

**MAYOR & COUNCIL
REGULAR MEETING
JULY 26, 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 Council President Melissa Burnside presiding. Council President Burnside called the meeting to order at 7:30 p.m.

Council President Burnside 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 July 26, 2012. Council President Burnside 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

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 Vicente, seconded by Councilman Donofrio, and carried unanimously upon voice vote, the minutes of the July 12, 2012 Regular Meeting were accepted as submitted.

COUNCIL COMMENTS

Personnel Committee - Councilwoman Kanigel

Library Board of Trustees

The Library Board of Trustees is starting to plan for its 100th anniversary in 2014 and has scheduled some fundraisers.

Historical Committee

The Historical Committee installed the historic plaque on the Firehouse.

Public Works/Public Utilities Committee - Councilman Donofrio

Public Works

We are asking residents to curtail water usage although a water emergency has not been declared. The Franklin Avenue roadway resurfacing project is underway.

Ordinance Committee - Councilman Mulligan

Recreation

The dog park idea is still in its early exploratory stages. The Recreation Commission will look at regulations, environmental impacts, how to handle cleanup, funding, etc. Councilman Vicente suggested that the Council review a budget, timelines, plans, etc. for projects.

Discussed the "mini clean-up" that was done in the swim lane area at Park Lake. Mayor Greuter had written a letter proposing that the additional rocks be removed by July 27. The Recreation Commission made a motion to have the Environmental Committee look at the rocks to determine if there would be an environmental impact and to ask for an extension of the timeline until after the next Recreation Commission meeting at which time they will vote on the next steps.

Finance and Licensing Committee - Councilman Vicente

There are two businesses coming into town, a new pharmacy and an ice cream parlor.

Fire Committee - Councilman Willer

Fire Department

In May, the Fire Marshal conducted a comprehensive fire inspection at a Route 46 business that revealed two fire hydrants on the property were not operational. He collected over \$10,000 in fines and threatened to close the property before the hydrants were repaired.

The new fire truck should be delivered in late August/early September.

Public Safety Committee - Council President Burnside

The Borough of Victory Gardens is now a participant in the Joint Municipal Court of Dover.

The PBA contract negotiations will begin in early August with the Labor Attorney meeting with the PBA.

ATTORNEY'S REPORT

Litigation

A mediator has been chosen for the Donatoni Field litigation.

The RVRSA litigation is slowly moving. Expert reports on financial issues and engineering issues are due in mid-August.

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

CLERK'S REPORT

Bingo/Raffle License Approvals

Approved a tricky tray raffle license and an off-premise 50/50 raffle license for 11th Hour Rescue for events to be held on August 4, 2012 at Pawsitive Experience, 114 Beach St.

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

RESOLUTION 119-12: TRANSFER FUNDS (HISTORICAL COMMITTEE)

WHEREAS, on July 12, 2012 the New Jersey Historical Commission issued a \$3,000.00 check payable to the Borough of Rockaway representing a grant for the Rockaway Borough Historical Committee.

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 Chief Financial Officer to transfer \$3,000.00 to the Rockaway Borough Historical Committee.

DATE: July 26, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 120-12: EXTEND GRACE PERIOD FOR PAYMENT OF TAXES

BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, to extend the grace period for the 2012 Year Third Quarter Property Taxes to August 20, 2012.

DATE: July 26, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 121-12: APPROVE EXECUTION OF READ ONLY ACCESS AGREEMENTS (TAX SEARCH FIRMS)

WHEREAS, several tax search firms have requested "read only" access to the Borough of Rockaway tax collector's and water utility records, for the sole purpose of providing tax search and water utility information to the title industry; and

WHEREAS, the rights and obligations of the Borough of Rockaway and the financial institutions are set forth in a certain Agreement to Authorize Read Only Access between the parties; and

WHEREAS, it is in the best interest of the Borough of Rockaway and its residents to enter into this Agreement, as it specifies the limitations on its use.

NOW, THEREFORE, BE IT RESOLVED that the Agreement to Authorize Read Only Access between the Borough of Rockaway and the following financial institutions, is hereby approved, and the Mayor and Clerk are authorized to execute the Agreements; and

Priority Search Services
830 Broad St.
Shrewsbury, NJ 07702

Signature Information Solutions
300 Phillips Boulevard, Suite 400
P.O. Box 8488
Trenton, NJ 08650-0488

BE IT FURTHER RESOLVED that a copy of the said Agreements shall be kept on file with the Borough Clerk.

DATE: July 26, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 122-12 RENEWAL OF MEMBERSHIP IN THE MORRIS COUNTY MUNICIPAL JOINT INSURANCE FUND

WHEREAS, the Borough of Rockaway is a member of the Morris County Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2012 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership;

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 Borough of Rockaway agrees to renew its membership in the Morris County Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Clerk shall be and are hereby authorized to execute the agreement to renew membership and to deliver same to the Morris County Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership. A copy of the agreement shall be on file in the Borough Clerk's office.

DATE: July 26, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 124-12: EXECUTE CONTRACT FOR RANDOM DRUG TESTING OR SUBSTANCE ABUSE SCREENING (SAINT CLARE'S)

WHEREAS, the Borough of Rockaway is committed to providing and maintaining an alcohol-free and drug-free workplace; and

WHEREAS, in furtherance of that goal, any Employee may be subject to random drug testing; and

WHEREAS, any Employee who is suspected of being under the influence of an illegal drug or alcohol during working hours may, based upon reasonable suspicion, be required to undergo a substance abuse screening at the Borough's expense, the time and location of the screening to be determined at the Borough's sole discretion; and

WHEREAS, such random drug testing or substance abuse screening should be performed by a qualified agency; and

WHEREAS, Saint Clare's Community Care, Inc., 400 West Blackwell Street, Dover, New Jersey 07801 operates a comprehensive Corporate Health Program located at Saint Clare's Hospital/Dover Campus, 400 West Blackwell Street, Dover, New Jersey 07801 (973-989-3000) which includes drug testing and substance abuse screening; and

WHEREAS, Saint Clare's has submitted a proposal to extend the current agreement for random drug testing and substance abuse screening at the same rates:

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

WHEREAS, the Local Public Contracts Law (NJSA 40A:11) states that a contract that is below the bid threshold may be awarded without public bidding;

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 is hereby authorized and directed to execute an Agreement to Extend the Corporate Health Services Agreement with Saint Clare's Community Care, Inc., 400 West Blackwell Street, Dover, New Jersey 07801 (973-989-3000) for random drug testing or substance abuse screening for the period beginning October 1, 2012 and ending September 30, 2013, at the following rates:

Five panel drug screen with GC/MS confirmation and MRO services	\$69.00
Breath alcohol	\$49.00
Breath alcohol confirmation	\$49.00
OSHA record retention and reporting	N/C

2. A copy of this resolution, and of the subject agreement, shall be made available for inspection in the office of the Borough Clerk.

DATE: July 26, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 125-12: APPROVE 2012-2013 POOLROOM & BILLIARD ROOM LICENSE

WHEREAS, the following named applicant has duly filed an application for the license known as a Poolroom and Billiard Room License,

<u>License Number</u>	<u>Name</u>	<u>Place of Business</u>
209	Robert Guerra On the Snap, LLC T/A Rockaway Billiards	353 Route 46 West Rockaway, NJ 07866

WHEREAS, the said applicant has fully completed the required application and fees pertaining to said license; and

WHEREAS, the Chief of Police has approved said application;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that the Poolroom and Billiard License be and the same is hereby granted to Robert Guerra, On the Snap, LLC, T/A Rockaway Billiards and shall be effective as provided by law, for the period from July 1, 2012 to June 30, 2013.

DATE: July 26, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 123-12

Upon motion by Councilman Mulligan, seconded by Councilman Donofrio, and carried upon majority vote, with Councilman Vicente absenting, the following resolution was adopted

RESOLUTION 123-12: REFUND SUMMER PLAYGROUND PROGRAM FEES

WHEREAS, Mrs. Kay Vicente, 92 Hyland Avenue, registered her son, Joseph, for the summer playground program; and

WHEREAS, the child is unable to attend the summer playground program; and

WHEREAS, Mrs. Vicente has requested a refund of the fee paid.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, to cancel the summer playground program registration for Joseph Vicente and to refund \$130.00 (fee for second child) to Kay Vicente, 92 Hyland Avenue, Rockaway, NJ 07866.

DATE: July 26, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

ORDINANCE NO. 13-12, Public Hearing & Adoption

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

**ORDINANCE OF THE BOROUGH OF ROCKAWAY, COUNTY OF MORRIS,
APPROPRIATING \$58,000.00
FROM WATER CAPITAL IMPROVEMENT FUND
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 \$58,000.00 from the Borough of Rockaway Water Capital Improvement Fund 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 Water Capital Improvement Fund and the use of the appropriation for said purpose is in the best interest of the Borough of Rockaway.

SECTION 4: All 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: July 26, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Council President Burnside opened the meeting to the public.

Mr. Tim Swanick, 170 Church St., asked which Hillside Tank was being refurbished.

There being no further comments, Council President Burnside 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, Burnside
Nays: None

PUBLIC PORTION

Council President Burnside opened the meeting to the public.

Mr. Rob Grow, 110 Lakeside Dr., suggested that the parking lot on Lakeside Dr. at Park Lake be paved. Discussion ensued; the matter will be referred to the Borough Engineer to determine if any improvements can be made as part of the dam rehabilitation.

Mr. Tim Swanick, 170 Church St., recommended combining the building department inspector positions with another town. Councilman Vicente will look into this recommendation. Mr. Swanick suggested that a line be painted on Jackson Ave. to differentiate the travel lanes. This will be referred to the Police Chief.

Ms. Kathy Haake, 77 Rockaway Ave. and a member of the Environmental Committee, volunteered to contact the DEP to determine if a fence would be allowed to be placed at Donatoni Community Park for the dog park.

There being no further comments, Council President Burnside closed the meeting to the public.

ADJOURNMENT

The meeting adjourned at 8:21 p.m.

Approved: As Submitted

Sheila Seifert, Borough Clerk

Date: August 9, 2012