

**MAYOR & COUNCIL
REGULAR MEETING
FEBRUARY 9, 2012
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 7:34 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 February 9, 2012. Mayor Greuter announced the location of the fire exits.

Councilmembers Present

Thomas Donofrio
Joyce Kanigel
Thomas Mulligan
Joseph Vicente
John Willer

Councilmembers Absent

Melissa Burnside - Council President

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 Councilman Mulligan, seconded by Councilman Donofrio, and carried unanimously upon voice vote, the minutes of the January 26, 2012 Regular Meeting and the January 28, 2012 Budget Meeting were accepted as submitted.

CORRESPONDENCE

Mayor Greuter read the January 29, 2012 letter from Virginia Benner on behalf of her sister, Nancy Backer. Ms. Benner commended and thanked the Borough Fire Department and surrounding fire companies for the extreme effort they provided at the fire at 27 Wall St. Ms. Benner also recognized Fire Marshal Tom Trapasso for the concern he exhibited when he thought Ms. Backer might still be inside the building.

On motion by Councilman Willer, seconded by Councilman Mulligan, and unanimously carried by voice vote to accept the correspondence, and to place a copy in Fire Marshal Tom Trapasso's personnel file.

Mayor Greuter read a letter from George Russell, 99 Academy St., complaining about issues at Park Lake such as sand, noise, and lighting. Mayor Greuter explained that he and Councilman Donofrio had met with the residents and made some improvements such as the purchase of a heavier sand, requested JCP&L to remove a light, and additional enforcement of dogs running at large by Health and Police Departments.

Mayor Greuter read the letter from the Rockaway Rotary Club requesting approval to hold its 5K race on Saturday, July 7.

Councilman Willer made a motion to accept the correspondence, approve the request, and inform the Rotary that the Borough would provide the financial assistance it could. There was no second.

Discussion ensued; and the Governing Body decided to defer the decision until more information regarding the 2012 budget could be obtained from the Chief Financial Officer or until a commitment could be obtained from the Rotary Club on its funding for the race.

COUNCIL REPORTS

Personnel Committee - Councilwoman Kanigel

Building Department Personnel

Electrical Subcode Official John Lane is scheduled for surgery on February 16; he will be out for approximately four-six weeks. A resolution granting Mr. Lane an unpaid temporary leave of absence for the six week period is on the agenda. The Construction Official recommended that a temporary employee be hired at \$35 per hour.

Mayor Greuter reported that Mr. Lane submitted a letter requesting a paid leave. Mayor Greuter explained that the request could not be granted as it would be against the Borough's policy.

Upon motion by Councilwoman Kanigel, seconded by Councilman Mulligan, and carried unanimously upon voice vote, to authorize the Borough Clerk to solicit resumes for a temporary Electrical Subcode Official for a period not to exceed six weeks at \$35 per hour.

Fire Subcode Official Michael Good submitted his resignation effective February 29. Mayor Greuter stated that a replacement could be a possible shared service with Rockaway Township.

Upon motion by Councilwoman Kanigel, seconded by Councilman Donofrio, and carried unanimously upon voice vote, to accept the resignation of Fire Subcode Official Michael Good, with regret, and to authorize the Borough Clerk to advertise for a new part-time Fire Subcode Official.

Requested closed session relating to personnel.

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

Public Works/Public Utilities Committee - Councilman Donofrio

Notice of Non-Compliance

The Department of Environmental Protection issued a notice of non-compliance regarding the monthly water sampling. In June, one out of eight samples tested positive for total coliform; the required re-testing samples were all negative. However, the second sampling was done within 48 rather than 24 hours, requiring an advertisement of the non-compliance.

Public Works Yard

The Department of Public Works has been moving materials, making room for the salt dome and recycling.

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

Ordinance Committee - Councilman Mulligan

Councilman Mulligan explained the three ordinances that are scheduled for adoption this evening.

Upon motion by Councilman Mulligan, seconded by Councilman Vicente, to authorize the Borough Clerk to advertise for the Recreation Director and summer park/lifeguard positions.

The Little League wanted to use the Community Center for sign-ups over the weekend; however, a certificate of insurance would not be available until next week. Mayor Greuter explained that the Risk Manager recommended against allowing an organization who is not covered by the Borough's insurance to use its facilities without providing a certificate of insurance. Discussion ensued; the Risk Manager will contact Little League.

Upon motion by Councilman Willer, 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.

Upon motion by Councilman Mulligan, seconded by Councilman Donofrio, 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 February 15, 22, 29 for fit-testing, right-to-know and SCBA recertification, an officers' drill on February 20; and accepted the application of Scott Hurley pending Mayor and Council approval and accepted an application from Harry Green for the junior program.

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

Seniors should be aware of a company calling itself Senior Help-Line that distributed a misleading Medicare flyer. When called, the agent attempts to enroll them in an insurance plan. This is not a company that is registered with the state.

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

ATTORNEY'S REPORT

79 Broad St.

The attorneys have not yet received a response from Larry Wiener, Esq. regarding the collection of \$18,700 from the sale of 79 Broad St. If there is no response by the next meeting, the attorneys will ask for authorization to file suit.

RVRSA Litigation

Discovery and depositions are finished. If necessary, a trial could begin in September.

Requested a brief closed session for potential litigation.

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

MAYOR'S REPORT

Attended a meeting with representatives from JCP&L, NJ Board of Public Utilities, two assemblymen and a senator regarding JCP&L's response to Hurricane Irene and snowstorm and future plans.

Mayor Greuter is a member of the Mayors' Emergency Management Preparation Task Force; a meeting will be held in mid-March in Trenton.

Upon motion by Councilman Willer, seconded by Councilman Vicente, and carried unanimously upon voice vote, to accept the Mayor'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 39-12: AUTHORIZE THE ADVERTISEMENT OF BIDS FOR GRANULATED ACTIVATED CARBON

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:

GRANULATED ACTIVATED CARBON

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: February 9, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 40-12: AUTHORIZE THE ADVERTISEMENT OF BIDS FOR SALT DOME

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:

SALT DOME

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: February 9, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 41-12: AUTHORIZE THE ISSUANCE OF LICENSE(S) FOR TOWING SERVICE

WHEREAS, the Mayor and Council of the Borough of Rockaway did adopt by ordinance a procedure for the issuance of licenses to towing operators in the Borough of Rockaway; and

WHEREAS, the following named applicants have duly filed application for such license:

- Tony's Towing & Recovery, Inc., 228 East Blackwell Street, Dover, NJ 07801
- McCarter's Towing, LLC, 74 Cobb Street, Rockaway, NJ 07866

WHEREAS, pursuant to said Ordinance, the Chief of Police of the Borough of Rockaway has endorsed said applications as being complete pursuant to the Ordinance; and

WHEREAS, the Chief of Police has advised the Mayor and Council that the applicants have properly completed the application for a towing license in the Borough of Rockaway; and

WHEREAS, the Chief of Police has advised the Mayor and Council that background investigations were completed with satisfactory results; and

WHEREAS, the Chief of Police has advised the Mayor and Council that the applicants for towing license are presently on the official list of towers for the State of New Jersey and that these applicants have provided towing services to the Borough of Rockaway in prior years without any problems or complaints.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway that the following companies be issued official tower license as noted below:

<u>License Number</u>	<u>Name</u>	<u>Place of Business</u>
206	Tony's Towing & Recovery, Inc.	228 East Blackwell Street Dover, NJ 07801
207	McCarter's Towing, LLC	74 Cobb Street, Rockaway, NJ 07866

This resolution shall take effect as provided by law.

DATE: February 9, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 42-12: AUTHORIZE CONTRACT AWARD (REPAIR SEWER VACUUM TRUCK)

WHEREAS, there exists a need to obtain repair the sewer vacuum truck utilized by the Department of Public Works; and

WHEREAS, a State Contract No. A69719 exists for the same from Jet-Vac, Inc., 15 Taylor Rd., Wharton, NJ 07885-1532 (800-577-1841); and

WHEREAS, a Certificate of Availability of Funds has been filed by the Borough of Rockaway Chief Financial Officer; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that it does hereby authorize the issuance of a purchase order for sewer vacuum truck repairs for use by the Department of Public Works to Jet-Vac, Inc., 15 Taylor Rd., Wharton, NJ 07885-1532 (800-577-1841), under State Contract No. A69719, not to exceed the amount of \$16,000.00 as specified by quote dated January 26, 2012.

DATE: February 9, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

CERTIFICATION FOR AVAILABILITY OF FUNDS

I, JOHN J. DOHERTY, Borough Treasurer, of the Borough of Rockaway, in the County of Morris, Jersey, do hereby certify that funds in the amount as stated in their contracts are currently available for the purpose of awarding a contract for the furnishing of goods or services to the following entity:

Jet-Vac, Inc., 15 Taylor Rd., Wharton, NJ 07885-1532 (800-577-1841), under State Contract No. A69719, not to exceed the amount of \$16,000.00.

