

**MAYOR & COUNCIL
REGULAR MEETING
AUGUST 23, 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 August 23, 2012. Mayor Greuter 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

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 Mulligan, and carried unanimously upon voice vote, the minutes of the August 9, 2012 Regular Meeting were accepted as submitted.

CORRESPONDENCE

Mayor Greuter read the August 15, 2012 letter from Edward L. Miller, 11 Birchwood Rd., requesting permission to block off Birchwood Road on Sunday, September 2, 2012 from noon until 9:00 p.m. for a block party.

On motion by Councilman Willer, seconded by Councilman Vicente, and unanimously carried by voice vote to accept the correspondence, approve the request, and forward same to the Fire, Police and Public Works Departments.

Mayor Greuter read the August 13, 2012 letter from Jennifer Doty, for the Rockaway Rowdies Soccer Committee, requesting to hold the soccer opening day parade on Saturday, September 8, 2012 at 10:30 a.m. from Thomas Jefferson School to Donatoni Field.

On motion by Councilman Willer, seconded by Councilman Vicente, and unanimously carried by voice vote to accept the correspondence, approve the request, and forward same to the Fire, Police and Public Works Departments.

Council President Burnside asked for verification that the funding for all parades, including the Rotary Club-sponsored Halloween parade, was restored in the budget.

COUNCIL COMMENTS

Personnel Committee - Councilwoman Kanigel

Building Department Personnel

It has come to our attention that the appointments of James Silance and Thomas Pinand to their positions in the Building Department did not specify that they were appointed for a term of four years as required by State law (N.J.S.A. 52:27D-126).

Mayor Greuter announced his intention to appoint Mr. James Silance as Building Subcode Official and Construction Official, for a four-year term beginning July 26, 2010 at a salary within the salary ordinance, subject to satisfactory completion of a background check.

On motion by Councilwoman Kanigel, seconded by Councilman Vicente, and unanimously carried via voice vote to concur with the Mayor's appointment of Mr. James Silance as Building Subcode Official and Construction Official, for a four-year term beginning July 26, 2010 at a salary within the salary ordinance, subject to satisfactory completion of a background check.

Mayor Greuter announced his intention to appoint Mr. Thomas Pinand to the positions of Fire Subcode Official and Plumbing Subcode Official, for a four-year term beginning March 19, 2012 at a salary within the salary ordinance, subject to satisfactory completion of a background check.

On motion by Councilwoman Kanigel, seconded by Councilman Donofrio, and unanimously carried via voice vote to concur with the Mayor's appointment of Mr. Thomas Pinand to the positions of Fire Subcode Official and Plumbing Subcode Official, for a four-year term beginning March 19, 2012, a salary within the salary ordinance, satisfactory completion of a background check.

Historical Committee

The Historical Committee will sell engraved brick pavers at the memorial walkway at the Veteran's Memorial at the Rockaway Borough Public Library.

Public Works/Public Utilities Committee - Councilman Donofrio

Reviewed the recent activities of the Public Works Department, including sidewalk repairs at Thomas Jefferson School, painting of railings at the Police Station, and participation in the Rockaway River desnagging effort. The Franklin Avenue road repaving project is almost completed.

Ordinance Committee - Councilman Mulligan

Recreation

Received a request to have DPW put down some clay squares at the Lincoln School playground, utilizing existing supplies. Councilman Mulligan advised the Home and School representative who was in the audience that a request should come from the school district's Business Administrator.

Contract Negotiations

The DPW Teamsters contract expires at the end of this year. The Teamsters have requested that the negotiation process begin. Upon motion by Councilman Mulligan, seconded by Councilman Vicente, and unanimously carried via voice vote, to utilize the services of the labor attorney for the negotiations.

Councilman Mulligan requested a closed session for PBA contract negotiations.

Finance and Licensing Committee - Councilman Vicente

Explained Resolution 136-12 regarding the corrective actions from the 2011 audit.

Fire Committee - Councilman Willer

Fire Department

The Fire Department will attend the Labor Day parade in Boonton.

The Fire Department submitted a letter requesting approval for additional equipment items that will be needed for the new fire truck. Mayor Greuter asked for clarification on some items from the members of the Fire Department who were in the audience.

Public Safety Committee - Council President Burnside

Court revenue is declining and the decline does not appear to be related to a decrease in the number of tickets or cases. Council President Burnside suggested that a meeting be held with the Dover Court representative.

ATTORNEY'S REPORT

Requested a closed session for potential litigation.

MAYOR'S REPORT

Thanked the Environmental Committee for assisting with desnagging the Rockaway River from Wharton to Denville and requested their assistance at Park Lake with invasive plants such as purple loosestrife and garlic mustard.

Mayor Greuter asked the Finance Committee to look at the Borough-owned parcels and recommend, at the next meeting, if any should be sold.

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

CLERK'S REPORT

Raffle License Approvals

Approved on premise 50/50 raffle license and an on premise tricky tray raffle license for Coming Home Rescue for events to be held on October 28, 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 Council President Burnside, and carried unanimously upon call of the roll, the following resolutions were adopted:

RESOLUTION 135-12: AWARD CONTRACT (DENTAL INSURANCE FOR FULL-TIME EMPLOYEES)

WHEREAS, the Local Public Contracts Law (NJSA 40A:11-1 et seq) provides that any contract the amount of which exceeds the bid threshold, may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor and shall be awarded by resolution of the governing body if the subject matter thereof consists of insurance, including the purchase of insurance coverage and consultant services, which exception shall be in accordance with the requirements for extraordinary unspecifiable services; and

WHEREAS, the Borough of Rockaway provides dental insurance coverage for its full-time employees; and

WHEREAS, Principal Financial Group, 300 Interpace Parkway, Building C, Parsippany, NJ 07054, provides such insurance coverage;

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:11-1 et seq) requires that a resolution authorizing the payment of such 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 in an amount not to exceed \$54,000.00 with Principal Financial Group, 300 Interpace Parkway, Building C, Parsippany, NJ 07054 for dental insurance for its full-time employees, for the period June 1, 2012 through May 31, 2013.
2. This contract is 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: August 23, 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:

Principal Financial Group, 300 Interpace Parkway, Building C, Parsippany, NJ 07054, at cost not to exceed \$54,000.00.

Budget Line Item#: Medical Insurance Dental (Current and Water)

DATE: August 23, 2012

BY: John J. Doherty, Treasurer

RESOLUTION 136-12: ADOPT CORRECTIVE ACTION PLAN

WHEREAS, the Director of the Division of Local Government Services has formally directed all municipalities to adopt a Corrective Action Plan as part of their annual audit process; and

WHEREAS, this Corrective Action Plan shall be submitted to the Director of Local Government Services upon adoption of the Governing Body and it shall be kept on file with the Borough Clerk; and

WHEREAS, the Plan shall cover all audit findings and recommendations and be prepared in accordance with the Single Audit Act OMB Circular 128 and Local Finance Notice 92-15; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway that it hereby approves the Corrective Action Plan for the 2011 Annual Audit, a copy of which will be available in the Borough Clerk's office.

BE IT FURTHER RESOLVED that a certified copy of this resolution, including the Corrective Action Plan, be forwarded to the Director of Local Government Services.

DATE: August 23, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 137-12: SUBMIT NJ DEPARTMENT OF TRANSPORTATION GRANT APPLICATION AND EXECUTE GRANT AGREEMENT (MAPLE AVE. ROAD IMPROVEMENTS PROJECT)

WHEREAS, the Borough of Rockaway wishes to participate in the Transportation Trust Fund Application process; and

WHEREAS, the Mayor and Council have concerns over the condition of Maple Avenue.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Rockaway, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Borough Engineer are hereby authorized to submit an electronic grant application identified as MA-2013-Rockaway Borough-00044 application ID from NJ DOT SAGE to the New Jersey Department of Transportation on behalf of the Borough of Rockaway.

BE IT FURTHER RESOLVED that the Mayor and Borough Engineer are hereby authorized to sign the grant agreements on behalf of the Borough of Rockaway and that their signatures constitute acceptance of the terms and conditions of the grant agreements and approve the execution of the grant agreements.

DATE: August 23, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 138-12: SUBMIT NJ DEPARTMENT OF TRANSPORTATION GRANT APPLICATION AND EXECUTE GRANT AGREEMENT (PEDESTRIAN UPGRADES PROJECT)

WHEREAS, the Borough of Rockaway wishes to participate in the Transportation Trust Fund Application process; and

WHEREAS, the Mayor and Council would like to improve pedestrian safety throughout the Borough.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Rockaway, formally approves the Safe Streets to Transit grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Borough Engineer are hereby authorized to submit an electronic grant application identified as MA-2013-Rockaway Borough-00045 application ID from NJ DOT SAGE to the New Jersey Department of Transportation on behalf of the Borough of Rockaway.

BE IT FURTHER RESOLVED that the Mayor and Borough Engineer are hereby authorized to sign the grant agreements on behalf of the Borough of Rockaway and that their signatures constitute acceptance of the terms and conditions of the grant agreements and approve the execution of the grant agreements.

DATE: August 23, 2012 BOROUGH OF ROCKAWAY
ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

RESOLUTION 139-12: AWARD CONTRACT (SALT STORAGE AND RECYCLING AREA IMPROVEMENTS)

WHEREAS, on August 15, 2012, the Borough Engineer received two Bid Proposals for the Salt Storage and Recycling Area Improvements as follows:

Zenith Construction Services	Pav-Con Construction
365 Thomas Boulevard	585 Forest Street
Orange, NJ 07050	Orange, NJ 07050
Total Bid: \$249,075.00	Total Bid: \$249,749.60

WHEREAS, the apparent low responsive bid submitted by Zenith Construction Services, 365 Thomas Avenue, Orange, NJ 07050 (973-674-2500) in the amount of \$249,075.00 complied with the bid specifications, and the Borough Engineer has recommended that a contract be awarded to the low responsive bidder, Zenith Construction Services; and

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 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 in an amount not to exceed \$249,075.00 with Zenith Construction Services, 365 Thomas Avenue, Orange, NJ 07050 (973-674-2500), for the Salt Storage and Recycling Area Improvements.
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: August 23, 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:

Zenith Construction Services, 365 Thomas Avenue, Orange, NJ 07050 (973-674-2500), at cost not to exceed \$249,075.00.

Ordinance#: 5-05-03, 8-07-02, Capital Surplus and Recycling Trust

DATE: August 23, 2012 BY: John J. Doherty, Treasurer

RESOLUTION 140-12

Upon motion by Councilman Vicente, seconded by Council Willer, and carried via majority vote upon call of the roll, with Councilwoman Kanigel voting nay, the following resolution was adopted:

RESOLUTION 140-12: REQUEST EXTENSION OF TIME FOR "CONSTRUCT AND OPERATE" PERMIT (RIDGEVIEW AT ROCKAWAY)

WHEREAS, Rockaway 50 Associates, L.L.C. has proposed to build a 42-unit garden apartment building complex on Hillside Avenue (Block 27.02, Lots 7.01 and 10; Block 29, Lot 1; and Block 33, Lot 3), known as Ridgeview at Rockaway; and

WHEREAS, on March 17, 2011, Ridgeview at Rockaway represented to the Planning Board that construction on the project (Application PB-2-05) had not commenced due to the weakened economy and difficulties in obtaining financing for the project and indicated an intention to seek equity investors to fund the project; and

WHEREAS, Ridgeview at Rockaway applied for and received from the Borough of Rockaway Planning Board an extension until April 17, 2012 of preliminary and final site plan approval and related variance approval and design waivers originally granted by the Board on April 17, 2008; and

WHEREAS, on February 16, 2012 Ridgeview at Rockaway applied for and received from the Borough of Rockaway Planning Board an extension until April 17, 2013 of preliminary and final site plan approval and related variance approval and design waivers originally granted by the Board on April 17, 2008; and

WHEREAS, on August 26, 2009 the State of New Jersey Department of Environmental Protection ("NJ DEP") issued a "construct and operate" permit no. WCP090003 which required that the facilities approved in the permit be constructed and placed into service within three years from the effective date of the permit; however, if the facility is not completed within the specified time allotment, an "Extension of Time" may be requested so long as the permit is still valid; and

WHEREAS, Ridgeview at Rockaway has requested that the Borough seek a one-year extension of time for the "construct and operate" permit no. WCP090003; and

WHEREAS, the Superintendent, Department of Public Works has recommended that the Mayor submit a letter to NJ DEP requesting a one-year extension of time for the "construct and operate" permit no. WCP090003.

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 Mayor to submit a letter to the State of New Jersey Department of Environmental Protection requesting a one-year extension of time for the "construct and operate" permit no. WCP090003.

DATE: August 23, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

ORDINANCE NO. 16-12, Introduction & First Reading

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING THE CODE OF THE BOROUGH OF ROCKAWAY
TO ADD A NEW CHAPTER,
CHAPTER 177, OUTDOOR DINING**

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, Willer, Burnside
Nays: None

ORDINANCE NO. 17-12, Introduction & First Reading

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER 172, ZONING,
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 Council President Burnside and passed as follows upon call of the roll:

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

ORDINANCE NO. 18-12, Introduction & First Reading

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER 91, ALCOHOLIC BEVERAGES,
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, Willer, Burnside
Nays: None

ORDINANCE NO. 19-12, Introduction & First Reading

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER 241, VEHICLES AND TRAFFIC,
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

Council President Burnside 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 September 27, 2012.

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

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

PUBLIC PORTION

Mayor Greuter opened the meeting to the public.

Ms. Kathy Haake, 74 Rockaway Ave., stated that it is crazy to extend any approvals for the Ridgeview at Rockaway project and that the price for which municipal property is sold may be less than the legal costs.

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

CLOSED SESSION

Upon motion by Council President Burnside, seconded by Councilman Donofrio, and adopted unanimously upon call of the roll, the following resolution was adopted:

RESOLUTION 141-12: 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: PBA Collective Bargaining Agreement Negotiations 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: August 23, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor and Council went into closed session at 8:09 p.m. and resumed the public meeting at 8:24 p.m.

PARK LAKE

Upon motion by Councilman Vicente, seconded by Council President Burnside, and unanimously carried via voice vote, to authorize the Public Works Department to remove the rocks at Park Lake and to plant the annual rye seed as requested by the Department of Environmental Protection.

ADJOURNMENT

The meeting adjourned at 8:25 p.m.

Approved: As Submitted

Sheila Seifert, Borough Clerk

Date: September 13, 2012