

**MAYOR & COUNCIL
REGULAR MEETING
SEPTEMBER 13, 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 7:30 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 13, 2012. Mayor Greuter announced the location of the fire exits.

Councilmembers Present

Thomas Donofrio
Joyce Kanigel
Thomas Mulligan
Joseph Vicente
Melissa Burnside - Council President

Councilmembers Absent

John Willer

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

Everyone present participated in the salute to the flag.

PROCLAMATIONS

Mayor Greuter read a proclamation from the Borough of Rockaway designating September 17-23, 2012 as "Constitution Week."

Council President Burnside read a proclamation from the Office of the Governor declaring September 11, 2012 as "Patriot Day and National Day of Service and Remembrance" in New Jersey.

APPROVAL OF MINUTES

Upon motion by Councilman Vicente, seconded by Councilman Donofrio, and carried unanimously upon voice vote, the minutes of the August 23, 2012 Regular Meeting were accepted as submitted.

CORRESPONDENCE

Mayor Greuter read the September 6, 2012 letter from the Rockaway Rotary Club requesting permission and assistance for its annual Halloween Parade to be held on October 31 at 6 p.m., proceeding down Main Street from PNC Bank to the front circle driveway of Thomas Jefferson School.

Discussion ensued regarding the coverage of the police overtime. The Chief Financial Officer informed Mayor Greuter that funds were not included in the 2012 budget for the Halloween Parade. Mayor Greuter suggested, and the Council agreed, that the Rotary Club should ask Recreation if they could cover the cost with Recreation Trust Funds.

COUNCIL REPORTS

Personnel Committee - Councilwoman Kanigel

Personnel

Jonathan Kazer, laborer in the Public Works Department, has resigned.

Historical Committee

The Historical Committee received a donation of an old baseball uniform from Ogden Collins.

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

Public Works

The resignation of Jonathan Kazer has left a vacancy; we will explore the need to fill the position.

Councilman Donofrio asked for and received permission for the Hillside Avenue water tank and the salt dome and recycling area improvements contractors to work on Saturdays if needed.

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

Ordinance Committee - Councilman Mulligan

Explained the two ordinances that will be introduced tonight.

Upon motion by Councilman Vicente, seconded by Councilman Donofrio, 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 Mulligan, 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.

Borough-Owned Properties

Councilman Vicente and Council President Burnside reviewed the list of Borough-owned properties for possible sale and will continue to evaluate.

Public Sale of Public Personal Property

At the public sale held on September 11, there were some items that were not sold and may be sold at private sale. Mr. Barry Kotteles offered \$300 for the Ford Explorer. Upon motion by Councilman Vicente, seconded by Councilman Donofrio, to accept the offer of Barry Kotteles to purchase the Ford Explorer for \$300.

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

Public Safety Committee - Council President Burnside

Fire Department

The Fire Department called drills on September 19 and 26 and an officers' drill on September 24. The Department approved the request for application to Thomas Cryan for fire and first responder and Theresa Wagner to the junior program, and approved membership to Tiffani Hamman. The Department also requested permission to take Engine 411 to Liberty State Park for a memorial ceremony on September 11 and to take Engine 411 to the Morris Township wetdown on September 22.

Upon motion by Council President Burnside, seconded by Councilman Vicente, and carried unanimously upon voice vote, to approve the actions of the Fire Department and to authorize the Department to take Engine 411 to Liberty State Park for a memorial ceremony on September 11 and to take Engine 411 to the Morris Township wetdown on September 22.

Police Department

The Department received \$4,400 for Over the Limit, Under Arrest campaign which ran from August 17 to September 3.

Board of Health

The Board recommended that the garbage collection ordinance specify that recycling and garbage cans not be placed out before dusk on the day before pickup and that cans should be retrieved that same night. The Governing Body will take the suggestion under advisement.

The Board suggested that the fee for a Certificate of Habitability be increased from the current \$25 rate to cover our costs.

Requested a closed session for Contract Negotiations (Health Department Shared Services).

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

ATTORNEY'S REPORT

Litigation

Mediation is being arranged for the RVRSA and Donatoni litigations.

