

**MAYOR & COUNCIL
REGULAR MEETING
APRIL 14, 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 7:33 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 14, 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.

**ROCKAWAY BOROUGH SCHOOL DISTRICT
BUDGET PRESENTATION**

Superintendent of Schools Dr. Patrick Tierney presented the proposed 2011-2012 budget of \$7,508,797 for the Rockaway Borough School District. The local tax levy for the residents would be \$6,989,235 and result in a \$69.19 tax increase (3.28 percent) on the average Borough home assessed at \$300,000.

**2011 MUNICIPAL BUDGET
RESOLUTION 46-11, 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. The law takes effect immediately and provides a dedicated line item on property tax bills to fund municipal free and joint free public libraries. It does not result in any increased taxes but changes the way the minimum library appropriation is displayed to the public. It changes the basis of raising the minimum 1/3 mill of equalized value from a budget appropriation to a tax levy of the same amount. It reduces the municipal tax levy and rate, and creates 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 the amount appropriated for the library of \$305,763.00 to a new line item of the same amount.

The public hearing for the amendment and the budget are scheduled for April 28, 2011.

Councilman Vicente moved that Resolution 46-11, Amendment to 2011 Budget, be adopted. Said motion was seconded by Councilman Mulligan, and passed unanimously upon call of the roll:

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 public hearing on said Budget will be held on April 28, 2011; 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:

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

Public Works/Public Utilities Committee - Councilman Donofrio

The RVRSA completed its work on Jackson Ave.

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

Ordinance 03-11

Withdrew the introduction of Ordinance 03-11, Amending Chapter 172, Zoning, until he can speak with the Zoning Officer to address some comments.

Upon motion by Council President Burnside, seconded by Councilman Vicente, 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.

Morris Hills Regional District Budget

The increase to Borough residents for the Morris Hills Regional District budget will be about \$32 on the average house.

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 April 20 and 27, accepted the applications of Jason Bessemer and Vito Lanzone for active duty, accepted the resignation of John Perry from active duty, and accepted the resignation of John Clark from the position of steward with Glen VanSaders taking his place.

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

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

Public Safety Committee - Council President Burnside

Board of Health

Saint Clare's has a presence with each house of worship to ensure that members have access to care and needed services. A free "Friends for Life" program is available to seniors or a premium membership (\$50 single or \$85 couple) waives the co-pay for any ambulance service provided by Saint Clare's.

Public Safety

Council President Burnside reported on the results of spending four hours with Officer David Flynn as he performed his tour of duty.

Pedestrian Safety Grant.

Mayor Greuter learned that municipalities have until April 30 to submit applications for two Pedestrian Safety Grants for 2012. Assuming there are no budget constraints, the reimbursement grants are offered every year. Chief Scheer recommended, and the Council agreed, to apply in 2012 for 2013 when the Police Department has more time to prepare the application properly.

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

ATTORNEY'S REPORT

Senate Bill 2427

The RVRSA sent a letter to Senator Anthony Bucco asking him to oppose adoption of Senate Bill 2427 which provides that any action of an authority, such as the RVRSA, be subject to a veto by the mayor, with the consent of a majority of the governing body, of a municipality that created the authority. The Council agreed to add to the agenda a resolution encouraging the Borough's representatives to vote against Senate Bill 2427.

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

MAYOR'S REPORT

Recent Activities

Attended a Complete Streets Workshop for Sussex, Warren, and Morris counties which addressed legal issues and how to apply concepts.

Moretrench will donate five picnic tables and trees for Park Lake. President Art Corwin will be invited to a future meeting to receive a certificate of appreciation.

Joint Municipal Court of Dover

Governor Chris Christie nominated for appointment, with the advice and consent of the Senate, Michael M. Luther, as a judge of the Dover Joint Municipal Court.

Policy for Public Requests

Mayor Greuter recommended that a policy be established for members of the public who submit a written request to be placed on the agenda for Council meetings. He suggested that items be submitted to the Borough Clerk at least seven days before the meeting so that the Governing Body would have adequate time to acquire information.

Upon motion by Councilman Willer, seconded by Councilman Vicente, and unanimously carried via voice vote to establish a policy requiring the public to submit written requests at least seven days before the meeting to the Borough Clerk for placement on the agenda.

Energy Tax and CMPTRA Revenue Replacement Funding

The League of Municipalities asked mayors to sign a document supporting the efforts of League 2nd Vice President and Mayor of East Windsor Janice Mironov, Chairperson of the League's new Statutory Funding Compliance Committee, to convince State policy makers to restore municipal revenues by introducing and adopting a FY 2012 State Budget that provides for the full statutory distribution of Energy Tax Receipts and CMPTRA Revenue Replacement funding.

