

**MAYOR & COUNCIL
REGULAR MEETING
MARCH 10, 2011
6:00 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 6:10 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 March 10, 2011. A subsequent notice was sent indicating that the meeting would begin at 6:00 p.m. with a discussion regarding the 2011 budget. 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.

2011 BUDGET DISCUSSION

CFO/Treasurer Jack Doherty was present to discuss the 2011 budget. He distributed the changes from the last budget meeting, indicating a reduction of 10 percent (\$5,472.00) from Recreation and insurance changes, including \$10,000 to be reserved for Public Officials Liability and Employment Practices Liability claims.

The Council discussed the 2011-2013 capital project requests of the Fire Department. The incident vehicle and turn-out gear will not be included in the 2011 budget but will be considered, if necessary, in 2012.

Upon motion by Councilman Willer, seconded by Councilman Donofrio, and unanimously carried via voice vote, to recess until 7:30 p.m.

The Governing Body took a short recess from 7:12 p.m. until the public meeting resumed at 7:30 p.m.

APPROVAL OF MINUTES

Upon motion by Councilman Mulligan, seconded by Councilman Donofrio, and carried unanimously upon voice vote, the minutes of the February 24, 2011 Regular Meeting and the February 26, 2011 Budget Meeting were accepted as submitted.

CORRESPONDENCE

Tom Haynes, President, Rockaway Borough Little League, wrote a letter dated February 28, 2011 announcing the kickoff of the baseball season with an opening day parade at 10:00 a.m. on Saturday, April 16, 2011 (rain date Sunday, April 17), proceeding from Friendship Field, down Main Street, to Keller Avenue and to Thomas Jefferson School.

On motion by Councilman Mulligan, seconded by Councilman Donofrio, and unanimously carried by voice vote to accept the correspondence and approve the request and notify the Police, Fire, and Public Works Departments.

Mayor Greuter read a letter from the Rockaway Rotary Club dated March 7, 2011 requesting permission to sponsor its annual 5K race at 10:00 a.m. on Saturday, June 4, beginning and ending at Fireman's Field, and asking the Governing Body to provide the Police overtime.

Upon motion by Councilman Donofrio, seconded by Councilman Vicente, and carried unanimously upon voice vote to accept the correspondence, approve said race, waive the Police overtime, and notify the Police, Fire, and Public Works Departments.

PUBLIC PORTION

Mayor Greuter opened the meeting to the public.

Mrs. Bonnie Hook, 23 Jackson Ave., submitted an invoice for two bills for signs that she had made for her business due to the work being done on Jackson Ave. by the RVRSA. Mr. Wacks recommended that this be discussed in closed session as potential litigation.

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

COUNCIL REPORTS

Personnel Committee - Councilwoman Kanigel

Personnel

There will be a closed session discussion tonight for a personnel issue.

Historical Committee

The Historical Committee Chair would like to do something to congratulate the Fire Department for the 100th anniversary of the Firehouse.

Upon motion by Councilman Mulligan, seconded by Councilman Willer, and carried unanimously upon voice vote, to accept the Personnel Committee report.

Public Works/Public Utilities Committee - Councilman Donofrio

RVRSA Jackson Ave. Interceptor Work

Mayor Greuter discussed the work on the Jackson Ave. interceptor with the RVRSA and the Borough's representative. The road is expected to be opened by April 1.

EPA Wellfield

Mayor Greuter reported that the EPA has begun drilling on Halsey Ave.; work will follow in the Police Station and finally on Mott Pl. Portions of Maple Ave. will be closed periodically as the trench is dug and pipes are laid.

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

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 March 16 and 23, 2011.

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

Community Development

A 66 percent reduction may be forthcoming in the Community Development Block Grant funding.

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

The Health Department is still working to incorporate the third municipality. The number of licenses issued for dogs and cats has decreased.

Public Safety

The Daily Record erroneously reported that the Police Department wrote 12 more tickets in 2010 than in 2009; actually, the ticket writing increased by approximately 360 tickets.

Chief Scheer applied for a refund of \$25,000 from FEMA for the December snow storm.

Chief Scheer is working on obtaining flotation devices for use at Park Lake.

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

ATTORNEY'S REPORT

Mr. Wacks reviewed several documents for the Police Department, including an agreement with American Red Cross to provide training and a vest policy.

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

MAYOR'S REPORT

Mayor Greuter reviewed his recent activities, including attendance at the Community Development Block Grant presentation for the water tank project, Dr. Seuss day in the Rockaway Borough Schools, and a meeting with the Environmental Committee.

EPA Superfund Cleanup

Mayor Greuter presented a choice of three brick facings to be used on the EPA water treatment facility being built on Jackson Ave.

Upon motion by Councilman Donofrio, seconded by Councilman Vicente, and carried unanimously upon voice vote, to authorize Mayor Greuter to execute an agreement with CAPE, agent for the EPA, accepting the "Philadelphia" style brick.

Fire Prevention Department

The Fire Marshal took actions to ensure that the blasting company at D&M had the proper paperwork and stopped roof work being done at 1 West Main St. until it could be done safely.

Joint Municipal Court of Dover

Governor Christie indicated that he will approve the judge selected by the mayors of the municipalities in the Joint Municipal Court of Dover; therefore, the shared court option will not be pursued.

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

CLERK'S REPORT

Bingo/Raffle License Approvals

Approved bingo license amendments for Ss. Peter & Paul Carpatho Russian Orthodox Church SR ACRY, to add bingo sessions on March 12 and March 19.

Approved bingo license amendment for Ss. Peter & Paul Carpatho Russian Orthodox Church, to add bingo session on March 12.

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

CONSENT AGENDA ITEMS

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

RESOLUTION 40-11: OPPOSE S-2664/A-3766 - "MARKET COMPETITION AND CONSUMER CHOICE ACT"

WHEREAS, S-2664/A-3766, also known as the "Market Competition and Consumer Choice Act," would fundamentally alter the regulation of telephone and cable television service in New Jersey; and

WHEREAS, S-2664/A-3766 changes are so sweeping it deserves deliberate review and analysis, and must not be fast-tracked; and

WHEREAS, among other things, S-2664/A-3766 limits the obligation of a cable company to provide cable and internet connections to municipal buildings. Currently all municipal buildings are eligible for this benefit but the bill would limit the obligation to just one municipal building; and

WHEREAS, S-2664/A-3766 would eliminate the requirement that cable companies provide basic service and internet to municipal buildings and schools at no charge; and

WHEREAS, S-2664/A-3766 does not require the cable companies to provide a return feed to allow cable-casting of live municipal events and meetings; and

WHEREAS, S-2664/A-3766 would reduce the franchise fee payable by certain cable companies that have converted from a traditional franchise to a system-wide franchise; and

WHEREAS, S-2664/A-3766 does not require cable companies to meet or surpass any existing line extension policy or to meet any applicable consumer protection requirements, all of which are required by the current law; and

WHEREAS, the proposed verification process for determining whether a company is operating in a "competitive franchise area" is inadequate; and

WHEREAS, the proposed process for renewal of a system-wide franchise must be corrected to require that the renewal be under the same terms and conditions as the original franchise; and

WHEREAS, S-2664/A-3766 eliminates the right of a municipality operating under a municipal-consent based franchise to petition the BPU for a higher franchise fee.

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 Council calls on the legislature to amended S-2664 A-3766 to ensure that all the commitments of N.J.S.A. 48:5A-28 be provided (a) upon application for a system-wide franchise, (b) upon renewal of a system-wide franchise and (c) upon conversion of a municipal-consent based franchise to a system-wide franchise; and
2. The Mayor and Council strongly urges the legislature to oppose S-2664/A-3766 until such amendments are made and there has been an opportunity for all stakeholders to fully analyze the impact of these proposals and; determine the fiscal impact of the bill on municipalities throughout the state; and
3. Copies of this resolution be forwarded to Governor Christie, our State senator, our representatives in the General Assembly and the New Jersey League of Municipalities.

DATE: March 10, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

ORDINANCE NO. 01-11, Introduction & First 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)**

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 April 14, 2011.

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

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

PUBLIC PORTION

Mayor Greuter opened the meeting to the public.

Mr. Rob Grow, 110 Lakeside Dr., will coordinate a river clean-up on April 2, between the hours of 8 a.m. and 1 p.m., behind the fields at Donatoni Community Park. He asked if the Borough could pick up the tires. Mayor Greuter suggested that the cost be split between Recycling and sponsors.

Mayor Greuter closed the meeting to the public.

CLOSED SESSION

Upon motion by Councilman Willer, seconded by Councilman Vicente, and adopted unanimously upon voice vote, the following resolution was adopted:

RESOLUTION 41-11: 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: Personnel and Potential Litigation.

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: March 10, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor and Council went into closed session at 8:18 p.m. and resumed the public meeting at 9:10 p.m.

OPEN SESSION

2011 Budget

Upon motion by Councilman Donofrio, second by Councilman Willer, and unanimously carried via roll call vote, to authorize the 2011 salary increase to 3.75 percent for full-time employees, to be offset by an additional reduction from the Municipal Clerk's current budget, and 2 percent for part-time employees.

Other Ordinances

Mr. Wacks reported that other municipalities have ordinances allowing fire departments to charge for equipment utilized when they respond to automobile accidents.

ADJOURNMENT

The meeting adjourned at 9:20 p.m.

Approved:

Sheila Seifert, Borough Clerk

Date: