

**MAYOR & COUNCIL  
REGULAR MEETING  
SEPTEMBER 22, 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 22, 2011. Mayor Greuter announced the location of the fire exits.

Councilmembers Present

Thomas Donofrio  
Joyce Kanigel  
Thomas Mulligan  
Joseph Vicente (arrived at 7:31 p.m.)  
John Willer  
Melissa Burnside - Council President

Councilmembers Absent

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

Everyone present participated in the salute to the flag.

PROCLAMATION

Mayor Greuter reported that Governor Chris Christie proclaimed September 11, 2011 as Patriot Day and National Day of Service and Remembrance in New Jersey.

Mayor Greuter read a proclamation declaring the week of September 17 through September 23, 2011 as Constitution Week to commemorate the 224th anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention.

On motion by Councilman Vicente, seconded by Councilwoman Kanigel, and unanimously carried by voice vote to accept the proclamation.

Mayor Greuter read a proclamation declaring October 10, 2011 as "Put the Brakes on Fatalities Day" and calling upon everyone to put lifesaving behaviors into practice to improve safety on the roadways in our community and throughout the state.

On motion by Councilman Willer, seconded by Councilman Mulligan, and unanimously carried by voice vote to accept the proclamation.

APPROVAL OF MINUTES

Upon motion by Council President Burnside, seconded by Councilman Donofrio, and carried unanimously upon voice vote, the minutes of the September 8, 2011 Regular Meeting were accepted as submitted.

CORRESPONDENCE

Mayor Greuter read the September 9, 2011 letter from Mr. Joseph Pannullo, Mayor, Township of East Hanover, inviting the Mayor and Council and members of the Police and Fire Departments to join in its annual Morris County Columbus Day Parade, sponsored by the East Hanover Italian American Club, on Sunday, October 9 2011, at 2 p.m.

On motion by Councilman Willer, seconded by Council President Burnside, and unanimously carried by voice vote to accept the correspondence and forward same to the Police Chief and Fire Chief.

COUNCIL COMMENTS

Personnel Committee - Councilwoman Kanigel

The Library Board of Trustees will hold a clothing and book drive on Saturday and continues to research state grant opportunities to make Edmund Halsey's Civil War letters more accessible to the public.

Requested a closed session to discuss personnel issues.

Public Works/Public Utilities Committee - Councilman Donofrio

"No turn on red" signs were installed on East Main St. and Franklin Ave.

Ordinance Committee - Councilman Mulligan

No report.

Finance and Licensing Committee - Councilman Vicente

No report.

Fire Committee - Councilman Willer

The Fire Department submitted a grant application for the fire apparatus. The incident command vehicle requires repairs that exceed the value of the vehicle. The proceeds from the sale of Engine 412 (estimated to be greater than \$50,000) could be used to pay off a new vehicle that could be acquired through a lease/purchase arrangement and pay down bond debt. The Council requested Councilman Willer to obtain more financial information regarding the purchase of a new incident command vehicle.

Public Safety Committee - Council President Burnside

Flu shot clinics were completed; there are shots still available. The water quality of Park Lake was the best of the four lakes that the Health Department monitors.

The Borough's cost of Hurricane Irene is estimated to be at least \$20,000.

The cost of police overtime for Celebrate Rockaway Day was \$2,547.

Read the September 12, 2011 letter from Jennifer and Daniel Sperry, 53 Drake Ave., regarding the flooding that they experience on their property which is adjacent to town owned, Moretrench and Donofrio properties. They claim that the storm drains in the street, designed to capture storm water, have become either completely clogged or removed, thus forcing rainwater to spill from the street onto their yard. They requested that the Borough Engineer survey the properties; they would like a lasting solution to their problem.

Council President Burnside read the September 13, 2011 letter from Paul Ferriero, Borough Engineer, explaining the results of his inspection. The 90-degree bend in Drake Avenue has a storm drainage inlet that flows to a low area, discharging to a limited stone area. Any runoff can only dissipate into the ground, which can be slow during wet weather. There are two possible outlets for the drainage system: pipe it north to the canal remnants (which could worsen the Drake Ave. situation in high water events) or run an outlet down Drake and across Ogden, discharging into the wooded area. Both potential discharge points would require easements from private property owners. Evaluation, including survey work, would cost \$750-\$1,000.

MAYOR'S REPORT

Mayor Greuter spoke with Cindy Snook, the Morris Hills Regional District Transportation Coordinator, regarding bus traffic on certain streets. She sent a letter to all bus drivers informing them that school vehicles are not permitted to travel on McKinley Pl., Lakeside Dr., Chestnut Terr. and Hyland Terr. unless picking up or dropping off students on these streets.

Mayor Greuter read a letter from Bonnie Hook, President, Rockaway Borough Business Owners Association, thanking the governing body for the use of the park bathrooms and for approving the Police and DPW services for the Celebrate Rockaway 2011 event held on September 18.

Mayor Greuter read the September 18, 2011 letter from Michael A. D'Anton, 164 Lakeside Dr., commending the outstanding service provided by Chief Douglas Scheer and the members of the Rockaway Borough Police Department particularly during Hurricane Irene.

Dr. Patrick Tierney, Rockaway Borough Public Schools, wrote a letter thanking the Council members and Department of Public Works for the support and assistance in the maintenance of the district's athletic fields and for the antiquated playground equipment at Lincoln and Thomas Jefferson Schools.

Mayor Greuter read the September 21, 2011 letter from David Rush, President, D&M Auto Body, reporting that the blasting portion of his project was completed and requesting that the Borough to complete a form to release his performance bond.

On motion by Councilman Willer, seconded by Councilman Donofrio, and unanimously carried by voice vote to accept the correspondence, and to forward same to the attorney and engineer for action.

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

#### ATTORNEY'S REPORT

Increased emergency communication has been discussed by many municipalities. Senate Bill 2765 sets forth set certain requirements for town websites: mission statement, annual financial reports, budgets, audits, rules and regulations (Code Book), minutes, name and phone number of principal executive officers, and a list of all full-time and part-time employees. The State is supposed to estimate the cost of implementing the bill which will take effect 13 months after it is passed.

Requested a closed session for contract negotiations (EPA) and litigation (Donatoni Community Park).

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

#### CONSENT AGENDA ITEMS

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

#### **RESOLUTION 124-11: EXECUTE AGREEMENT WITH THE COUNTY OF MORRIS (COMMUNITY WORK EXPERIENCE PROGRAM)**

**WHEREAS**, the County of Morris sponsors the Community Work Experience Program ("CWEP") through which individuals may complete required community service hours; and

**WHEREAS**, the Mayor and Council of the Borough of Rockaway believe the CWEP will benefit the citizens of the Borough of Rockaway by providing labor to assist in various clerical tasks; and

**WHEREAS**, County of Morris has developed a Work First New Jersey/FSETP Worksite Agreement ("the Agreement") that must be executed in order to establish the Municipal Building as an eligible worksite; and

**WHEREAS**, the Mayor and Council agree to the terms of the Agreement, including that no participant will be placed or utilized in a position at the Municipal Building (a) that was previously filled by a regular employee if that position, or a substantially similar position, was made vacant through a demotion, substantial reduction of hours or a layoff of a regular employee in the previous 12 months, or was eliminated by the employer at any time during the previous 12 months; (b) in a manner that infringes upon a wage rate or an employment benefit, or violates the contractual overtime provisions of a regular employee; (c) in a manner that violates an existing collective bargaining agreement or a statutory provision; (d) in a manner that supplants or duplicates a position in an existing, approved apprenticeship program; (e) by or through an employment agency or temporary help service firm as a community work experience or alternative work experience worker; (f) if there is a contractual or statutory recall right to that position at that workplace; or (g) if there is an ongoing strike or lockout.

