

**MAYOR & COUNCIL
REGULAR MEETING
JANUARY 10, 2013
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 January 10, 2013. Mayor Greuter announced the location of the fire exits.

Councilmembers Present

Thomas Donofrio
Joyce Kanigel
Joseph Vicente
John Willer
Melissa Burnside - Council President

Councilmembers Absent

Thomas Mulligan

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

Everyone present participated in the salute to the flag.

APPOINTMENTS

Mayor Greuter announced that he would like to appoint Mr. Patrick McDonald as a member of the Parks and Recreation Advisory Committee for a one-year term ending on December 31, 2013.

Upon motion by Councilman Willer, seconded by Councilman Donofrio, and carried unanimously via voice vote to concur with Mayor Greuter's appointment of Patrick McDonald as a member of the Parks and Recreation Advisory Committee for a one-year term ending on December 31, 2013.

The Borough Clerk administered the Oath of Office to Mr. McDonald.

APPROVAL OF MINUTES

Upon motion by Councilman Willer, seconded by Councilman Donofrio, and carried unanimously upon voice vote, the minutes of the December 27, 2012 Regular Meeting were accepted as submitted.

CORRESPONDENCE

Mayor Greuter read the December 26, 2012 letter from Janice Christensen, Vice-President, Rotary Club of the Rockaways, requesting permission to hold a 5K race on Saturday, June 29, 2013 beginning and ending at/near the United Methodist Church, 1 Hoagland Ave. beginning at 9 a.m. and to allow the Police and Fire Departments to provide their usual assistance, and for police overtime to be paid by the Borough.

On motion by Councilman Willer, seconded by Councilman Vicente, and unanimously carried by voice vote to accept the correspondence and reply that the Council approves the request for the Rotary Club of the Rockaways to hold a 5K race on Saturday, June 29, 2013, with a decision regarding the funding for the police overtime to be communicated at the conclusion of the budget process.

COUNCIL/COMMITTEE REPORTS

Councilwoman Kanigel - Finance and Licensing Committee

Library Board of Trustees - The library will no longer accept food in lieu of fines.

Payment of Bills - Upon motion by Councilwoman Kanigel, seconded by Councilman Vicente, 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 Council President Burnside, seconded by Councilman Donofrio, and carried unanimously upon voice vote, to accept the Finance and License Committee report.

Councilman Donofrio - Public Works/Public Utilities Committee

Public Works - The department worked hard during snow storms and repaired several water main breaks.

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.

Councilman Vicente - Personnel

Personnel - The Code of the Borough of Rockaway establishes the various council committees but does not identify the responsibilities. He will research.

Zoning Ordinances - Councilman Vicente reviewed the zoning ordinances and found that fast food and used car dealerships are not permitted in the Highway-Commercial Zone. He suggested that the planner be engaged to review the Master Plan and/or zoning (Chapter 172) ordinances. This would have to be included in the budget.

Upon motion by Council President Burnside, seconded by Councilman Willer, and carried unanimously upon voice vote, to accept the Personnel Committee report.

Councilman Willer - Fire Committee

Fire Department - The Fire Department called drills on January 16, 23, and 30 and approved three-month extension for leave of absence for Annette Howarth and granted a three-month leave of absence for Dan Levin and dropped Tom Cryan's application.

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

Council President Burnside - Public Safety Committee

Police Department - Implemented the United Alert message system.

Board of Health - Cynthia Rueter was elected as the president. Ordinance 28-12, which the Mayor and Council adopted in 2012 to amend message reference requirements, was approved by the Board of Health. The Board asked if the Council would consider utilizing the senior bus for two days for shopping and one day for doctor's appointments.

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

ATTORNEY'S REPORT

Requested a closed session for pending litigation (Donatoni Field).

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

MAYOR'S REPORT

Sale of Municipal Properties - Mayor Greuter suggested that a realtor be contacted regarding the potential sale of the Borough-owned lots on Elycroft Ave., Cedar La., and Van Duyne Ave.

Upon motion by Councilman Willer, seconded by Councilwoman Kanigel, and unanimously carried via voice vote, to concur with Mayor Greuter's recommendation to contact a realtor regarding the potential sale of the Borough-owned lots on Elycroft Ave., Cedar La., and Van Duyne Ave.

