

**MAYOR & COUNCIL
REGULAR MEETING
JANUARY 24, 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 24, 2013. Mayor Greuter announced the location of the fire exits.

Councilmembers Present

Thomas Donofrio
Joyce Kanigel
Thomas Mulligan
Joseph Vicente (arrived at 7:35 p.m.)
John Willer
Melissa Burnside - Council President

Councilmembers Absent

Borough Attorney Edward Wacks, Esq., was also present

Everyone present participated in the salute to the flag.

APPROVAL OF MINUTES

Upon motion by Council President Burnside, seconded by Councilman Willer, and carried unanimously upon voice vote, the minutes of the January 3, 2013 Reorganization Meeting and the January 10, 2013 Regular Meeting were accepted as submitted.

COUNCIL COMMENTS

Councilwoman Kanigel - Finance and Licensing Committee

Library - The library will hold an open house for the recently restored second floor museum.

Requested a closed session for a personnel matter.

Councilman Donofrio - Public Works/Public Utilities Committee

Public Works - Park Lake was surveyed for depths to determine where to dredge.

(Councilman Vicente arrived at 7:35 p.m.)

Councilman Mulligan - Ordinance Committee

Summer Programs - Met with representatives from the Randolph Y regarding the possibility of the Y running the Borough's summer programs. It could be cost prohibitive, but they have good programs that they could bring in. Another meeting will be held in mid-February.

Councilman Vicente - Personnel

Personnel - Chief Financial Officer/Treasurer John J. Doherty submitted a letter indicating that he will retire effective March 31, 2013; his last day of work will be Thursday, March 28, 2013 due to the Good Friday Holiday. The Governing Body discussed if his replacement should be full- or part-time or possibly a shared service.

Upon motion by Councilman Vicente, seconded by Councilman Willer, and carried unanimously via voice vote, to accept the resignation of Chief Financial Officer/Treasurer John J. Doherty, with regret and best wishes, due to his March 31, 2013 retirement.

The Recreation Director was appointed to a term expiring June 30, 2013. Upon motion by Councilman Vicente, seconded by Councilman Mulligan, and carried unanimously via voice vote, to authorize the Borough Clerk to advertise for the part-time Recreation Director position.

Parks and Recreation - Mr. Don Doty was elected as chair of the Parks and Recreation Committee. The committee has questions on the 2012 trust fund balance. Discussed fundraising by the various sports.

Councilman Willer - Fire Committee

Community Development - Councilman Willer will attend the Community Development presentation meetings.

Fire Department - Councilman Willer met with the Fire Department regarding upcoming budget needs, including painting of the firehouse bays. The Department assisted at a recent fire in Rockaway Township.

Council President Burnside - Public Safety Committee

Hazard Mitigation - Chief Scheer has learned that municipalities can apply for up to 75 percent of the cost of generators through a Hazard Mitigation Grant Program.

PBA Negotiations - The negotiations are almost completed.

ATTORNEY'S REPORT

Requested a closed session to discuss potential litigation (the request to relieve Thiokol of their responsibility to pay for the air stripper).

Worker and Community Right-to-Know Act - Penalties can be assessed to businesses for failure to file certain reports with the state. We received a letter from a non-profit seeking to penalize a company located in the Borough. The municipality does not need to take action.

Donatoni Park Litigation - The attorneys are still exchanging information. The next step will be serious negotiation.

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

MAYOR'S REPORT

Mayor Greuter reported on his recent activities, including meetings with the Morris County Improvement Authority regarding its bonding/leasing programs, a new senior group entitled, "Borough of Rockaway Cream of the Crop," and with the Fire Chiefs regarding 24/7 ambulance service from Saint Clare's beginning in mid-February.

Mayor Greuter suggested that the senior groups who receive funds from the Borough submit receipts so that the Governing Body knows how the money was used.

Mayor Greuter received a letter from Rockaway Borough School Superintendent Brian Purzak complimenting Patrolman Haigh for the work he does at the school.

Park Lake is scheduled to be dredged in the fall, assuming the permits are received.

Mayor Greuter met with a real estate agent from Coldwell-Banker regarding the sale of Borough properties. The agent would charge 5 percent of the sale price which would include their advertising, holding the auction, etc. Discussion ensued regarding the process, and Councilwoman Kanigel suggested that another broker be contacted to see if a lower percentage could be obtained.

Upon motion by Councilman Willer, seconded by Councilman Donofrio, and carried upon majority vote via call of the roll, with Councilwoman Kanigel voting nay, to concur with the Mayor's recommendation to engage Coldwell Banker to sell three designated properties.

Upon motion by Councilman Vicente, seconded by Councilman Mulligan, 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 25-13: CANCEL TAX BALANCES LESS THAN \$5.00

BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway by New Jersey State Statute 40A:5-17 to cancel all 2012 tax monies of less than \$5.00 as follows:

UNDERPAYMENTS

<u>Block</u>	<u>Lot</u>	<u>Qualification</u>	<u>Amount</u>
1	8		.10
14	14		.07
34	3		.20
38	78		.52
43	12		.01
52	3		.20
71	40.04		.01
73	45.11		.22
73	59.01		.01
73.01	4		.01
81.03	6		.01
81.05	17		.01
81.06	30		.01
			1.38
TOTAL			1.38

DATE: January 24, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 26-13: TRANSFER 2012 OVERPAID TAX MONIES TO 2013

BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey to transfer 2012 overpaid tax monies to the 2013 tax year as follows:

<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Khan	1	40.01	\$1,863.33
Kelly	72.05	3	\$2,014.37
Gray	79	1	\$1,083.88

DATE: January 24, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 27-13: REFUND BUILDING PERMIT OVERPAYMENT

WHEREAS, on November 7, 2012 the Borough of Rockaway received payment of \$1,385.00 from Overland Contracting, Inc., 587 Sigman Rd. NE, Ste. 100, Conyers, GA 30013, to be applied to Building Permit No. 12-00482 for cell tower antenna work located at 311 West Main St. (Block 40, Lot 76.05), Rockaway, NJ; and

WHEREAS, the actual cost of the permit was \$1,085.00, thereby resulting in an overpayment of \$300.00.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, to refund the overpayment of \$300.00 for Building Permit No. 12-00482 to Overland Contracting, Inc., 587 Sigman Rd. NE, Ste. 100, Conyers, GA 30013.

DATE: January 24, 2013 BOROUGH OF ROCKAWAY
ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

RESOLUTION 28-13: AUTHORIZE CONTRACT AWARD (CLEANING SERVICES)

WHEREAS, there exists a need to obtain a contractor to perform cleaning services in the Borough of Rockaway Municipal Building, Police Station, Public Library, Public Works office, office at Donatoni Community Park, and Community Center; and

WHEREAS, a diligent attempt to obtain several quotes was made by the Borough Clerk, with the lowest response being received from Vanguard Cleaning Systems, 115 Route 46 West, Suite A-8, Mountain Lakes, NJ 07046 (973-334-3355); and

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 and Borough Clerk are hereby authorized and directed to execute an agreement in an amount not to exceed \$12,816.00 with Vanguard Cleaning Systems, 115 Route 46 West, Suite A-8, Mountain Lakes, NJ 07046 (973-334-3355) for cleaning services in the Municipal Building, Police Station, Public Library, Public Works office, office at Donatoni Community Park, and Community Center, for the period February 1, 2013 through January 31, 2014.
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: January 24, 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:

Vanguard Cleaning Systems, 115 Route 46 West, Suite A-8, Mountain Lakes, NJ 07046 (973-334-3355),
not to exceed the amount of \$12,816.00
Funds Chargeable to Budget Year: 2013 Temporary and Final Budget
Budget Line Item: Buildings and Grounds

DATE: January 24, 2013 BY: John J. Doherty, Treasurer

RESOLUTION 29-13: APPROVE TRANSFER OF FUNDS – CURRENT INSIDE CAP

WHEREAS, there appears to be insufficient funds in the following accounts (excepting the appropriation for contingent expenses or deferred charges) to meet the demands thereon for the balance of the current year:

Police Salaries and Wages (25-240-011)
Streets and Roads Salaries and Wages (26-290-011)

WHEREAS, there appears to be a surplus in the following accounts (excepting the appropriation for contingent expenses, deferred charges, cash deficit of preceding year, reserve for uncollected taxes, down payments, capital improvement fund, or interest and debt redemption charges) over and above the demand deemed to be necessary for the balance of the current year:

Street Lighting Other Expenses	(31-435-288)
Electricity Other Expenses	(30-421-201)
Group Insurance Other Expenses	(23-220-204)
Legal Other Expenses	(20-155-254)
Police Other Expenses	(25-240-205)
Streets and Roads Other Expenses	(26-290-201)
Health Other Expenses	(27-330-216)

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmative concurring) that in accordance with the provision of R.S. 40A:4-58, part of the surplus in the accounts heretofore mentioned be and same are hereby transferred to the accounts (excepting the appropriation for contingent expenses or deferred charges) mentioned as being insufficient, to meet the current demands, and

BE IT FURTHER RESOLVED that the Treasurer is hereby authorized and directed to make the following transfers:

FROM:

Street Lighting Other Expenses	\$10,000.00
Electricity Other Expenses	\$25,000.00
Group Insurance Other Expenses	\$29,000.00
Legal Other Expenses	\$23,000.00
Police Other Expenses	\$24,000.00
Streets and Roads Other Expenses	\$30,000.00
Health Other Expenses	\$10,000.00

TO:

Police Salaries and Wages	\$90,000.00
Streets and Roads Salaries and Wages	\$61,000.00

DATE: January 24, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 30-13: APPROVE TRANSFER OF FUNDS – CURRENT OUTSIDE CAP

WHEREAS, there appears to be insufficient funds in the following account (excepting the appropriation for contingent expenses or deferred charges) to meet the demands thereon for the balance of the current year:

LOSAP Other Expenses	(25-275-256)
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WHEREAS, there appears to be a surplus in the following account (excepting the appropriation for contingent expenses, deferred charges, cash deficit of preceding year, reserve for uncollected taxes, down payments, capital improvement fund, or interest and debt redemption charges) over and above the demand deemed to be necessary for the balance of the current year:

Employee Group Health Expenses	(46-753-201)
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NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmative concurring) that in accordance with the provision of R.S. 40A:4-58, part of the surplus in the account heretofore mentioned be and same are hereby transferred to the account (excepting the appropriation for contingent expenses or deferred charges) mentioned as being insufficient, to meet the current demands, and

BE IT FURTHER RESOLVED that the Treasurer is hereby authorized and directed to make the following transfers:

FROM:

Employee Group Health Expenses	\$ 4,000.00
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TO:

LOSAP Other Expenses	\$ 4,000.00
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DATE: January 24, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 31-13: APPROVE TRANSFER OF FUNDS – WATER UTILITY

WHEREAS, there appears to be insufficient funds in the following account (excepting the appropriation for contingent expenses or deferred charges) to meet the demands thereon for the balance of the current year:

Water Salaries (55-700-011)

WHEREAS, there appears to be a surplus in the following accounts (excepting the appropriation for contingent expenses, deferred charges, cash deficit of preceding year, reserve for uncollected taxes, down payments, capital improvement fund, or interest and debt redemption charges) over and above the demand deemed to be necessary for the balance of the current year:

Administrative and Executive (55-700-533)
General Insurance Other Expense (55-701-503)
Social Security Other Expense (55-715-512)

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmative concurring) that in accordance with the provision of R.S. 40A:4-58, part of the surplus in the accounts heretofore mentioned be and same are hereby transferred to the account (excepting the appropriation for contingent expenses or deferred charges) mentioned as being insufficient, to meet the current demands, and

BE IT FURTHER RESOLVED that the Treasurer is hereby authorized and directed to make the following transfers:

FROM:

Administrative and Executive \$25,000.00
General Insurance Other Expense \$ 1,500.00
Social Security Other Expense \$16,000.00

To:

Water Salaries \$42,500.00

DATE: January 24, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

PUBLIC PORTION

Mayor Greuter opened the meeting to the public.

Mrs. Joyce Freiermuth, 99 E. Flagge St., asked for additional information regarding the Community Right-to-Know letter; strongly recommended that any groups that receive Borough money should be required to submit receipts; and, referring to Resolution 29-13, questioned why more than \$150,000 was left in various accounts.

Mr. Pat McDonald reported on the Parks and Recreation Committee meeting, including the need to know the cost to run the various sports and how to fund them.

Ms. Kathy Haake, Rockaway Ave., said that she believes Recreation should be self-funded. The Borough did not receive a trail grant for the Beach Street River Park. She requested and received permission to submit a similar application this year; perhaps partnering with Denville to make a larger project.

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

Mr. McDonald questioned the Borough's liability for children and adults who perform a cleanup through sports, such as a Little League cleanup at Thomas Jefferson School. Mr. Wacks responded that, generally, they would be covered under the Borough's insurance.

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

CLOSED SESSION

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

RESOLUTION 32-13: 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: Personnel and potential litigation (Thiokol/ATK).
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 24, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Councilman Mulligan left at 8:45 p.m.

Mayor and Council went into closed session at 8:46 p.m. and resumed the public meeting at 9:18 p.m.

ADJOURNMENT

The meeting adjourned at 9:18 p.m.

Approved: As Submitted

Sheila Seifert, Borough Clerk

Date: February 14, 2013