Ordinance#: 16-10-05

DATE: February 9, 2012

BY: John J. Doherty, Treasurer

RESOLUTION 43-12: GRANT LEAVE OF ABSENCE (ELECTRICAL SUB-CODE OFFICIAL)

WHEREAS, John Lane will be unable to perform his duties as Electrical Sub-Code Official from February 16, 2012 through and including March 30, 2012; and

WHEREAS, Section 61-80.A of the Code of the Borough of Rockaway provides that employees may be granted a personal leave of absence for up to six months by resolution of the Mayor and Council if the leave does not cause undue operational disruption.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, that John Lane has shown good cause and is hereby granted an unpaid temporary leave of absence from February 16, 2012 through and including March 30, 2012 per Section 61-80.A of the Code of the Borough of Rockaway.

DATE: February 9, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 44-12: AUTHORIZE CONTRACT AWARD FOR FIRE DEPARTMENT APPARATUS (TRIPLE COMBINATION PUMPER)

WHEREAS, the Borough of Rockaway did properly advertise for a Triple Combination Pumper Fire Department Apparatus on November 30, 2011; and

WHEREAS, the Borough of Rockaway received bids in response to said solicitation from Absolute Fire Protection and Pierce Manufacturing; and

WHEREAS, Absolute Fire Protection's bid of \$486,605 was the lowest bid received and Pierce Manufacturing's bid of \$519,177 was the next highest bid; and

WHEREAS, the Fire Department of the Borough of Rockaway reviewed both bids and issued a memorandum regarding both bids dated December 28, 2011 in which memorandum the Rockaway Borough Fire Department determined that for numerous reasons the bid of Absolute Fire Protection failed to meet the required terms and conditions of the bid whereas the bid of Pierce Manufacturing met all of the technical specifications requested in the bid for such fire apparatus; and

WHEREAS, both bids along with the Fire Department's comments were delivered to the Rockaway Borough attorney's office for review by the attorney for compliance with the law; and

WHEREAS, the Borough attorney's office noted that Pierce Manufacturing had submitted a statement of clarification with regard to the bid concerning various insurance requirements set forth in the bid; and

WHEREAS, the Borough Attorney subsequently requested further clarification from Pierce Manufacturing regarding the clarifications to the bid which request was communicated to the Borough Attorney on February 1, 2012 further clarifying the clarification submitted with the bid, all of which clarifications (both the initial clarifications and the subsequently clarified clarifications) were sufficient for the Borough Attorney to approve the bid of Pierce Manufacturing as being in compliance with the solicitation for bid and in accordance with law.

WHEREAS, the contract is being awarded through a fair and open process, pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, a Certificate of Availability of Funds has been filed by the Borough of Rockaway Chief Financial Officer;

NOW, THEREFORE, BE IT RESOLVED on this 9th day of February, 2012 that a certain bid submitted to the Borough of Rockaway for a Triple Combination Pumper Fire Department Apparatus in the amount of \$519,177 is hereby authorized and approved, subject to the execution of a contract between Pierce Manufacturing and the Borough of Rockaway satisfactory in form and substance to the Borough Attorney.

AND BE IT FURTHER RESOLVED that upon the issuance of the Borough Attorney's statement of approval of the contract that the Mayor and Borough Clerk be and the same are hereby authorized to execute said contract in accordance with the bid submitted and in accordance with the laws of the State of New Jersey.

This Resolution shall take effect immediately upon passage.

DATE: February 9, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

CERTIFICATION FOR AVAILABILITY OF FUNDS

I, JOHN J. DOHERTY, Borough Treasurer, of the Borough of Rockaway, in the County of Morris, Jersey, do hereby certify that funds in the amount as stated in their contracts are currently available for the purpose of awarding a contract for the furnishing of goods or services to the following entity:

Pierce Manufacturing in the amount of \$519,177.
Ordinance#: 4-11-02

DATE: February 9, 2012

BY: John J. Doherty, Treasurer

RESOLUTION 45-12: APPROVE 2010-2011 AND 2011-2012 ALCOHOL BEVERAGE CONTROL LICENSE (MOUNTAIN MAHA GAYATRI, INC.)

WHEREAS, Mountain Maha Gayatri, Inc. ("Mountain Gayatri") a corporation of the state of New Jersey located on Marilyn Ave. off Route 46, in the Borough of Rockaway, New Jersey 07866 (the "Licensee") was the owner of a certain liquor license no. 1434-33-001-003 issued by the Borough of Rockaway (the "Liquor License") which ceased active operations on or about March 15, 2001; and

WHEREAS, Mountain Gayatri was dissolved on or about November 29, 2001. Its principal shareholder, Bhailal H. Patel ("Patel"), became the owner of the Liquor License as the shareholder in dissolution of the corporation. Patel has expressed his intention to transfer the license to Pooja Heena, Inc. ("Pooja"); and

WHEREAS, Patel as the shareholder in dissolution and Pooja as the proposed transferee (and in cooperation with the Licensee) did file a Verified Petition with the State of New Jersey, Department of Law and Public Safety, Division of Alcoholic Beverage Control seeking relief pursuant to N.J.S.A. 33:1-12.18 for the 2010-2011 license term and also pursuant to N.J.S.A. 33:1-12.39 for the 2011-2012 license term. The Licensee subsequently requested an additional year of relief pursuant to N.J.S.A. 33:1-12.39 for the 2012-2013 license term; and

WHEREAS, on December 30, 2011 the Division of Alcoholic Beverage Control issued a Consent Order Granting Special Ruling requiring the Licensee to advertise in accordance with N.J.A.C. 13:2-2.5, as well as submit a full 12-page application for the 2010-2011 license term and to complete the publication requirements within 45 days of the date of entry of the Consent Order Granting Special Ruling or the Consent Order Granting Special Ruling shall be null and void; and

WHEREAS, on January 11, 2012 the Borough Clerk of the Borough of Rockaway received the full 12-page application; and

WHEREAS, the Licensee has provided Affidavits of Publication indicating that the publication requirements were met by publication in the Daily Record on January 12, 2012 and January 19, 2012; and

WHEREAS, the Consent Order authorizes the Governing Body of the Borough of Rockaway to consider the issuance of a "new" license for the 2010-2011 license term nunc pro tunc subject to the following special conditions: (a) no further renewals of the license will be granted unless the license is being actively used at an approved location on or before June 30, 2013; (b) the licensee or proposed transferee will submit no further renewal applications nor seek additional relief pursuant to N.J.S.A. 33:1-12.39 if, in fact, the license is not being actively used by June 30, 2013; and (c) the Consent Order Granting Special Ruling and Special Conditions imposed must be attached to the license; and

WHEREAS, the Consent Order authorizes the Governing Body of the Borough of Rockaway, after the issuance of a new Liquor License for year 2010-2011, to consider the renewal of the license for the 20112012 license term subject to the imposition of the special conditions as set forth above; and

WHEREAS, the Consent Order authorizes (but does not require) the Governing Body of the Borough of Rockaway to consider the renewal of the license for the 2012-2013 license term subject to the imposition of the special conditions as set forth above; and

WHEREAS, the Licensee appeared before the Borough Council on January 26, 2012 and established good cause for the issuance of a "new" license to Mountain Gayatri for the 2010-2011 license term nunc pro tunc and for renewal of the license only for the 2011-2012 license term; and

WHEREAS, at said meeting, the Mayor and Council expressed their dissatisfaction with the progress which Mountain Gayatri and Patel have made in their efforts to restore the building and property and to commence the use of the license. The Mayor and Council determined that it was not in the best interests of the Borough to grant an extension of the Liquor License through June 2013 at this time to assure that Mountain Gayatri and Patel make sufficient progress in the repair and restoration of the building and property through June 2012. Therefore, it was determined by the Mayor and Council to postpone action on the extension of the Liquor License through June 2013 and to only issue the Liquor License until June 2012 when it is expected that Mountain Gayatri and Patel will make application for the extension of the Liquor License and providing sufficient proof to the satisfaction of the Mayor and Council to permit the further extension of the Liquor License; and