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

RESOLUTIONS (CONSENT AGENDA ITEMS)

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

RESOLUTION 16-13: AWARD CONTRACT (OFFICE SUPPLIES)

WHEREAS, there exists a need to obtain office supplies for the various departments of the Borough of Rockaway; and

WHEREAS, a Morris County Co-Op Contract No. 16 exists for the purchase of office supplies from the following companies:

The Office Concepts Group
301 Greenwood Avenue
Midland Park, NJ 07434
(973-493-9730)

W.B. Mason Company, Inc.
59 Centre Street
Brockton, MA 02303
(888-926-2766)

WHEREAS, a New Jersey State Contract exists for the purchase of office supplies from the following companies:

Contract # 77249
Staples
500 Staples Drive
Framingham, MA 01702
(888-212-7219)

Contract # 80979
Action Office Supplies
687 Prospect Street
Lakewood, NJ 08701
(732-534-3000)

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

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 purchase of office supplies for use by the various departments of the Borough of Rockaway from the aforesaid vendors, under Morris County Co-Op Contract No. 16 and New Jersey State Contract No. 77249 and No. 80979, not to exceed the amount of \$37,500.00 subject to funds available in the 2013 budget.

DATE: January 10, 2013

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:

Morris County Co-Op Contract No. 16 and New Jersey State Contract No. 77249 and No. 80979, not to exceed the amount of \$37,500.00
Funds Chargeable to Budget Year: 2013 Temporary and Final Budget
Budget Line Item: Various Departments

DATE: January 10, 2013

BY: John J. Doherty, Treasurer

RESOLUTION 17-13: AWARD CONTRACT (ICE CONTROL)

WHEREAS, there exists a need to obtain ice control materials for the Department of Public Works; and

WHEREAS, a Morris County Co-Op Contract No. 3 exists for the purchase of rock salt and calcium chloride from the following companies:

American Rock Salt Company
P.O. Box 190
Mt. Morris, NY 14510
(888-762-7258)

International Salt Company, LLC
655 Northern Boulevard
Clarks Summit, PA 18411
(888-388-4726)

Innovative Municipal Products (US), Inc.
454 River Road
Glenmont, NY 12077
(800-387-5777)

Peckham Materials Corporation
Union Street
Athens, NY 12015
(800-942-8947)

Reed Systems, Ltd.
P.O. Box 209
Ellenville, NY 12428
(845-647-3660)

WHEREAS, a Morris County Co-Op Contract No. 4 exists for the purchase of snow grits from the following company:

North Church Gravel, Inc.
216 North Church Road
Franklin, NJ 07416
(973-827-6334)

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

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 purchase of ice control materials for use by the Department of Public Works from the aforesaid vendors, under Morris County Co-Op Contract No. 3 and Morris County Co-Op Contract No. 4, not to exceed the amount of \$76,500.00 subject to funds available in the 2013 budget.

DATE: January 10, 2013

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:

Morris County Co-Op Contract No. 3 and Morris County Co-Op Contract No. 4, not to exceed the amount of \$76,500.00.

Funds Chargeable to Budget Year: 2013 Temporary and Final Budget

Budget Line Item: Roads O.E.

DATE: January 10, 2013

BY: John J. Doherty, Treasurer

RESOLUTION 18-13: AUTHORIZE SALE OF SURPLUS PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE (TRAILER)

WHEREAS, the Borough of Rockaway has determined that a used 30-foot office trailer owned by the Borough of Rockaway is not needed for public use; and

WHEREAS, N.J.S.A. 40A:11-36 (2) allows a contracting unit to sell such property to another contracting unit without advertising for bids; and

WHEREAS, the Township of Randolph has indicated a need for such property and that it will relocate the trailer at its expense, which will confer a benefit on the Borough of Rockaway by relieving the Borough of the cost of removing and disposing of the trailer.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey that the Borough of Rockaway is hereby authorized to sell the used 30-foot office trailer owned by the Borough of Rockaway to the Township of Randolph, 502 Millbrook Avenue, Randolph, New Jersey 07869, for \$1.00 and other good and valuable consideration.

DATE: January 10, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 19-13: CONCUR WITH APPOINTMENT OF PUBLIC DEFENDERS (JOINT MUNICIPAL COURT OF DOVER)

WHEREAS, the Borough of Rockaway of the County of Morris, State of New Jersey, has entered into a Shared Services Agreement with the Town of Dover, Township of Mine Hill, Borough of Mt. Arlington, Borough of Wharton, and Borough of Victory Gardens which established the Joint Municipal Court of Dover, with the Town of Dover, as lead agency; and

WHEREAS, the Town of Dover has recommended the appointment of Gerald Kelly, Esq. as Chief Public Defender and Robert Cascone, Esq. as Public Defender of the Joint Municipal Court of Dover.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, to concur with the recommendation of the Town of Dover to appoint Gerald Kelly, Esq. as Chief Public Defender and Robert Cascone, Esq. as Public Defender of the Joint Municipal Court of Dover.

BE IT FURTHER RESOLVED that a copy of this resolution shall be forwarded to the Town of Dover, Township of Mine Hill, Borough of Mt. Arlington, Borough of Wharton, and Borough of Victory Gardens which are hereby requested to consider adoption of a similar resolution.

BE IT FURTHER RESOLVED that a copy of this resolution shall be forwarded to the Assignment Judge Superior Court, County of Morris, and to the Chief Judge of the Joint Municipal Court of Dover.

DATE: January 10, 2013 BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

RESOLUTION 20-13: CONCUR WITH APPOINTMENT OF PROSECUTORS (JOINT MUNICIPAL COURT OF DOVER)

WHEREAS, the Borough of Rockaway of the County of Morris, State of New Jersey, has entered into a Shared Services Agreement with the Town of Dover, Township of Mine Hill, Borough of Mt. Arlington, Borough of Wharton, and Borough of Victory Gardens which established the Joint Municipal Court of Dover, with the Town of Dover, as lead agency; and

WHEREAS, the Town of Dover has recommended the appointment of Lisa C. Thompson, Esq. as Chief Prosecutor and Douglas Cabana, Esq. as Prosecutor of the Joint Municipal Court of Dover.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, to concur with the recommendation of the Town of Dover to appoint Lisa C. Thompson, Esq. as Chief Prosecutor and Douglas Cabana, Esq. as Prosecutor of the Joint Municipal Court of Dover.

BE IT FURTHER RESOLVED that a copy of this resolution shall be forwarded to the Town of Dover, Township of Mine Hill, Borough of Mt. Arlington, Borough of Wharton, and Borough of Victory Gardens which are hereby requested to consider adoption of a similar resolution.

BE IT FURTHER RESOLVED that a copy of this resolution shall be forwarded to the Assignment Judge Superior Court, County of Morris, and to the Chief Judge of the Joint Municipal Court of Dover.

DATE: January 10, 2013 BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

RESOLUTION 21-13: CONFIRM INTENTION OF PARTICIPATION IN MCARP

WHEREAS, there has been created a Morris County Adaptive Recreation Program (MCARP); and

WHEREAS, said program intends to provide recreational opportunities for people with disabilities of all ages, and further to give said persons an opportunity to explore new leisure time opportunities in conjunction with their age and specific abilities; and

WHEREAS, the total project cost is estimated to exceed \$300,000; and

WHEREAS, the Borough of Rockaway's costs with respect thereto will be approximately \$849.00 according to the Fair Share Ratio schedule.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, New Jersey, that the Borough of Rockaway hereby intends to join the Morris County Adaptive Recreation Program (MCARP), P.O. Box 123, 1 Executive Drive, Morris Plains, NJ 07950, (973-326-9750) as described above and contribute thereto in the amount not to exceed the Fair Share Assessment for one year.

DATE: January 10, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 22-13: EXECUTE INTERLOCAL SERVICES AGREEMENT FOR UTILIZATION OF THE RADIO DISPATCHING SERVICES

WHEREAS, there exists a need for the Rockaway Borough Police Department to utilize the Radio Dispatching Services as provided by the County of Morris; and

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

BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, to authorize the Mayor to execute the Interlocal Services Agreement for radio dispatching services provided by the County of Morris for utilization of the Morris County Communications Center Dispatch Services for a period of one (1) year, beginning January 1, 2013 and ending on December 31, 2013 at a cost not to exceed \$129,323.99.