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

MAYOR'S REPORT

Mayor Greuter reviewed his recent activities, including a meeting with the mayor of Rockaway Township regarding shared services and a scheduled meeting regarding the Dover Joint Court.

The Teamsters contract will expire December 31, 2012. Mayor Greuter appointed Councilman Donofrio as chair, Councilwoman Kanigel and Councilman Mulligan as members, and labor attorney Matthew Giacobbe to the PBA Negotiating Committee.

Upon motion by Councilman Vicente, seconded by Council President Burnside, and carried unanimously upon voice vote, to concur with the Mayor's appointments of Councilman Donofrio as chair, Councilwoman Kanigel and Councilman Mulligan as members, and labor attorney Matthew Giacobbe to the Teamsters Negotiating Committee.

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

CLERK'S REPORT

Bingo/Raffle License Approvals

Approved on-premise tricky tray raffle license for HSA Rockaway Boro for event to be held on December 1, 2012.

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

CONSENT AGENDA ITEMS

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

RESOLUTION 142-12: AUTHORIZE EXECUTION OF AGREEMENT FOR SEWER DISCHARGE COST (MCWILLIAMS FORGE)

WHEREAS, McWilliams Forge Company, 387 Franklin Avenue, Rockaway, New Jersey, has requested permission from the Borough of Rockaway to discharge wastewater directly into the Borough's sewer line, thereby bypassing its holding basins; and

WHEREAS, the Rockaway Valley Regional Sewerage Authority requires McWilliams Forge to meter the combined sanitary and process wastewater discharge as it leaves the property; and

WHEREAS, McWilliams Forge Company anticipates that the average combined flow will be approximately 12,500 gallons per day, depending upon the production schedule; and

WHEREAS, McWilliams Forge Company has agreed to enter into an agreement with the Borough to require McWilliams Forge to submit to the Borough the same metering information required by and submitted to the RVRSA; and

WHEREAS, McWilliams Forge Company has agreed to pay to the Borough of Rockaway for the combined sanitary and process wastewater that will be discharged directly into the Borough's sewer line based on the monthly flow totals multiplied by a fixed rate; and

WHEREAS, the Borough Engineer has estimated that the cost for such discharge be \$0.001 per gallon; and

WHEREAS, the Borough Engineer has recommended that an agreement for payment of the sewer discharge cost be executed by McWilliams Forge Company and the Borough of Rockaway, and the parties have negotiated and agreed upon the form of that agreement.

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 Borough Clerk are hereby authorized to execute an agreement allowing McWilliams Forge, 387 Franklin Avenue, Rockaway, New Jersey, to discharge combined sanitary and process wastewater directly into the Borough's sewer line and to pay for such based on the monthly flow totals multiplied by a fixed rate, in a form as approved by the Borough Attorney.
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: September 13, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 143-12: RESOLUTION SUPPORTING A-2681 AND OPPOSING A-2405/S-1651

WHEREAS, society and the courts have appropriately focused on the issue of sexual abuse, particularly against children.

WHEREAS, perpetrators should be punished through criminal prosecution and held responsible through civil claims.

WHEREAS, A-2681 will extend the statute of limitations from 2 to 7 years for suits against public bodies, and remove the statute of limitations entirely on the actual perpetrators.

WHEREAS, the alternative legislation, A-2405/S-1651 will eliminate the statute of limitation and expose public officials, employees and volunteers of these entities to personal liability for the actions committed by other employees and volunteers.

WHEREAS, the A-2405/S-1651 will encourage such lawsuits by paying attorneys substantial fees that are not related to the amount they collect for their clients.

WHEREAS, the unintended consequence of A-2405/S-1651 may be the reduction of recreational programs and other youth oriented activities for fear of increased exposure to litigation filed years or even decades after the alleged offenses.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Rockaway that the legislature be urged to adopt A2681 and or amend A-2405/S-1651 along the lines of A-2681.

BE IT FURTHER RESOLVED that the Municipal Clerk shall send copies of this resolution to the Senate President, Assembly Speaker, members of the legislative delegation representing the municipality, and the Governor.

DATE: September 13, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

ORDINANCE NO. 20-12, Introduction & First Reading

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER 139, FIRE PREVENTION AND PROTECTION,
AND CHAPTER A263, FEES,
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

Councilman Mulligan 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 11, 2012.

