

**MAYOR & COUNCIL
REGULAR MEETING
MARCH 24, 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 March 24, 2011. Mayor Greuter announced the location of the fire exits.

Councilmembers Present

Thomas Donofrio
Joyce Kanigel
Thomas Mulligan
Joseph Vicente (arrived at 7:40 p.m.)
Melissa Burnside - Council President

Councilmembers Absent

John Willer

Borough Attorney Ed Wacks was also present.

Everyone present participated in the salute to the flag.

APPROVAL OF MINUTES

Upon motion by Council President Burnside, seconded by Councilman Mulligan, and carried unanimously upon voice vote, the minutes of the March 10, 2011 Regular Meeting were accepted as submitted.

2011 MUNICIPAL BUDGET

Mayor Greuter read Resolution 42-11, Municipal Budget Notice, and reported that the increase from the 2010 budget will be \$56.00 on a house with an average assessment of \$300,000. The municipal increase amounts to 3.06 percent and is within the 2 percent tax levy cap imposed by the State of New Jersey. Major increases are health benefits, pensions, and capital improvements whose increases from the prior year are exceptions to the tax levy cap.

John J. Doherty, Chief Finance Officer/Treasurer, was present to discuss the 2011 budget. He noted that all departments except Public Works reduced their spending by 10 percent.

Councilman Mulligan moved that Resolution 42-11, Municipal Budget Notice, be adopted. Said motion was seconded by Councilman Donofrio, and passed as follows upon call of the roll:

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

RESOLUTION 42-11: MUNICIPAL BUDGET NOTICE

Section 1.

Municipal Budget of the Borough of Rockaway, County of Morris for the Fiscal Year 2011.

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2011.

BE IT FURTHER RESOLVED, that said Budget be published in *The Citizen* in the issue of April 13, 2011.

The Governing Body of the Borough of Rockaway does hereby approve the following as the Budget for the year 2011:

RECORDED VOTE	(Burnside	((
	(Donofrio	(Abstained	(
Ayes	(Kanigel	Nays	((
	(Mulligan	((
	(((
	((Absent	(Vicente
				(Willer

Notice is hereby given that the Budget and Tax Resolution was approved by the Borough Council of the Borough of Rockaway, County of Morris, on March 24, 2011.

A hearing on the Budget and Tax Resolution will be held at the Community Center, 21-25 Union Street, on April 28, 2011 at 7:30 p.m. at which time and place objections to said Budget and Tax Resolution for the year 2011 may be presented by taxpayers or other interested persons.

DATE: March 24, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

CORRESPONDENCE

Mayor Greuter read the March 16, 2011 letter from Bonnie Hook, President, Rockaway Borough Business Owners Association, requesting approval to hold the "Celebrate Rockaway" event on September 18, 2011, from 2 p.m. to 7 p.m.

On motion by Council President Burnside, seconded by Councilman Donofrio, and unanimously carried by voice vote to accept the correspondence and approve the request for the function to be held on September 18, 2011, the times to be determined.

PUBLIC PORTION

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

COUNCIL COMMENTS

Personnel Committee - Councilwoman Kanigel

Mr. Tom Slockbower of the Department of Public Works donated a surveyor's instrument to the Historical Committee. The instrument was used by the Borough Engineer in the 1960's.

Public Works/Public Utilities Committee - Councilman Donofrio

The RVRSA project to replace the interceptor on Jackson Ave. is moving along and wrapping up.

Councilman Donofrio made a motion to suspend the second public comment session in effort to streamline the meetings and avoid repetition. Said motion was seconded by Council President Burnside.

Councilman Vicente arrived at 7:42 p.m.

The motion was carried upon roll call vote, with Councilmen Donofrio and Vicente and Council President Burnside voting for the motion and Councilwoman Kanigel and Councilman Mulligan voting no.

Ordinance Committee - Councilman Mulligan

No comments.

Finance and Licensing Committee - Councilman Vicente

No comments.

Public Safety Committee - Council President Burnside

FEMA

Congratulated Chief Scheer for preparing the paperwork to obtain \$21,845 in reimbursements from FEMA for the December 2010 storms.

School Crossing Guard Position

Chief Scheer recommended that George Thompson, 3 Mountain Rd., Rockaway, NJ 07866, be appointed to the position of substitute school crossing guard.

Upon motion by Council President Burnside, seconded by Councilman Mulligan, and unanimously carried via voice vote, to appoint George Thompson, 3 Mountain Rd., Rockaway, NJ 07866, to the position of substitute school crossing guard.

Operation Take-Back

Residents may bring over-the-counter or prescription medication to the Community Center on April 30, 2011 for proper disposal.

ATTORNEY'S REPORT

Chapter 123, Donation Bins

The attorneys reviewed Chapter 123, Donation Bins, and determined that some words were left out of the original ordinance. They recommend that the donation bin be owned by any charitable organization or "any person who is exempt from registration under the law" rather than "any person." The ordinance will be reviewed by the Ordinance Committee.

Tax Appeals

Verizon has filed a tax appeal to not pay its franchise service fee because of a new law that allows it to get its franchise from the state. Verizon claims that it provides less than 51 percent of the telephone service in the Borough.

Upon motion by Councilman Vicente, seconded by Councilman Donofrio, and unanimously carried voice vote to authorize Mr. Wacks to defend the Borough in the tax appeal filed by Verizon.

The Township of Jefferson has filed an appeal alleging that the County equalization table indicates that Jefferson's valuation ratio is higher than 100 percent because of revaluations and the slow economy. Jefferson wants the County to do a reassessment of the equalization tables.

Upon motion by Councilman Vicente, seconded by Councilman Donofrio, and unanimously carried voice vote to authorize Mr. Wacks to defend the Borough in the tax appeal filed by the Township of Jefferson.

