

**MAYOR & COUNCIL
REGULAR MEETING
JANUARY 12, 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 January 12, 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

Richard Beilin, Esq., representing 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 Mulligan, and carried unanimously upon voice vote, the minutes of the December 19, 2011 Special Meeting and the December 22, 2011 Regular Meeting were accepted as submitted.

CORRESPONDENCE

Mayor Greuter reported that a letter dated December 29, 2011 was received from John Bonanni, County Administrator, stating that the Borough's Municipal Alliance Committee (MAC) has been recommended to receive \$11,955 for its programs. Mayor Greuter invited Mr. Joseph List, chair of the Borough's MAC, who was in the audience, to speak.

According to Mr. List, this is the 23rd year for MAC educating children about drug and alcohol abuse. The MAC is always looking for volunteers, especially someone to assist with paperwork. The Council will consider the municipal contribution during the budget process.

COUNCIL REPORTS

Personnel Committee - Councilwoman Kanigel

Recreation Trails Program Grant Application

Councilwoman Kanigel asked Kathy Haake, a member of the Environmental Committee, to discuss the possibility of submitting a joint Recreation Trails Program Grant application with Denville. Denville recently purchased two parcels adjoining the Borough's Beach St. River Park. Continuing the Borough's potential trail into the Denville-owned parcels would lengthen the trails and hopefully increase the likelihood of receiving a grant.

Upon motion by Councilwoman Kanigel, seconded by Councilman Donofrio, and carried unanimously via voice vote, to allow Ms. Kathy Haake to speak to Denville to discuss the possibility of submitting a joint application for a Recreation Trails Program Grant.

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

Public Works/Public Utilities Committee - Councilman Donofrio

No report.

Ordinance Committee - Councilman Mulligan

Explained the ordinances scheduled for introduction this evening.

Upon motion by Councilman Vicente, seconded by Councilman Donofrio, and carried unanimously upon voice vote, to accept the Ordinance Committee report.

Finance and Licensing Committee - Councilman Vicente

Payment of Bills

Upon motion by Councilman Vicente, seconded by Council President Burnside, 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 Mulligan, and carried unanimously upon voice vote, to accept the Finance and Licensing Committee report.

Fire Committee - Councilman Willer

Community Development Block Grant

The Borough's application for manhole rehabilitation was submitted to Community Development and the presentation is scheduled for March 5.

Fire Department

The Fire Department would like to hold the Family Festival for three days due to the ride providers, Thursday-Saturday, July 5-7, 2012. The Council will discuss the cost of police overtime during the budget meetings.

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

Public Safety Committee - Council President Burnside

Chief Scheer is continuing to pursue reimbursements from FEMA.

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

ATTORNEY'S REPORT

RVRSA Litigation

The schedule has been pushed back again; the projected date for a trial would be in the fall.

Fire Truck Bids

The attorneys reviewed the two bids that were submitted for the fire truck. The low bid of \$486,000 submitted by was proper in form; however, there were issues with the truck itself. The Fire Chief submitted a memo citing his concerns, including some safety concerns. The bid submitted by Pierce Manufacturing was \$33,000 more than the low bid. From a documentation standpoint, however, this bid was not compliant although the vehicle was compliant with the specifications. For example, the manufacturer wanted to change the Borough's insurance and performance bond requirements. Both the purchasing agent and the attorneys believe that it would be appropriate to reject both bids.

Upon motion by Councilman Vicente, seconded by Councilman Donofrio, and carried unanimously upon voice vote, to reject bids, review specifications, and authorize a rebid by resolution to be prepared for the January 26, 2012 meeting.

Requested a closed session to discuss pending litigation (Donatoni Community Park) and potential litigation.

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

MAYOR'S REPORT

Mayor Greuter reported that the Borough is not buying the Remax building for \$1M as was reported on nj.com.

State distributed a draft state strategic plan and has scheduled six public hearings. The Governing Body agreed that the Borough will not pay for the planner to attend a hearing or to review the plan.

Another municipality is using a free message alert system called United Alert. Residents can sign up for it and it is free for the municipality.

Upon motion by Council President Burnside, seconded by Councilman Vicente, and unanimously carried via voice vote, to proceed with contacting United Alert.

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

CLERK'S REPORT

Polling Places

Asked the Council if they would like to consider moving elections from the Thomas Jefferson School to the Rockaway Assembly of God Church. She will obtain additional information.

Upon motion by Council President Burnside, seconded by Councilman Donofrio, 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 17-12: APPROVE 2012 AMUSEMENT DEVICE LICENSE

WHEREAS, the following named applicant has duly filed application for the license known as an Amusement Device License, for the period from January 1, 2012 to December 31, 2012:

<u>License Number</u>	<u>Name</u>	<u>Place of Business</u>
205	Mill Lane Tavern, Inc.	8 Mill Lane Rockaway, NJ 07866

WHEREAS, the said applicant has fully completed the required application and paid the proper fees pertaining to said license; and

WHEREAS, said application lists number of machines, machine type, and serial number of each machine, as described in the Code of the Borough of Rockaway §95-1;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that the Amusement Device License be and the same is hereby granted to the above named applicant and shall be effective as provided by law.

DATE: January 12, 2012 BOROUGH OF ROCKAWAY

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

RESOLUTION 18-12: AWARD CONTRACT (MOBILE COLUMN LIFTS)

WHEREAS, there exists a need to obtain mobile column lifts with adjustable forks and support stands for use by the Department of Public Works for automobile and truck repairs; and

WHEREAS, a state contract exists for the purchase of same from Steril-Koni USA, 200 Log Canoe Circle, Stevensville, MD 21666, distributed by Hoffman Services Inc., 55-57 East Bigelow St., Newark NJ 07114 (973-242-6666); and

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

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 issuance of a purchase order for mobile column lifts, with adjustable forks and support stands, for use by the Department of Public Works to Hoffman Services Inc., 55-57 East Bigelow St., Newark NJ 07114 (973-242-6666), under State Contract No. A80126 issued to Steril-Koni USA, 200 Log Canoe Circle, Stevensville, MD 21666, not to exceed the amount of \$48,520.00.

DATE: January 12, 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:

Hoffman Services Inc., 55-57 East Bigelow St., Newark NJ 07114 (973-242-6666), under State Contract No. A80126 issued to Steril-Koni USA, 200 Log Canoe Circle, Stevensville, MD 21666, not to exceed the amount of \$48,520.00.

Ordinance#: 4-11-07

DATE: January 12, 2012

BY: John J. Doherty, Treasurer

RESOLUTION 19-12: AUTHORIZE PARTICIPATION IN FIRST RESPONDER IDENTIFICATION CARD PROGRAM

WHEREAS, the County of Morris was a designated recipient of United States Homeland Security Funding in Federal Fiscal years 2004 and 2005; and

WHEREAS, the Federal funding is administered through the New Jersey Office of the Attorney General to the Morris County Office of Emergency Management; and

WHEREAS, the Morris County Terrorism Task Force under the direction of the County Executive formulates and approves a spending plan for the Homeland Security Funds directed to the County of Morris that is consistent with the rules and parameters of the specific grant and submits the spending plan to the New Jersey Office of the Attorney General for approval; and

WHEREAS, the Morris County Terrorism Task Force recognized that there is no current standardized identification card for first responders within the County of Morris; and

WHEREAS, the Borough of Rockaway wishes to participate in this program for a secure, easily recognizable identification card for first responders; and

WHEREAS, the Morris County First Responder Identification Card will display the Borough of Rockaway emergency services symbol and the emergency services name; and

WHEREAS, participation in this program is at no cost to the Borough of Rockaway; and

WHEREAS, this body supports a secure, easy-to-read identification card for our emergency services to employ.

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 be and is hereby authorized to participate in this program.

BE IT FURTHER RESOLVED that Police Chief Douglas Scheer be and is hereby authorized and directed to undertake the necessary municipal requirements and provide the necessary data and information to the County of Morris to insure participation in this program.

DATE: January 12, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 20-12: AUTHORIZE THE ADVERTISEMENT OF BIDS FOR HILLSIDE TANK REFURBISHMENT

BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway in the County of Morris, that the Borough Clerk be and is hereby authorized and directed to advertise, as required by law, in the *Daily Record* and *The Citizen*, officially designated newspapers circulated in said Borough, an Invitation to Bidders for sealed proposals to be received by the Borough Clerk of the Borough of Rockaway in the County of Morris, New Jersey, for:

HILLSIDE TANK REFURBISHMENT

Sealed proposals will be opened and read in public at Borough Hall, 1 East Main Street, Rockaway, New Jersey at a date to be determined by the Borough Engineer.

DATE: January 12, 2012 BOROUGH OF ROCKAWAY
ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

RESOLUTION 21-12: AWARD CONTRACT (FENCE FOR WELL #6)

WHEREAS, there exists a need to purchase and install fencing around Well #6, located on Garden Avenue; and

WHEREAS, a diligent attempt to obtain several quotes was made by the Water Foreman, Department of Public Works, with the lowest response being received from Colony Fence Co., 438 Rockaway Road, Dover, NJ 07801 (973-927-2270); 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, N.J.S.A. 40a:11-1, et. seq. as amended, 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, that, based upon the recommendation of the Water Foreman, Department of Public Works, the Borough enter into a contract in an amount not to exceed \$7,685.00 with Colony Fence Co., 438 Rockaway Road, Dover, NJ 07801 provide and install fencing around Well #6, located on Garden Avenue.

DATE: January 12, 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:

Colony Fence Co., 438 Rockaway Road, Dover, NJ 07801 (973-927-2270)
Ordinance#: 8-09-05

DATE: January 12, 2012 BY: John J. Doherty, Treasurer

RESOLUTION 22-12: RECOMMEND THE APPOINTMENT OF ACTING MUNICIPAL COURT JUDGE

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, and Borough of Wharton which established the Joint Municipal Court of Dover, with the Town of Dover, as lead agency.

WHEREAS, in accordance with N.J.S.A. 2B:12-6, and until and subject to the nomination process by the Governor of the State of New Jersey under N.J.S.A. 2B:12-4(b) Thomas L. Weisenbeck, Assignment Judge of the Superior Court, issued an order on December 15, 2011 appointing Gerald F. Smith as Acting Municipal Court Judge of the Joint Municipal Court of Dover, effective January 1, 2012; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, do hereby recommend Gerald F. Smith as Acting Municipal Court Judge of the Joint Municipal Court of Dover serving the Town of Dover, Township of Mine Hill, Borough of Mt. Arlington, Borough of Rockaway, and Borough of Wharton; and

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, and Borough of Wharton which are hereby being requested to consider adoption of a similar resolution.

DATE: January 12, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 23-12: REFUND OFFICIAL TOWER LICENSE DECAL FEE (C&L AUTO BODY)

WHEREAS, C&L Auto Body, 62 West Main St., Rockaway, NJ 07866, submitted an application for an official tower license for 2012, including a \$125.00 application fee plus the decal fee of \$50.00 for each of six vehicles, for a total of \$425.00; and

WHEREAS, the application was forwarded to the Chief of Police for an investigation to determine if all requirements under Chapter 229, Towing, of the Code of the Borough of Rockaway were satisfied; and

WHEREAS, the Chief of Police conducted an investigation into the minimum standards of performance as per Section 229-8 of the Code of the Borough of Rockaway and determined that C&L Towing failed to meet all of the minimum standards listed in Section 229-8.D.(a) of the Code of the Borough of Rockaway; i.e., (a) there is no site plan to confirm that the 3,000 square foot requirement has been met; and (b) the requirement to store each tow vehicle on the official tower's licensed site cannot be met; and

WHEREAS, the Chief of Police recommended that the application of C&L Towing for an official tower license be denied for the reasons set forth; and

WHEREAS, the Mayor and Council of the Borough of Rockaway notified C&L Towing that a hearing would be held on its application for an official tower license at a meeting held on December 22, 2011, and considered the application and the Chief of Police's recommendations at that time, concluding that the said application should be denied for the reasons set forth by the Chief of Police.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway to refund the \$300.00 decal fee paid by C&L Auto Body, 62 West Main St., Rockaway, NJ 07866.

DATE: January 12, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

ORDINANCE NO. 01-12, Introduction & First Reading

**ORDINANCE OF THE
BOROUGH OF ROCKAWAY, COUNTY OF MORRIS, APPROPRIATING \$80,000.00
FROM THE COUNTY OF MORRIS,
COMMUNITY DEVELOPMENT REVENUE SHARING
FOR HILLSIDE WATER TANK REFURBISHMENT**

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 9, 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

ORDINANCE NO. 02-12, Introduction & First Reading

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER 71, RECREATION COMMISSIONERS, BOARD OF,
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 February 9, 2012.

Councilman Willer advised that his son works in the summer park program and clarified with the Borough Attorney that he is permitted to vote on this ordinance.

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. 03-12, 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 February 9, 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

PUBLIC PORTION

Mayor Greuter opened the meeting to the public.

Mrs. Bonnie Hook, Jackson Ave., reported that the Rockaway Borough Business Owners Association held its elections and she will continue as the president.

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

CLOSED SESSION

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

RESOLUTION 24-12: 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: Pending Litigation (Donatoni Community Park) 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: January 12, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor and Council went into closed session at 8:26 p.m. and resumed the public meeting at 9:00 p.m.

ADJOURNMENT

The meeting adjourned at 9:00 p.m.

Approved: As Submitted

Sheila Seifert, Borough Clerk

Date: January 26, 2012