Upon motion by Councilman Willer, seconded by Council President Burnside, to concur with the Mayor's actions to sign a document supporting Mayor Janice Mironov in efforts to convince State policy makers to introduce and adopt a FY 2012 State Budget that provides for the full statutory distribution of Energy Tax Receipts and CMPTRA Revenue Replacement funding.

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

CLERK'S REPORT

Bingo/Raffle License Approvals

Approved on premise 50/50 raffle license for Denville Blue Angels, to be held on May 14, 2011; pull tabs raffle license for Sts Peter and Paul Carpatho-Russian Orthodox Church, to be held October 3, 2011 through December 30, 2011; bingo license for Sts Peter and Paul Carpatho-Russian Orthodox Church for events to be held one to five times per week, March 4, 2011 through December 26, 2011; and bingo license for Sts Peter and Paul Carpatho-Russian Orthodox Church SR. ACRY for events to be held two to five times per week, April 15, 2011 through December 30, 2011.

Permit to Consume Alcoholic Beverages in Public

Mr. and Mrs. Mick Milovic, of Potbelly's Riverside Café, requested a permit for patrons to consume alcoholic beverages at six outside dining tables on the front patio, from April 15, 2011 until October 31, 2011, between the hours of noon to 10 p.m. Monday through Saturday and noon to 8 p.m. on Sunday.

Upon motion by Councilman Mulligan, seconded by Councilman Donofrio and carried unanimously via voice vote to issue a permit to Potbelly's valid from April 15, 2011 until October 31, 2011 allowing Potbelly's to serve food and beverages outside; for patrons to consume BYOB alcoholic beverages, limited to beer and wine, between the hours of noon to 10 p.m. Monday through Saturday and noon to 8 p.m. on Sunday, limited to six tables outside; and to be subject to any future ordinances regulating the outside dining and/or drinking.

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

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

RESOLUTION 47-11: 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 on April 12, 2011. Funds were accepted; however, Mr. Soto is not eligible to participate.

DATE: April 14, 2011 BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

RESOLUTION 48-11: REFUND WATER UTILITY OVERPAYMENT

WHEREAS, on March 22, 2011, the Borough of Rockaway Water Utility received an overpayment in the amount of \$518.97 from Mr. Paul Sepanski, 111 Mountain Avenue, Rockaway, NJ 07866, for the water service located at 111 Mountain Avenue, Rockaway, NJ 07866 (account no. 0010-10845), and

WHEREAS, a request for a refund was made on March 28, 2011.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, to refund the overpayment of \$518.97 for water utility services to Mr. Paul Sepanski, 111 Mountain Avenue, Rockaway, NJ 07866.

DATE: April 14, 2011 BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

**RESOLUTION 49-11: REQUEST EXTENSION OF TIME FOR TREATMENT WORKS APPLICATION
(RIDGEVIEW AT ROCKAWAY)**

WHEREAS, Rockaway 50 Associates, L.L.C. has proposed to build a 42-unit garden apartment building complex on Hillside Avenue (Block 27.02, Lots 7.01 and 10; Block 29, Lot 1; and Block 33, Lot 3), known as Ridgeview at Rockaway; and

WHEREAS, on March 17, 2011, Ridgeview at Rockaway represented to the Planning Board that construction on the project (Application PB-2-05) has not commenced due to the weakened economy and difficulties in obtaining financing for the project and has indicated an intention to seek equity investors to fund the project; and

WHEREAS, Ridgeview at Rockaway applied for and received from the Borough of Rockaway Planning Board an extension until April 17, 2012 of preliminary and final site plan approval and related variance approval and design waivers originally granted by the Board on April 17, 2008; and

WHEREAS, in 2008 Ridgeview at Rockaway submitted a Treatment Works Approval Permit Application to the State of New Jersey Department of Environmental Protection ("NJ DEP") for approval by the Borough; and

WHEREAS, as authorized by Resolution 134-08, the Governing Body endorsed the Treatment Works Approval Permit Application; and

WHEREAS, on March 31, 2009 NJ DEP issued Treatment Works Approval Application No. 09-0055 valid for two years from the issuance date, which approval may be extended to a maximum period of five years from the original issuance date; and

WHEREAS, Ridgeview at Rockaway submitted a request to NJ DEP for a one-year extension of time for Treatment Works Approval No. 09-0055; and

WHEREAS, pursuant to a March 16, 2011 letter from NJ DEP, the Borough of Rockaway must request the one-year extension of time for Treatment Works Approval Application No. 09-0055; and

WHEREAS, the Borough Engineer has recommended that the Mayor submit a letter to NJ DEP requesting a one-year extension of time for Treatment Works Approval Application No. 09-0055.

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 submit a letter to State of New Jersey Department of Environmental Protection requesting a one-year extension of time for Treatment Works Approval Application No. 09-0055.

DATE: April 14, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 50-11: OPPOSE SENATE BILL S-2427

WHEREAS, on February 17, 2011 the New Jersey Senate adopted Senate Bill S-2427; and

WHEREAS, this Bill would allow mayors, with the consent of a majority of the governing body, to veto the proposed actions of municipal authorities; and

WHEREAS, the Borough of Rockaway is a founding member of the Rockaway Valley Regional Sewerage Authority ("RVRSA"); and

WHEREAS, the Borough of Rockaway Mayor and Council are concerned that S-2427 may enable a minority of municipalities, or even a single municipality in the RVRSA to frustrate the goals of a majority of the members, which could significantly and negatively impact the RVRSA; and

WHEREAS, the Borough of Rockaway Mayor and Council are concerned that the New Jersey Senate failed to consider the implications of Senate Bill S-2427 on authorities such as the RVRSA.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that the Borough of Rockaway Mayor and Council urge Governor Christie and the New Jersey Senate and Assembly not to enact New Jersey Senate Bill S-2427 into law.

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be served on the addressees set forth below.

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be served on New Jersey Governor Chris Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, and to our two Representatives in the General Assembly.

DATE: April 14, 2011 BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

ORDINANCE NO. 04-11, Introduction & First Reading

**BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS
IN THE BOROUGH OF ROCKAWAY, COUNTY OF MORRIS
AND STATE OF NEW JERSEY,
APPROPRIATING THE AGGREGATE OF \$1,713,175 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$1,627,515 BONDS
OR NOTES OF THE BOROUGH TO FINANCE THE COST
OF AND FOR MAKING THE DOWN PAYMENT
FOR SAID IMPROVEMENTS HEREIN AUTHORIZED**

Councilman Vicente 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 May 12, 2011.

Said motion was seconded by Councilman Willer and passed as follows upon call of the roll:

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

ORDINANCE NO. 05-11, Introduction & First Reading

**BOND ORDINANCE PROVIDING FOR VARIOUS WATER/SEWER UTILITY IMPROVEMENTS
IN THE BOROUGH OF ROCKAWAY, COUNTY OF MORRIS
AND STATE OF NEW JERSEY,
APPROPRIATING THE AGGREGATE OF \$701,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$665,950 BONDS
OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE COST
AND DOWN PAYMENT THEREOF**

Councilman Vicente 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 May 12, 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. 01-11, Public Hearing & Adoption

Council offered the following ordinance as read by title on second reading:

**CALENDAR YEAR 2011
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Rockaway in the County of Morris find it advisable and necessary to increase its CY 2011 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determine that a 3.5% increase in the budget for said year, amounting to \$175,681.86 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Mayor and Council hereby determine that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Rockaway, in the County of Morris, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2011 budget year, the final appropriations of the Borough of Rockaway shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$175,681.86, and that the CY 2011 municipal budget for the Borough of Rockaway be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within five days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within five days after such adoption.

RECORDED VOTE	(Burnside	((
	(Donofrio	(Abstained (
Ayes	(Kanigel	Nays ((
	(Mulligan	((
	(Vicente	((
	(Willer	(Absent (
			(

DATE: April 14, 2011 BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

Mayor Greuter opened the meeting to the public.

Ms. Kathy Haake, 74 Rockaway Ave., and Mrs. Bonnie Hook, 23 Jackson Ave., asked for clarification of the ordinance.

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

On motion by Council President Burnside and seconded by Councilman Vicente, 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. Eileen Haynes, 81 Andrea Drive, wanted to know what the cost of the bonds would be to the taxpayers.

Mrs. Joyce Freiermuth, 99 E. Flagge St., questioned certain items in the bond ordinances, including the sewer vac truck, street sweeper, truck wash, and portable lifts.

Mr. James Vialard, Merrie Trail, Denville, President of Rockaway, Marcella, Denville Memorial Association, reported that the Memorial Day Parade will begin at 11 a.m. on Beach St. and end at the Presbyterian Church cemetery, rather than ending at St. Cecilia's Cemetery on Academy St. This will be the 143rd consecutive parade, quite probably the oldest Memorial Day parade in the country.

Mrs. Bonnie Hook, 23 Jackson Ave., thanked Chief Scheer for communications regarding the road closures from the RVRSA work. The area still must be cleaned up.

Mr. Kevin Auriemma, 71 Wall St., requested permission to pave the paper road known as Brook St., adjacent to his house. Mr. Wacks had prepared a hold harmless agreement for him to execute several years ago and there are no changes to it. If the Council decides to vacate the paper street, then the adjoining property owner would have to be involved.

Upon motion by Councilman Vicente, seconded by Councilman Donofrio and adopted unanimously upon voice vote, to have the Borough Engineer review the matter; if he will need more than ten minutes, Mr. Auriemma will post \$500 escrow.

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

ADJOURNMENT

The meeting adjourned at 9:35 p.m.

Approved: As Submitted

Sheila Seifert, Borough Clerk

Date: May 12, 2011