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 attended the meetings with the Recreation Commission, Library Board of Trustees, Business Owners, and Rockaway Township to discuss shared services.

Planner Review Committee

Mayor Greuter recommended that a committee be established to review the proposals submitted for the Borough Planner position. He appointed Councilman Donofrio, Councilwoman Kanigel, and Councilman Vicente to be the members of a "Planner Review Committee."

Upon motion by Councilman Vicente seconded by Councilman Mulligan, and carried unanimously upon voice vote, to concur with the Mayor's appointment of Councilman Donofrio, Councilwoman Kanigel, and Councilman Vicente to be the members of a "Planner Review Committee."

Chief Financial Officer/Treasurer John J. Doherty will be out on medical leave for the month of April. Upon motion by Council President Burnside, seconded by Councilman Vicente, and carried unanimously via voice vote, to authorize the hiring of a part-time individual to fulfill the duties of the CFO/Treasurer during Mr. Doherty's absence.

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

CLERK'S REPORT

Bingo/Raffle License Approvals

Approved a 50/50 raffle license for Coming Home Rescue to be held at The Exchange Restaurant, 160 E. Main St., on June 24, 2011.

Department of Transportation Municipal Aid Program

The Department of Transportation executed an Agreement to provide \$215,000 to the Borough for improvements to Franklin Avenue. The project must be awarded by August 22, 2012.

National Emerald Ash Borer Grid Survey

An invasive insect pest of ash trees known as the emerald ash borer has destroyed millions of ash trees throughout the United States. A national grid survey is being conducted in 14 states to determine the extent of this infestation. The Department of Agriculture has asked for permission to hang a trap to attract the insect in an ash tree behind the library for the period May 1, 2011 through August 31, 2011.

Upon motion by Councilman Donofrio, seconded by Councilman Vicente, and carried unanimously upon voice vote, to approve the request of the Department of Agriculture to hang a trap to attract emerald ash borers in an ash tree behind the library for the period May 1, 2011 through August 31, 2011, and to so advise the Library Director and Board of Trustees.

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

CONSENT AGENDA ITEMS

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

RESOLUTION 43-11: APPROVE EXECUTION OF READ ONLY ACCESS AGREEMENT WITH SIGNATURE INFORMATION SOLUTIONS

WHEREAS, on March 25, 2010, the Mayor and Council authorized the Mayor and Clerk to execute an Agreement to Authorize Read Only Access between the Borough of Rockaway and Signature Information Systems ("Signature") to allow such access to the tax collector's records, for the sole purpose of providing tax search information to the title industry, which access is required pursuant to the Open Public Records Act; and

WHEREAS, on May 27, 2010, the Mayor and Council authorized the Mayor and Clerk to execute an amendment to said Agreement to include water utility information for the sole purpose of providing utility search information to the title industry; and

WHEREAS, the aforementioned Agreement and Amendment expire on April 30, 2011; and

WHEREAS, Signature submitted a letter requesting renewal of the read only access; and

WHEREAS, it is in the best interest of the Borough of Rockaway and its residents to renew the Agreement and Amendment for "read only" access to the tax collector's and water utility records.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that the Mayor and Clerk are authorized to execute an Agreement to Authorize Read Only Access to the tax collector's and water utility records between the Borough of Rockaway and Signature Information Systems for the period May 1, 2011 through April 30, 2012.

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

DATE: March 24, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 44-11: 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>
194	Tony's Towing & Recovery, Inc.	228 East Blackwell Street Dover, NJ 07801
195	McCarter's Towing, LLC	74 Cobb Street, Rockaway, NJ 07866

This resolution shall take effect as provided by law.

DATE: March 24, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 45-11: SUPPORT THE CLICK IT OR TICKET MOBILIZATION OF MAY 23 – JUNE 5, 2011

WHEREAS, there were 554 motor vehicle fatalities in New Jersey in 2010; and

WHEREAS, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

WHEREAS, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

WHEREAS, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975 – 2000; and

WHEREAS, the State of New Jersey will participate in the nationwide *Click It or Ticket* seat belt mobilization from May 23 – June 5, 2011 in an effort to raise awareness and increase seat belt usage through a combination of enforcement and education; and

WHEREAS, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the state from the current level of 93.73 percent to 100 percent; and

WHEREAS, a further increase in seat belt usage in New Jersey will save lives on our roadways; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Rockaway declares its support for the *Click It or Ticket* seat belt mobilization both locally and nationally from May 23 – June 5, 2011 and pledges to increase awareness of the mobilization and the benefits of seat belt use.

DATE: March 24, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

ORDINANCE NO. 02-11, Introduction & First Reading

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER 123, DONATION BINS,
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 April 28, 2011.

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

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

PUBLIC PORTION

Mayor Greuter opened the meeting to the public.

Mrs. Joyce Freiermuth, 99 E. Flagge St., said that she would prefer that the public session be held at the end of the meeting so that questions could be asked after the reports were given.

Ms. Kathy Haake, Rockaway Ave., stated that there should be two public sessions.

Mr. Wacks explained that there are four times during a public meeting when the Mayor and Council are obligated to hear the public speak: (1) when the meeting is open to the public (the law requires one such session); (2) when a member of the public writes to the Clerk and asks to be listed on the agenda; (3) during the second reading of an ordinance; and (4) when a member of the public is invited to speak because there is an issue that concerns them.

Mrs. Bonnie Hook, Jackson Ave., thanked Mr. Wacks for the explanation but doesn't see the need to remove one of the public sessions when so few people come to the meetings.

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

ADJOURNMENT

The meeting adjourned at 8:05 p.m.

Approved: As Approved

Sheila Seifert, Borough Clerk

Date: April 14, 2011