

**MAYOR & COUNCIL  
REGULAR MEETING  
FEBRUARY 24, 2011  
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 February 24, 2011. 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 (arrived at 7:34 p.m.).

Everyone present participated in the salute to the flag.

APPROVAL OF MINUTES

Upon motion by Councilman Mulligan, seconded by Councilman Vicente, and carried unanimously upon voice vote, the minutes of the February 10, 2011 Regular Meeting were accepted as submitted.

CORRESPONDENCE

Mayor Greuter read a February 11, 2011 letter from the Rockaway Borough Education Association, Inc., Lincoln School, 37 Keller Ave., inviting the members of the Governing Body to become a "Teacher for a Day" in the Rockaway Borough schools on March 23, 2011.

Mayor Greuter read a February 5, 2011 note from Mrs. Michele Suckey, 4 Hilltown Rd., Wharton, NJ 07885, thanking the Rockaway Borough Road Department for the outstanding job they have done this winter, with one storm after another. She is a Morris Hills Regional bus driver and sees the great job that they are doing for the people who have to be at work every day.

On motion by Councilman Mulligan, seconded by Councilman Vicente, and unanimously carried by voice vote to accept the correspondence.

PUBLIC PORTION

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

COUNCIL COMMENTS

Personnel Committee - Councilwoman Kanigel

Recommended that the Borough, or perhaps the Bell & Barter Theater, apply for a grant from the National Endowment for the Arts. Applications are due by March 1.

A resident sent her an article from the Daily Record requiring that budgets be posted on the municipal website. Councilman Vicente will post the past three years' budgets on the website.

Public Works/Public Utilities Committee - Councilman Donofrio

*Public Works*

The drive for the water treatment plant failed and should be fixed shortly. Public Works repaired a water leak on Franklin Ave. yesterday. Well no. 1 for the EPA project is on line as of Tuesday.

Ordinance Committee - Councilman Mulligan

No comments.

Finance and Licensing Committee - Councilman Vicente

The Borough will receive the same amount of state aid this year as last year.

Fire Committee - Councilman Willer

The First Presbyterian Church wrote a letter thanking the Fire Department for its response to an emergency fire alarm on February 6.

Public Safety Committee - Council President Burnside

Thanked Chief Scheer for continued efforts to receive reimbursement from FEMA for expenses related to the late December 2010 blizzard.

Reviewed statistics from the Police Department for January, including 18 arrests and 119 summonses.

MAYOR'S REPORT

Reviewed his recent activities, including attendance at a Blue and Gold dinner for Cub Scouts, participation in a conference call with other mayors regarding state aid; and attendance at the Morris County League of Municipalities dinner.

*EPA Superfund Work*

The U.S. Army Corps of Engineers will install monitoring wells on Halsey Ave. If the work is postponed until the RVRSA work on Jackson Ave. is completed, the building of the pump house could be impacted. Halsey Ave. will be closed for three to five days; residents to be notified. Wells will then be installed at the Police Station, followed by Maple Ave. Work will be permitted on Saturday from 9 a.m. to 5 p.m.

*RVRSA*

Mayor Greuter advised that the Jackson Ave. interceptor project work would be permitted on Saturday from 9 a.m. to 5 p.m.

As a follow-up to issues raised on February 10, Mayor Greuter distributed to Chief Scheer an ordinance regarding a four-ton weight limit and to Mr. Wacks a noise ordinance. The Police Department ran radar on Union St. and Beach St. and found no speeding; the Department also monitored Union St. and did not see the 18-wheeler Pepsi truck that was reported to be parked on Union St.

Requested a closed session to discuss contract negotiations (Municipal Court) and potential litigation (local business).

Councilman Willer stated that there may be significant cuts in funding for Community Development projects which would impact the Borough. Mayor Greuter requested approval to send a letter to Senator Lautenberg and other federal officials stressing the importance of the funding.

Upon motion by Councilman Willer, seconded by Councilman Mulligan, and carried unanimously upon voice vote to authorize Mayor Greuter to send a letter to Senator Lautenberg and other federal officials stressing the importance of the funding.

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

#### ATTORNEY'S REPORT

##### *Sanitary Sewer Rehab Project*

Mr. Wacks reported that the lowest bidder communicated with the Borough Engineer that they were still interested in doing the job; however, the bidder did not submit any paperwork. The attorneys recommend, and the Council agreed, that the Borough reject the bids and re-advertise.

##### *Pending Ordinances*

Planning Board Attorney David Brady sent a letter listing the questions and issues regarding the amended sign ordinance draft. The letter was referred to the Ordinance Committee.

##### *OPRA Request*

An individual submitted an OPRA request for all e-mails "except spam." However, spam is not defined. Mr. Wacks requested a closed session to discuss the matter as potential litigation.

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

#### CONSENT AGENDA ITEMS

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

##### **RESOLUTION 35-11: INTERLOCAL SERVICES AGREEMENT FOR UTILIZATION OF THE SHERIFF'S RADIO DISPATCHING SERVICES**

**WHEREAS**, there exists a need for the Rockaway Borough Police Department to utilize the Sheriff's 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 provided by the County of Morris for utilization of the Sheriff's Radio Dispatching Services for a period of one (1) year, beginning January 1, 2011 and ending on December 31, 2011 at a cost not to exceed \$123,581.58.

DATE: February 24, 2011

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:

County of Morris, Sheriff's Radio Dispatching Services at a cost not to exceed \$123,581.58  
Budget line item #: Alarm System

DATE: February 24, 2011

BY: John J. Doherty, Treasurer

##### **RESOLUTION 36-11: AUTHORIZE CONTRACT AWARD (DEPARTMENT OF PUBLIC WORKS – INVERTER FOR VARIABLE FREQUENCY DRIVE)**

**WHEREAS**, there exists a need to replace the inverter for the variable frequency drive installed in the Borough of Rockaway water treatment plant; and

**WHEREAS**, a diligent attempt to obtain several quotes was made by the Water Foreman, with the lowest response being received from Polspede Electronics, Inc., P.O. Box 82720, Dallas, TX 75382-2720 (214-363-7245); and

**WHEREAS**, the Superintendent, Department of Public Works, concurred with the recommendation of the Water Foreman; 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) 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 Department of Public Works, the Borough enter into a contract in an amount not to exceed \$5,436.80 with Polspede Electronics, Inc., P.O. Box 82720, Dallas, TX 75382-2720 (214-363-7245) to replace the inverter for the variable frequency drive as specified by their quote dated February 22, 2011.

DATE: February 24, 2011

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:

Polspede Electronics, Inc., P.O. Box 82720, Dallas, TX 75382-2720 t (214-363-7245); \$5,436.80  
Funds are Chargeable to Budget Year: 2011 Water Operating Budget

DATE: February 24, 2011

BY: John J. Doherty, Treasurer

**RESOLUTION 37-11: AUTHORIZE CONTRACT AWARD (RECREATION – AQUATIC VEGETATION MANAGEMENT PROGRAM)**

**WHEREAS**, there exists a need to obtain a contractor to perform Aquatic Vegetation Management at Park Lake; and

**WHEREAS**, a diligent attempt to obtain several quotes was made by the Recreation Director, with the lowest response being received from Aquatic Technologies, Inc., P.O. Box 769, Branchville, NJ 07826 (973-773-9567); 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) 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 between Aquatic Technologies, Inc., P.O. Box 769, Branchville, NJ 07826 (973-773-9567) and the Borough of Rockaway for the 2011 year for the Park Lake Aquatic Vegetation Management Program. The fee for said Program is not to exceed \$1,900.00. Algae control treatments will be conducted upon request at a cost of \$205.00 per treatment
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: February 24, 2011

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:

Aquatic Technologies, Inc., P.O. Box 769, Branchville, NJ 07826 (973-773-9567); not to exceed \$1,900.00. Algae control treatments will be conducted upon request at a cost of \$205.00 per treatment.  
Budget line item #: Maintenance of Parks

DATE: February 24, 2011

BY: John J. Doherty, Treasurer

**RESOLUTION 38-11: REJECT ALL BIDS SUBMITTED FOR SANITARY SEWER REHABILITATION AND AUTHORIZE RE-ADVERTISEMENT OF SAME**

**WHEREAS**, the Borough of Rockaway has solicited bids in connection with the Sanitary Sewer Rehabilitation project; and

**WHEREAS**, on November 18, 2010 two bids were submitted in response to the Borough's solicitation; and

**WHEREAS**, the lowest bidder has failed to supply the necessary documents and execute a contract, and therefore is not the "lowest responsible bidder" pursuant to N.J.S.A. 40A:11-4; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-13.2, a contracting unit may reject all bids where, *inter alia*, lowest bid substantially exceeds the cost estimates or contracting unit's appropriation for the goods and services, or the contracting unit wants to substantially revise the specifications for the goods or services which are the subject of the bids; and good cause having been shown.

**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 Council hereby reject all bids submitted in connection with the Sanitary Sewer Rehabilitation project pursuant to N.J.S.A. 40A:11-13.2.
2. The Borough Clerk is hereby directed to return to the Bidders except Progressive Pipeline Management, LLC, all bid security tendered to the Borough by said Bidders, together with a copy of this Resolution.
3. The Borough Clerk be and is hereby authorized and directed to re-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 the Sanitary Sewer Rehabilitation project. 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 Clerk.

DATE: February 24, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

**PUBLIC PORTION**

Mayor Greuter opened the meeting to the public.

Mrs. Bonnie Hook, Jackson Ave., thanked Mayor Greuter, Chief Scheer, and Joe Rossi for meeting with her regarding the pending road closures.

Mr. Joe List, chair of the Municipal Alliance Committee, stated that the Committee is sponsoring many programs, including scuba diving. The Board of Freeholders has \$2,500 in supplemental funding available for the Committee with a minimum cash match requirement of 50 percent. The Committee is always looking for volunteers.

Mrs. Judi Klein, representing the Business Owners Association, requested permission to put Easter bunnies on the post lights.

Upon motion by Councilman Vicente, seconded by Councilman Mulligan, and carried unanimously upon voice vote to authorize the Business Owners Association to put Easter bunnies on the post lights.

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

CLOSED SESSION

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

**RESOLUTION 39-11: 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: contract negotiations (Municipal Court) and potential litigation (local business and OPRA request).
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: February 24, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor and Council went into closed session at 8:20 p.m. and resumed the public meeting at 8:50 p.m.

*OPRA Request*

Upon motion by Council President Burnside, seconded by Councilman Willer, and adopted unanimously upon call of the roll, to direct the Clerk, with the assistance of the Borough Attorney, to notify Mr. Greg Byrnes that his OPRA request for certain e-mail records is deficient: he failed to define "spam" and he has failed to respond to certain rulings by the GRC for specificity of requests for records.

ADJOURNMENT

The meeting adjourned at 8:51 p.m.

Approved:

Sheila Seifert, Borough Clerk

Date: