ordinance is hereby authorized to be made by the Borough of Rockaway. There is hereby appropriated \$33,000.00 from the General Capital Surplus for the hereinafter designated purpose.

SECTION 2: The purpose authorized herein is for Purchase of Fire Department Command Vehicle.

SECTION 3: It is the opinion of the Mayor and Council of the Borough of Rockaway, County of Morris, that the appropriation from General Capital Surplus and the use of the appropriation for said purpose is in the best interest of the Borough of Rockaway.

SECTION 4: This Ordinance shall take effect according to law.

DATE: November 10, 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 Donofrio, the above mentioned ordinance was adopted by the following roll call:

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

PUBLIC PORTION

Mayor Greuter opened the meeting to the public.

Mrs. Freiermuth questioned the need for a DEP permit at Donatoni. Mayor Greuter responded that the engineer recommended it for the rehabilitation work.

Mr. David Bogert, Rockaway Ave., complimented those employees who responded to the storms.

Mrs. Bonnie Hook, Jackson Ave., asked if she could e-mail questions from the Business Owners. Mayor Greuter responded to her questions from the October 27 meeting including cleaning the Rockaway River area, bus shelters, and her letter to the EPA.

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

CLOSED SESSION

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

RESOLUTION 138-11: 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: Litigation (Donatoni Field).
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: November 10, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor and Council went into closed session at 8:30 p.m. and resumed the public meeting at 8:55 p.m.

Upon motion by Councilman Willer, seconded by Councilman Vicente, and carried by roll call vote, with Councilwoman Kanigel voting no, to authorize the Borough Attorney to file the lawsuit against Suburban Consulting Engineers and Tomco Construction regarding Donatoni Field drainage.

ADJOURNMENT

The meeting adjourned at 8:56 p.m.

Approved:

Sheila Seifert, Borough Clerk

Date: