

**MAYOR & COUNCIL
REGULAR MEETING
OCTOBER 25, 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 October 25, 2012. Mayor Greuter announced the location of the fire exits.

Councilmembers Present

Thomas Donofrio
Joyce Kanigel
Thomas Mulligan
Joseph Vicente
John Willer

Councilmembers Absent

Melissa Burnside - Council President

Borough Attorney Ed Wacks was also present.

Everyone present participated in the salute to the flag.

APPROVAL OF MINUTES

Upon motion by Councilman Willer, seconded by Councilman Donofrio, and carried unanimously upon voice vote, the minutes of the October 11, 2012 Regular Meeting were accepted as submitted.

COUNCIL COMMENTS

Personnel Committee - Councilwoman Kanigel

Construction Department

The Construction Official and Borough Clerk interviewed candidates for the part-time Fire Subcode Official and part-time Plumbing Subcode Official positions. They recommend that Mr. Christopher Gibbons be appointed as the part-time Plumbing Subcode Official and Mr. Thomas Yotka be appointed as the part-time Fire Subcode Official.

Mayor Greuter appointed Mr. Christopher Gibbons to the position of part-time Plumbing Subcode Official, on a probationary basis beginning October 22, 2012 at a salary within the salary ordinance, subject to satisfactory completion of a background check.

On motion by Councilman Willer, seconded by Councilman Donofrio, and unanimously carried via voice vote to concur with the Mayor's appointment of Christopher Gibbons to the position of Plumbing Subcode Official, on a probationary basis beginning October 22, 2012, a salary within the salary ordinance, subject to satisfactory completion of a background check.

Mayor Greuter appointed Mr. Thomas Yotka to the position of part-time Fire Subcode Official, on a probationary basis beginning October 22, 2012 at a salary within the salary ordinance, subject to satisfactory completion of a background check.

On motion by Councilman Donofrio, seconded by Councilman Mulligan, and unanimously carried via voice vote to concur with the Mayor's appointment of Thomas Yotka to the position of Fire Subcode Official, on a probationary basis beginning October 22, 2012, a salary within the salary ordinance, subject to satisfactory completion of a background check.

Public Works/Public Utilities Committee - Councilman Donofrio

Solid Waste and Designated Recyclable Materials Collection and Disposal Services

On October 17, 2012, two bids were received for Solid Waste and Designated Recyclable Materials Collection and Disposal Services. The apparent low bidder, Blue Diamond, would provide the same services that we receive now (weekly solid waste collection, vegetative waste picked up twice a month April to December, and a dumpster twice a year for residential construction debris) at \$420,000 per year for a three-, four-, or five-year contract period, which is lower than the current contract.

Chief Financial Officer/Treasurer John J. Doherty, who was in the audience, recommended that the contract be awarded for a five-year period.

Upon motion by Councilman Donofrio, seconded by Councilman Mulligan, and unanimously approved via voice vote, to prepare a resolution to award the contract for the same services now being received, to Blue Diamond, for a five-year period, pending review of the bid proposal by the Borough Attorney.

The Public Works has a budgeted vacant position. They are struggling to keep up with demands; snow plowing will be an issue if they are down a person.

Requested a closed session for possible litigation regarding a water customer.

Ordinance Committee - Councilman Mulligan

The Recreation Commission approved lowering the fee charged for sports cards to \$60 from \$75 and the family maximum to \$180 from \$225 because the majority of background checks have been completed. The Recreation Director is an annual appointment and we'll be posting for it in January.

Fire Committee - Councilman Willer

The new rescue pumper is in the bay area. Would like to proceed with selling the old E-One pumper.

Upon motion by Councilman Willer, seconded by Councilman Vicente, and unanimously approved via voice vote, to authorize the sale of the old E-One Pumper at a minimum bid of \$35,000 with Company Two Fire, 283 Foster Rd., Varnville, South Carolina 29944.

Finance and Licensing Committee - Councilman Vicente

Thanked CFO and auditor for coming in to give an overview of the budget process.

PRESENTATION

Chief Financial Officer/Treasurer John J. Doherty and Borough Auditor Thomas Ferry discussed the budget process. Mr. Doherty distributed an estimated 2013 budget project revenue and appropriations.

ATTORNEY'S REPORT

The Donatoni litigation mediation is scheduled for December. Exhibits are being exchanged.

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

MAYOR'S REPORT

Mayor Greuter explained the reason for Resolution 148-12 which is on the agenda tonight. The EPA sent a letter saying that it is appropriate that Alliant Techsystems, Inc. (ATK) should be relieved of its financial obligation to contribute to the operation and maintenance of the water treatment system. We need to ask for clarification. Discussion ensued.

Mayor Greuter asked the Council to finalize the ordinance to abolish the Board of Recreation Commissioners and create a Recreation Committee. The Governing Body agreed to keep the number and terms of members the same and to earmark any funds collected for recreation purposes only.

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

CLERK'S REPORT

Bingo/Raffle License Approvals

Approved the following licenses for HSA Sacred Heart for events to be held at Sacred Heart School, 40 E. Main St., Rockaway: (1) on-premise raffle license for event to be held on March 4, 2013; (2) calendar raffle license for January 1, 2013 through March 31, 2013.

Approved the following licenses for HSA St. Cecilia for events to be held at St. Cecilia School, 87 Halsey Ave., Rockaway: (1) off-premise merchandise raffle for event to be held on March 27, 2013; (2) off-premise 50/50 raffle license for event to be held on June 7, 2013; (3) calendar raffle license for February 1, 2013 through May 31, 2013.

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

RESOLUTION 148-12

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

RESOLUTION 148-12: AWARD PROFESSIONAL SERVICES CONTRACT (EVALUATE EPA'S DETERMINATION REGARDING COST TO OPERATE AND MAINTAIN WATER TREATMENT SYSTEM)

WHEREAS, there exists needs for the professional services of an environmental engineer to review the determination made by the U.S. Environmental Protection Agency that Alliant Techsystems, Inc. should be relieved of any further obligation to pay for the Operation and Maintenance of the Rockaway Borough Wellfield water treatment system located in the Public Works yard; and

WHEREAS, said needs or certain specified professional services are to be rendered or performed by a person or persons authorized by law to practice a recognized profession whose practice is regulated by law within the meaning of N.J.S.A. 40A:11-2, et seq. as amended; and

WHEREAS, the performance of said professional services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal base of specialized training and study; as distinguished from general academic instruction or apprenticeship and training; and

WHEREAS, said professional services cannot reasonably be described by written specifications; and

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

WHEREAS, the Borough of Rockaway has a need to acquire said professional services as a contract without public advertising pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the services to be performed are "Professional Services" as defined in N.J.S.A. 40A:11-5(1)(a)(i) and therefore excepted from the Local Public Contracts Law requirements for competitive bidding; and

WHEREAS, in September 2012, First Environment, Inc., 91 Fulton St., Boonton, NJ 07005 (973-334-0003) submitted an evaluation of the current water treatment system in the context that the Borough may take over the financial responsibility of the system; and

WHEREAS, First Environment found that the influent water still exceeds the groundwater quality standards established by the New Jersey Department of Environmental Protection for trichloroethylene indicating that the source areas for the contamination (Klockner and Klockner site and EPA site) have not been adequately remediated and believes that it is premature for the Borough to consider taking financial responsibility for the operation of its drinking water system which has been adversely impacted by others.

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. That the Borough of Rockaway, in accordance with the Local Public Contracts Law, hereby authorizes and approves the award of a professional services contract to First Environment, Inc., 91 Fulton St., Boonton, NJ 07005 (973-334-0003) to review the U.S. Environmental Protection Agency's determination that Alliant Techsystems, Inc. should be relieved of any further obligation to pay for the Operation and Maintenance of the Rockaway Borough Wellfield water treatment system located in the Public Works yard and to work with the Borough Attorney to prepare a response at a cost not to exceed \$5,000.00 as noted on the schedule below; contract copies are on file in the Office of the Clerk and are incorporated herein by reference and their terms and conditions stated on the attached schedule. Said contract is hereby ratified and confirmed, and upon passage of this Resolution, the Mayor and Borough Clerk be and the same are hereby authorized to enter into said contract.
2. That this Contract is awarded without competitive bidding as a professional services contract under the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) because such service is a recognized profession licensed and regulated by law.

3. That the Mayor and Council of the Borough of Rockaway, New Jersey hereby authorize and direct the execution of the aforesaid contracts for the period commencing on the date set forth therein.
4. That an executed copy of the Contract and a copy of this resolution shall be filed in the Office of the Borough Clerk and be available there for inspection in accordance with law.
5. That this resolution shall take effect immediately.

DATE: October 25, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

PROFESSIONAL SERVICES SCHEDULE

First Environment
91 Fulton Street
Boonton, NJ 07005
(973) 334-0003

PROJECT PERSONNEL

PER HOUR

1. Senior Technical Director	\$185.00 per hour
2. Project Manager	\$105.00 per hour
3. Geologist	\$90.00 per hour
4. Field Technician	\$85.00 per hour
5. Drafting	\$70.00 per hour
6. Administrative	\$60.00 per hour

LABORATORY ANALYSES

UNIT COST

Volatile Organic Compounds (soil)	\$120.00
Volatile Organic Compounds (water)	\$110.00
Base Neutral Compounds	\$235.00
Extractable Petroleum Hydrocarbons	\$140.00
Napthalene/2-Methylnaphalene	\$90.00

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:

First Environment, Inc., 91 Fulton St., Boonton, NJ 07005 (973-334-0003), at cost not to exceed \$5,000.00.

Ordinance#: 20-08-12

DATE: October 25, 2012

BY: John J. Doherty, Treasurer

PUBLIC PORTION

Mayor Greuter opened the meeting to the public.

Mrs. Bonnie Hook, 23 Jackson Ave., stated that she has had trouble getting information from the EPA. She will send the list to Mr. Wacks who will send a letter to the EPA.

Mr. Tom Haynes, 81 Andrea Dr., discussed several issues, including who would have control of recreation money when the ordinance changing the Recreation Commission to a Committee is approved; the length of time for mediation regarding the Donatoni litigation, and the appearance of the vacant lot on Wall St. which was the site of a fire in 2011 and the oversight of the construction of Donatoni Community Park.

Mrs. Joyce Freiermuth, E. Flagge St., will submit a report to Mayor Greuter next week regarding Sustainable Jersey and an evaluation of the list of Borough-owned properties.

Mr. Rob Grow, Lakeside Dr., discussed various items, including the funding in a bond ordinance for improvements at Donatoni Field; public sessions held after going into closed session; the Friendship Field parking lot is empty and the parking permit rates.

Mr. Pat McDonald, Crestwood Rd., asked for the reason that the Recreation Commission would be turned into a Committee. Mayor Greuter responded that the Council felt it would be more effective and that other towns are also doing this.

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

CLOSED SESSION

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

RESOLUTION 149-12: 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: Potential Litigation (Water Customer)
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: October 25, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor and Council went into closed session at 9:56 p.m. and resumed the public meeting at 9:58 p.m.

ADJOURNMENT

The meeting adjourned at 9:58 p.m.

Approved: As Submitted

Sheila Seifert, Borough Clerk

Date: November 8, 2012