**WHEREAS**, participation by a recipient in CWEP provided by the Borough of Rockaway shall not be considered employment for any purpose, except that it shall be regarded (i) as employment for the purposes of (a) the "Law Against Discrimination" (P.L. 1945, c. 169 (C.10:5-1 et seq.)), and the Borough shall be deemed the employer for purposes of any action brought under; (b) the "New Jersey Public Employees' Occupational Safety and Health Act," (P.L. 1983, c. 516 (C.34-6A-25 et seq.)); (c) the "Conscientious Employee Protection Act," (P.L. 1986, c. 105 (C.34:19-1 et seq.)) and the "Worker and Community Right to Know Act," (P.L. 1983, c. 315 (C.34:5A-1 et seq.)); (d) Chapter 15 of Title 34 of the Revised Statutes, subject to the provisions of section 12 of this act; and (ii) the recipient shall be entitled, to the same degree as any similarly-situated employee of the sponsor, to family leave pursuant to the "Family Leave Act," P.L. 1989, c. 261 (C.34:11B-1 et seq.).

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor is hereby authorized to execute the Work First New Jersey/FSETP Worksite Agreement between the County of Morris and the Borough of Rockaway in a form approved by the Borough Attorney in order to establish the Borough of Rockaway Municipal Building as a Community Work Experience Program worksite.

**BE IT FURTHER RESOLVED** that a copy of the Work First New Jersey/FSETP Worksite Agreement shall be kept on file with the Clerk of the Borough of Rockaway.

This resolution shall take effect as provided by law.

DATE: September 22, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

**RESOLUTION 125-11: AUTHORIZE THE ADVERTISEMENT OF BIDS FOR TRIPLE COMBINATION PUMPER**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Rockaway in the County of Morris, that the Borough Clerk be and is hereby authorized and directed to advertise, as required by law, in the *Daily Record* and *The Citizen*, officially designated newspapers circulated in said Borough, an Invitation to Bidders for sealed proposals to be received by the Borough Clerk of the Borough of Rockaway in the County of Morris, New Jersey, for:

**TRIPLE COMBINATION PUMPER**

Sealed proposals will be opened and read in public at Borough Hall, 1 East Main Street, Rockaway, New Jersey at a date to be determined by the Borough Clerk.

DATE: September 22, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

ORDINANCE NO. 14-11, Introduction & First Reading

**ORDINANCE OF THE BOROUGH OF ROCKAWAY  
MAYOR AND COUNCIL  
WAIVING UNIFORM CONSTRUCTION CODES FEES  
FROM SEPTEMBER 12, 2011 THROUGH DECEMBER 31, 2011  
FOR HURRICANE IRENE VICTIMS**

Councilman Willer 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 October 13, 2011.

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

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

ORDINANCE NO. 09-11, Public Hearing & Adoption

Councilman Mulligan explained the background behind this Ordinance; discussion ensued. Councilman Mulligan offered the following ordinance as read by title on second reading:

**ORDINANCE OF THE BOROUGH OF ROCKAWAY  
MAYOR AND COUNCIL  
AMENDING CHAPTER 172, ZONING,  
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

**WHEREAS**, the Mayor and Council of the Borough of Rockaway desire to modify the regulations for temporary signs.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Rockaway, County of Morris, that the following amendments be made to Chapter 172, Zoning, of the Code of the Borough of Rockaway:

Section I - Article IV, Signs

1. Article IV, Signs, Section 172-36, Permits; application; conformance to requirements, Subsection D, is hereby repealed in entirety and modified to read as follows:

"§ 172-36. Permits; application; conformance to requirements.

- D. Any business owner requesting the right to display temporary banner signs shall apply for and have issued a permit by the Borough of Rockaway before such business owner may display such signs. There shall be imposed a fee of \$40 for each permit period subject to the following limitations: Each permit period shall consist of 21 consecutive days; there shall be no more than four permit periods in any calendar year, and there shall be not less than 15 consecutive days between each permit period. The application must identify the permit period(s) and shall be submitted to the Zoning Officer not later than 10 days prior to the commencement date of any permit period. Any tenant of a business owner must have the written consent of the business owner or owner of the property from which the banner sign shall be displayed."

2. Article IV, Signs, Section 172-38, Prohibited signs, Subsection I, is hereby repealed in entirety and modified to read as follows:

"§ 172-38. Prohibited signs.

- I. Signs which are portable or fixed on a movable stand, self-supporting without being firmly imbedded in the ground, or are supported by other objects. Notwithstanding this prohibition, a business owner in the B-C zone may display an "A-frame" sign per Section 172-61.D(13)."

3. Article IV, Signs, Section 172-38, Prohibited signs, is hereby modified to add the following:

"§ 172-38. Prohibited signs.

- O. Except for A-frame signs permitted in the B-C zone per Section 172-61.D(13), signs which are mounted on wheels or on a movable vehicle and signs which are made easily movable in any other manner."

4. Article IV, Signs, Section 172-39, General sign requirements, Subsection B, Maintenance, Sub-Subsection (1) is hereby repealed in entirety and modified to read as follows:

"§ 172-39. General sign requirements.

- B. Maintenance.

- (1) All signs (including official signs, banner signs, and portable signs as permitted by this Article IV), together with all their supports, braces, hooks, anchors and other fastening devices, shall be of substantial and sturdy construction, shall be kept in good repair and shall be painted or cleaned as often as necessary to maintain a clean, neat, safe and orderly appearance. All signs must be properly secured so as to not cause a hazard or an unsafe condition to pedestrians or property."

5. Article IV, Signs, Section 172-39, General sign requirements, Subsection E, is hereby repealed and modified to read as follows: There are no changes to Subsections (1), (2), or (3).

"§ 172-39. General sign requirements.

- E. Banner signs. No more than two banner signs may be permitted in any permit period as defined in § 172-36.D. If a business owner shall have more than one tenant in his building who wishes to utilize banner signs, no tenant shall be permitted to display more than one banner sign for each permit period where more than one tenant or business owner desires to display a banner sign. Banner signs may be displayed as wall-mounted or ground-mounted signs, provided the size of such banner sign and its location meet in all respects the requirements for permanent signs for such business owner's property."

Section II - Article VI, Borough Center Commercial District

1. Article VI, Borough Center Commercial District, Section 172-61, Borough Center District design criteria and bulk standards, is hereby modified to add the following Subsections to Section 172-61.D:

"§ 172-61. Borough Center District design criteria and bulk standards.

- D. Supplemental sign requirements in addition to Article IV, Signs, of this chapter shall apply to business signs in the B-C District as follows:

- (13) An A-frame sign (as defined in this § 172-61) shall be permitted by business owners as provided in this Article VI. An "A-frame sign" shall be defined as a portable, free-standing, self-supporting sign made of durable material that contains two sign faces that are hinged or otherwise fastened at the top such that when viewed from the side, it forms a triangle or "A" shape. An A-frame sign is only intended to inform the public of a unique happening, action, purpose, or occasion or to advertise sale or seasonable items.
- (14) An A-frame sign shall be placed only upon the property of the business owner requesting the right to display an A-frame sign, or if a tenant of the business owner desires to display an A-frame sign, such tenant shall adhere to the requirements of this Article VI. The owner of the property upon which such an A-frame sign is erected shall be responsible for the acts of its tenant in utilizing the property of such business owner.
- (15) Any business owner requesting the right to display an A-frame sign shall apply for and have issued a permit by the Borough of Rockaway before such business owner may display such sign. There shall be imposed an annual fee of \$50. The application must be submitted to the Zoning Officer not later than 10 days prior to the display of an A-frame sign. Any tenant of a business owner must have the written consent of the business owner or owner of the property from which the A-frame sign shall be displayed.
- (16) No more than one A-frame sign may be permitted as defined in this Article VI. If a business owner shall have more than one tenant in his building who wishes to utilize A-frame signs, no tenant shall be permitted to display more than one A-frame sign.
- (17) Size of A-frame signs. If a business owner makes application for one A-frame sign, such A-frame sign shall not, in any event, exceed 42 inches tall by 36 inches wide each side.
- (18) Setback requirements. Any A-frame sign shall not be closer to any side line of the property owned by the business owner or leased from the business owner than 10 feet from said side line. No A-frame sign shall be strung across any roadway nor shall such sign be affixed to any utility pole. No such A-frame sign shall be affixed to any other structure adjoining the property of the business owner or tenant of the business owner.
- (19) Any A-frame sign shall be securely attached at the top and bottom corners of the metal or other durable structure frame designed to hold such A-frame sign.
- (20) Any A-frame sign shall not present any visibility obstruction for vehicles.
- (21) Any A-frame sign shall be placed on the sidewalk allowing at least one-half the width of the sidewalk as clearance for adequate and unimpeded pedestrian access.

- (22) Any A-frame sign must be stored inside the place of business when the business is closed.
- (23) Any A-frame sign shall not present any hazard for the general public.
- (24) Any A-frame sign may not contain moving parts or have balloons, streamers and flags of any size (unless such flag shall have a qualified right to be displayed on property), posters, fluorescent paint, ribbons, streamers, strings of light bulbs, spinners or any other similar types of devices, whether or not they contain a message."

### 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 by law.

Mayor Greuter opened the meeting to the public.

Mrs. Bonnie Hook, Georgia's Stained Glass, 23 Jackson Ave., stated that business owners know when they purchase a business or property, the zone and what the rules are. She went to the Board and received a variance.

Mr. Rob Grow, Potbelly's, Lakeside Dr., said that the ordinance is being considered at one of the country's worst economic times.

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

Councilwoman Kanigel suggested that the planner be asked for advice.

On motion by Councilman Vicente, and seconded by Council President Burnside, the above mentioned ordinance was adopted by the following roll call:

Roll Call: Ayes: Donofrio, Mulligan, Vicente, Willer, Burnside  
Nays: Kanigel

### PUBLIC PORTION

Mayor Greuter opened the meeting to the public.

Tom Patton, 45 Drake Ave., and Dan Sperry, 53 Drake Ave., discussed the water problems that they are having between their houses. A meeting will be arranged with the Borough Engineer.

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

### CLOSED SESSION

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

#### **RESOLUTION 126-11: 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, Litigation, 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 22, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor and Council went into closed session at 9:05 p.m. and resumed the public meeting at 9:42 p.m.

(Councilman Willer left at 9:35 p.m.)

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

**RESOLUTION 127-11: EXECUTE FIRST AMENDMENT TO THE MEMORANDUM OF AGREEMENT WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**WHEREAS**, on July 12, 2007, the Mayor and Council authorized the Mayor and Borough Clerk to execute a Memorandum of Agreement with the United States Environmental Protection Agency ("U.S. EPA") and/or the successor in interest to Thiokol to permit the U.S. EPA and/or the successor in interest to Thiokol to erect a groundwater treatment building in order to purge the aquifer serving the Borough water supply of contaminants and to install such laterals and mains as may be necessary in connection with the operation of the groundwater treatment building on the Property; and

**WHEREAS**, such Agreement was executed on November 2, 2007; and

**WHEREAS**, it was discovered that the building for the plume extraction and treatment system for the East Main/Wall Street portion of the Rockaway Borough Wellfield Superfund Site would impact flood storage volume in violation of the regulations of the Flood Hazard Area control Act, N.J.A.C. 7:13-10.4: Requirements for a regulated activity in a flood fringe; and

**WHEREAS**, in order to be in compliance with N.J.A.C. 7:13-10.4, the U.S. EPA would have to either create flood storage volume on the property located at Block 14, Lot 18, which will be used to house the East Main/Wall Street Plume Extraction and Treatment System, or replace proposed flood storage volume onsite with off-site compensation in the same sub-watershed area; and

**WHEREAS**, the property where the treatment system is to be constructed does not have sufficient area to create flood storage volume to offset the area impacted by the building housing the treatment system, and the U.S. EPA explored the use of another property to replace proposed flood storage volume displacement onsite; and

**WHEREAS**, it was determined that only the property owned by the Borough of Rockaway and located at Block 40, Lot 76, also known as the Gee Property, satisfied the off-site compensation requirements; and

**WHEREAS**, it is in the best interest of the Borough of Rockaway and its residents to enter into this Agreement.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor is hereby authorized to execute the First Amendment to the Memorandum of Agreement between the Borough of Rockaway and the U.S. Environmental Protection Agency, executed on November 2, 2007 in a form approved by the Borough Attorney.

**BE IT FURTHER RESOLVED** that a copy of the First Amendment to the Memorandum of Agreement shall be kept on file with the Clerk of the Borough of Rockaway.

This resolution shall take effect as provided by law.

DATE: September 22, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

ADJOURNMENT

The meeting adjourned at 9:45 p.m.

Approved: As Submitted

Sheila Seifert, Borough Clerk

Date: October 13, 2011