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

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

ORDINANCE NO. 21-12, Introduction & First Reading

**BOND ORDINANCE AMENDING SECTION 3 OF BOND ORDINANCE NO. 04-11
ADOPTED MAY 12, 2011 TO MAKE CHANGES TO THE PROJECTS SET FORTH THEREIN
AND TO MAKE SUCH OTHER CONFORMING CHANGES AS NECESSARY
FOR SAID ACQUISITIONS TO BE UNDERTAKEN IN AND BY
THE BOROUGH OF ROCKAWAY, IN THE COUNTY OF MORRIS, NEW JERSEY**

Councilman Mulligan 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 11, 2012.

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

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

ORDINANCE NO. 15-12, Public Hearing & Adoption

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER 197, PROPERTY MAINTENANCE,
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

WHEREAS, the Health Department of the Borough of Rockaway has found and declared that there exists in the Borough of Rockaway vacant structures which are or may become substandard with respect to structure, equipment or maintenance; and

WHEREAS, such conditions include but are not limited to structural deterioration, lack of maintenance and shabby appearance of exterior of premises, infestation, improper storage or lack of maintenance or upkeep of essential utilities and facilities, existence of fire hazards, unsanitary conditions and overcrowding; and

WHEREAS, these conditions constitute a menace to the health, safety, welfare and reasonable comfort of the citizens and inhabitants of the Borough of Rockaway; and

WHEREAS, it is further found and declared that by reason of lack of maintenance and progressive deterioration, certain properties have the further effect of creating blighting conditions and that, if the same are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate in time the expenditure of public funds to correct and eliminate the same and that, by reason of timely regulations and restrictions as herein contained, the growth of blight may be prevented and the neighborhood and property values thereby maintained, the desirability and amenities of residential and nonresidential uses and neighborhoods enhanced and the public health, safety and welfare protected and fostered; and

WHEREAS, the Board of Health of the Borough of Rockaway has recommended that the Property Maintenance Code be expanded to apply to vacant structures.

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 Article III, Vacant Residential and Nonresidential Premises, be added to Chapter 197, Property Maintenance, of the Code of the Borough of Rockaway as follows:

Section I

1. Chapter 197, Property Maintenance, is hereby amended to add the following Article III, Vacant Residential and Nonresidential Premises:

"Article III, Vacant Residential and Nonresidential Premises

§ 197-35. Definition.

Unoccupied or vacant building. Any structure intended for residential or nonresidential use which is not currently occupied or in use. For the purpose of the enforcement of this article, a presumption shall exist that a structure vacant for six months is not currently occupied or in use.

§ 197-36. Vacant Buildings.

- A. Basic equipment and facilities. Every unoccupied or vacant residential or nonresidential building must comply with the following minimum standards for basic equipment and facilities:
 - (1) Plumbing. All plumbing fixtures shall be properly installed and be in sound condition and good repair.
 - (2) Electricity. Every existing outlet and fixture shall be properly connected. Wiring and service lines shall be maintained in good and safe working condition.
 - (3) Heating plant. The heating plant shall be maintained in a safe condition.
 - (4) Cooking equipment. All cooking equipment shall be maintained in a safe condition.
- B. Storage and boarding up of building.
 - (1) No room within any vacant or unoccupied building shall be used for storage or junk, rubbish or wastes, furniture or building materials not intended to be used in the existing building.
 - (2) The boarding up of doors and windows shall not be permitted except with the permission of the enforcement officer in emergency situations. When doors and windows are boarded up, they shall be covered with no less than one-half-inch exterior plywood or equivalent, which shall be the same color as the building exterior.
- C. Safe and sanitary maintenance. All unoccupied or vacant buildings shall comply with the following minimum standards for safe and sanitary maintenance:
 - (1) Every foundation, exterior wall or exterior roof shall be weather-tight, watertight and rodent-proof, shall be kept in sound condition and good repair and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.
 - (2) Every floor, interior wall and ceiling shall be substantially rodent-proof, shall be kept in sound condition and good repair and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.
 - (3) Every window, exterior door and basement or cellar door and hatchway shall be weather-tight, watertight, rodent-proof and locked and shall be kept in sound condition and good repair.
 - (4) Every inside and outside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair.
 - (5) Every yard shall be properly graded so as to prevent the accumulation of stagnant water.
 - (6) There shall be a controlled method of disposing of water from roofs by use of gutters and down spouts, which shall be installed and maintained in sound condition, free of leaks and obstructions.
 - (7) Every dwelling's cellar, basement and crawl space shall be maintained from excessive dampness and leakage.
 - (8) The exterior of every structure or accessory structure shall be maintained free of broken windows, loose shingles, crumbling stone or brick or excess peeling paint.
 - (9) The exterior of the premises and the condition of accessory structures shall be maintained so that the appearance of the premises and all buildings thereof shall reflect a level of maintenance in keeping with the standards of the neighborhood and such that the appearance of the premises and structures shall not constitute a blighting factor for adjoining property owners nor an element leading to the progressive deterioration and downgrading of the neighborhood with the accompanying diminution of property values.

- D. Further responsibilities of owners. All owners of unoccupied or vacant buildings shall be required to comply with the following standards:
- (1) Any yard area (front, side and rear) adjacent to an unoccupied or vacant building shall be cleared and maintained free of trash, solid debris or any other materials that cause litter to accumulate to unhealthy and blighting proportions.
 - (2) Grass and weeds shall not be permitted to grow or remain on the side, front and/or rear yards of any unoccupied or vacant building so as to exceed a height of 10 inches.
 - (3) Unoccupied or vacant buildings shall not be utilized for storage of any hazardous materials, whether solid or liquid, including the yard portion of that building.
 - (4) When a vacant dwelling is found to be infested with rats, termites, roaches and/or any other insects and vermin, the owner shall undertake an expedient means of extermination of such nuisances.
 - (5) All doors and/or lids on appliances, on furniture utilized for storage or on heating furnaces shall be locked in order to deny entry to an individual where the potential for physical harm or death may result should said door or lid close and prevent the individual's escape.
- E. The standards and requirements of this section shall apply as long as any dwelling remains vacant or unoccupied. Upon occupancy, the other appropriate sections of this chapter shall prevail.

§ 197-35. Enforcement.

The provisions of this Article shall be enforced as set forth and pursuant to Sections 197-22 through 197-34 of the Code of the Borough of Rockaway, to the full extent applicable."

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: September 13, 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 Vicente and seconded by Council President Burnside, the above mentioned ordinance was adopted by the following roll call:

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

PUBLIC PORTION

Mayor Greuter opened the meeting to the public.

Ms. Joyce Freiermuth, E. Flagge St., noted that the Recycling newsletter states to only put out garbage and recycling the night before.

Mr. Rob Grow, 110 Lakeside Dr., requested permission for the RBBOA to place a banner on bridge advertising Celebrate Rockaway Day. He was told to check with the County

Mr. Pat McDonald, 42 Crestwood Rd., reported that many out-of-towners are playing basketball at Heady Field and using profanity when children are within earshot. In addition, trash is placed on the ground, not in cans. Mayor Greuter will ask the Police Department to have an officer walk through the park periodically.

Mr. McDonald asked if any other properties were being considered for a dog park. Councilman Vicente reviewed the list which included vacant lots in residential areas which would not be appropriate for a dog park.

Mr. Grow asked if the town could help out with the tires on the October 6 river cleanup.

Ms. Colleen Grow, 16 Mt. Pleasant, asked for permission for the Rockaway Borough Education Association to hold a "turkey trot" on the morning after Thanksgiving at Park Lake. She should submit a Use of Facilities Request form.

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

CLOSED SESSION

Upon motion by Council President Burnside, seconded by Councilman Mulligan, and adopted unanimously upon voice vote, the following resolution was adopted:

RESOLUTION 144-12: 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: Contract Negotiations (Health Department Shared Services).
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 13, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor and Council went into closed session at 8:25 p.m. and resumed the public meeting at 8:47 p.m.

ADJOURNMENT

The meeting adjourned at 8:47 p.m.

Approved: As Submitted

Sheila Seifert, Borough Clerk

Date: September 27, 2012