DATE: January 10, 2013

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:

Morris County Communications Center Dispatch Services
Funds Chargeable to Budget Year: 2013 Temporary and Final Budget
Budget Line Item: Dispatch O.E.

DATE: January 10, 2013

BY: John J. Doherty, Treasurer

RESOLUTION 23-13: AWARD PROFESSIONAL SERVICES CONTRACT (WATER UTILITY SERVICES)

WHEREAS, there exists a need for certain water utility services to the Borough of Rockaway's Water Utility; and

WHEREAS, said need is for certain specified services to be performed by R. Wayne Snure, Precision Flow, 7644 Rainbow Drive, Tobyhanna, PA 18466; (201-390-2769); and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law (NJSA 40A:11-1 et seq) requires that a resolution authorizing the payment of such professional fees, without competitive bidding must be publicly advertised.

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 and directed to execute an agreement with R. Wayne Snure, Precision Flow, for certain water utility services in connection with the Borough's Water Utility as per proposal for calendar year 2013:

\$80.00 per hour, subject to a four (4) hour minimum, based on a normal workday - 8:00 a.m. to 4:30 p.m., Monday through Friday

Work beyond the normal workday will be billed as follows:

\$130.00 per hour for Monday - Friday (after 4:30 p.m.)

\$130.00 per hour for Saturday (portal to portal)

\$170.00 per hour for Sunday and Holidays (portal to portal)

2. These contracts are awarded without competitive bidding as "Extraordinary Unspecifiable Services" in accordance with the Local Public Contracts Law because the services required cannot be reasonably described by written specifications to assure that the qualitative and quantitative assessment of the problem involved, which require expertise, extensive training and proven reputation in the field of endeavor are obtained.
3. That a notice in accordance with this resolution and the Local Public Contracts Law of New Jersey, shall be published in the official newspaper or newspapers of the Borough of Rockaway as required by law.

DATE: January 10, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

ORDINANCE NO. 01-13, Introduction & First Reading

**ORDINANCE OF THE
BOROUGH OF ROCKAWAY, COUNTY OF MORRIS, APPROPRIATING \$62,500.00
FROM THE COUNTY OF MORRIS,
COMMUNITY DEVELOPMENT REVENUE SHARING
FOR MANHOLE REHABILITATION**

Councilman Willer moved that this ordinance be taken up and passed on first reading and that the Borough Clerk be authorized to have the ordinance published in accordance with the law in *The Citizen* and the *Daily Record* for hearing and final passage on February 14, 2013.

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

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

ORDINANCE NO. 02-13, Introduction & First Reading

**CALENDAR YEAR 2013
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)**

Councilman Vicente 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 February 14, 2013.

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

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

ORDINANCE NO. 03-13, Introduction & First Reading

**ORDINANCE OF THE
BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER 23, DEFENSE AND INDEMNIFICATION**

Councilman Vicente 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 February 14, 2013.

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

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

PUBLIC PORTION

Mayor Greuter opened the meeting to the public.

Mr. Rob Grow, 110 Lakeside Dr., asked why recycling was not picked up on January 1. Mayor Greuter explained that if the recycling pickup is skipped, it is not made up. Mr. Grow also asked about the ability of the public to ask questions at budget meetings.

Mrs. Joyce Freiermuth, 99 E. Flagge St., reported that many streetlights are out.

Mr. Patrick McDonald, 42 Crestwood Rd., observed that many signs are on rusty poles that should be cleaned up or repainted.

Fire Chief Sam Passarella reported on the activities of the Fire Department.

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

CLOSED SESSION

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

RESOLUTION 24-13: 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: Pending Litigation (Donatoni Field).
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: January 10, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor and Council went into closed session at 8:15 p.m. and resumed the public meeting at 8:30 p.m.

ADJOURNMENT

The meeting adjourned at 8:30 p.m.

Approved: As Submitted

Sheila Seifert, Borough Clerk

Date: January 24, 2013