WHEREAS, at said meeting, the Mayor and Council expressed concern about the rear building condition and their concern for the safety of emergency responders who may have to respond to emergencies occurring in the rear unoccupied building. It was made clear to Mountain Maha and Patel that the licensed premises would encompass only the front building where renovations and improvements have been made and where it was represented that the license would be used if an agreement can be reached with a national hotel operator.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, in the County of Morris, State of New Jersey, that the Governing Body hereby issues a "new" license liquor license no. 1434-33-001-003 for the 2010-2011 license term nunc pro tunc to Mountain Maha Gayatri, Inc., for the premises in which there is ongoing commercial activity in connection with the use of said building as a motel/hotel and not for the unoccupied rear building which has been closed and will remain closed to the public in accordance with the December 30, 2011 Special Ruling issued by the State of New Jersey, Department of Law and Public Safety, Division of Alcoholic Beverage Control subject to the following conditions: (a) no further renewals of the license will be granted unless the license is being actively used at an approved location on or before June 30, 2013; (b) the licensee or proposed transferee will submit no further renewal applications nor seek additional relief pursuant to N.J.S.A. 33:1-12.39 if, in fact, the license is not being actively used by June 30, 2013; and (c) the Consent Order Granting Special Ruling and Special Conditions imposed must be attached to the license; and

BE IT FURTHER RESOLVED that the Borough Council hereby renews inactive liquor license no. 1434-33-001-003 to Mountain Maha Gayatri, Inc., for the premises in which there is ongoing commercial activity in connection with the use of said building as a motel/hotel and not for the unoccupied rear building which has been closed and will remain closed to the public located on Marilyn Ave. off Route 46, Rockaway, New Jersey 07866 for the 2011-2012 license term only in accordance with the December 30, 2011 Special Ruling issued by the State of New Jersey, Department of Law and Public Safety, Division of Alcoholic Beverage Control subject to the following conditions: (a) no further renewals of the license will be granted unless the license is being actively used at an approved location on or before June 30, 2013; (b) the licensee or proposed transferee will submit no further renewal applications nor seek additional relief pursuant to N.J.S.A. 33:1-12.39 if, in fact, the license is not being actively used by June 30, 2013; and (c) the Consent Order Granting Special Ruling and Special Conditions imposed must be attached to the license.

BE IT FURTHER RESOLVED that the Borough Council expressly reserves the right to deny any further extensions of the license beyond the end of June 2012 unless and until Mountain Gayatri and Patel demonstrate good cause for the renewal of the Liquor License to the satisfaction of the Mayor and Council. Nothing contained in this resolution shall be deemed to approve of the transfer of the Liquor License to Pooja or anyone else unless and until an application for such transfer has been duly made to the Mayor and Council and subject to such conditions which may be imposed by the Mayor and Council upon such transfer.

This Resolution shall take effect immediately upon passage.

DATE: February 9, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 46-12: AUTHORIZE ISSUANCE OF REIMBURSEMENT UNDER THE "KELLY LAW"

BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that the Chief Financial Officer be directed to issue a reimbursement check as listed below under the "Kelly Law" pursuant to N.J.S.A. 40:67-23.2, et seq.:

Laurel Manor Apartments, LLC - \$230.26
c/o Sarah Akhtar
P.O. Box 705
Toms River, NJ 08753

Tudor Estates Condo Association - \$690.78
c/o Sharon Cucuzzella
60 Adler Court
Rockaway, NJ 07866

Woods Edge Condominium Association - \$1,848.13
c/o Patricia Nelson, President
10 Woods Edge Road
Rockaway, NJ 07866

DATE: February 9, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 47-12: AUTHORIZE CONTRACT AWARD (DPW TRUCK)

WHEREAS, there exists a need to obtain a truck for use by the Department of Public Works; and

WHEREAS, a state contract exists for the purchase of same from Warnock Fleet, 175 Route 10, East Hanover, NJ 07936, (973 884-2100); and

WHEREAS, a Certificate of Availability of Funds has been filed by the Borough of Rockaway Chief Financial Officer; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that it does hereby authorize the issuance of a purchase order for a truck for use by the Department of Public Works to Warnock Fleet, 175 Route 10, East Hanover, NJ 07936, (973 884-2100), under State Contract No. A78848, not to exceed the amount of \$25,500.00.

DATE: February 9, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

CERTIFICATION FOR AVAILABILITY OF FUNDS

I, JOHN J. DOHERTY, Borough Treasurer, of the Borough of Rockaway, in the County of Morris, Jersey, do hereby certify that funds in the amount as stated in their contracts are currently available for the purpose of awarding a contract for the furnishing of goods or services to the following entity:

Warnock Fleet, 175 Route 10, East Hanover, NJ 07936, (973 884-2100), under State Contract No. A78848, not to exceed the amount of \$25,500.00.

Ordinance#: 4-11-06

DATE: February 9, 2012

BY: John J. Doherty, Treasurer

ORDINANCE NO. 01-12, Public Hearing & Adoption

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

**ORDINANCE OF THE
BOROUGH OF ROCKAWAY, COUNTY OF MORRIS, APPROPRIATING \$80,000.00
FROM THE COUNTY OF MORRIS,
COMMUNITY DEVELOPMENT REVENUE SHARING
FOR HILLSIDE WATER TANK REFURBISHMENT**

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 \$80,000.00 from the County of Morris, Community Development Revenue Sharing for the hereinafter designated purpose.

SECTION 2: The purpose authorized herein is for Hillside Water Tank Refurbishment.

SECTION 3: It is the opinion of the Mayor and Council of the Borough of Rockaway, County of Morris, that the appropriation from the County of Morris, Community Development Revenue Sharing and the use of the appropriation for said purpose is in the best interest of the Borough of Rockaway.

SECTION 4: All grant monies received for the purpose described in Section 2 hereof shall be applied to direct payment of the cost of the improvements.

SECTION 5: This Ordinance shall take effect according to law.

DATE: February 9, 2012

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, Willer
Nays: None

ORDINANCE NO. 02-12, 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 71, RECREATION COMMISSIONERS, BOARD OF,
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

WHEREAS, the Mayor and Council of the Borough of Rockaway have determined that all appointments for paid positions should be the responsibility of the Governing Body.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that the following amendment be made to Chapter 71, Recreation Commissioners, Board of, of the Code of the Borough of Rockaway as follows:

Section I

1. Chapter 71, Recreation Commissioners, Board of, § 71-11, Employees, is hereby repealed in entirety and modified to read as follows

"§ 71-11. Employees.

The Mayor and Council may appoint a Recreation Director who shall report directly to the Mayor and Council for a term not to exceed three years and a Secretary or Clerk, who need not be a member of the Board of Recreation Commissioners, and such number of custodians, supervisors and assistants for the several playgrounds and recreation places under the control of the Board of Recreation Commissioners, as the Mayor and Council shall deem necessary, and shall fix and determine their salaries."

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: February 9, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor Greuter opened the meeting to the public.

Mr. Rob Grow, Lakeside Dr., asked for an explanation of why the change was being made. Councilman Mulligan responded that, in the past, the Commission had not regularly appointed the director for a three-year term as was required under the ordinance.

There being no further 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, Willer
Nays: None

ORDINANCE NO. 03-12, 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 241,
VEHICLES AND TRAFFIC,
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

BE IT ORDAINED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that the following amendment be made to Chapter 241, Vehicles and Traffic, of the Code of the Borough of Rockaway as follows:

Section I, Part 2, Vehicle and Traffic Regulations, Article XV, Schedules

1. The following item is hereby added to Section 241-66, Schedule XVII entitled "Stop Intersections":

§ 241-66. Schedule XVII: Stop Intersections.

In accordance with the provisions of § 241-30, the following described intersections are hereby designated as stop intersections, and stop signs shall be installed as follows:

Stop Sign on

Hibernia Avenue

At Intersection of

County Route 513

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: February 9, 2012

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, Willer
Nays: None

PUBLIC PORTION

Mayor Greuter opened the meeting to the public.

Ms. Kathy Haake, Rockaway Ave., and a member of the Environmental Committee, distributed information regarding the budget for the 2012 Green Acres Recreational Trails Grant Application. She suggested that the parking lot escrow money from the acquisition of the Beach St. property be used to prepare a parking lot at the end of Broad St. and used as the matching funds for this grant.

Upon motion by Councilman Willer, seconded by Councilman Mulligan, and carried unanimously via roll call vote, to authorize the Environmental Committee to submit the 2012 Green Acres Recreational Trails Grant Application.

Mrs. Joyce Freiermuth, 99 E. Flagge St., distributed proposed rules and regulations for the Beach St. River Park. The Attorney will look into who will be responsible for the park (i.e., Recreation or Environmental Committee).

Mr. Tony Manno, 73 W. Lincoln Ave., on behalf of Rockaway Little League, said that this year is the 60th anniversary of Rockaway Borough Little League. They were hoping to have a memorial-type event on Opening Day. Mayor Greuter stated that preliminary indications are that the budget is over the 2% cap now; we don't want to lay anyone off and may not have funding for parades.

There being no further comments, 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 48-12: 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: February 9, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor and Council went into closed session at 8:45 p.m. and resumed the public meeting at 9:04 p.m.

ADJOURNMENT

The meeting adjourned at 9:04 p.m.

Approved: As Submitted

Sheila Seifert, Borough Clerk

Date: February 23, 2012