

**MAYOR & COUNCIL  
REGULAR MEETING  
FEBRUARY 10, 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 10, 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.

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 January 27, 2011 Regular Meeting and the January 29, 2011 Budget Meeting were accepted as submitted.

CORRESPONDENCE

Mayor Greuter read a note from Roger & Cyndi Loomis, 98 Phillip Dr., thanking "the plow crews on the Public Works for, AGAIN, doing a wonderful job of keeping the roads in the Borough clean and safe this winter." Mayor Greuter commended the Department for their unbelievable job cleaning the streets.

PUBLIC PORTION

Mayor Greuter opened the meeting to the public.

Ms. Joyce Freiermuth, 99 E. Flagge St., asked why we would not make the contractor who constructed Donatoni Community Park fix the field rather than award a professional services contract to an engineer (Resolution 28-11). Mr. Wacks replied that an engineer must determine exactly what the problem is before it can be fixed.

Mr. Arnold Bernard, 68 Union St., has observed that an 18-wheeler Pepsi truck is frequently parked in front of 70 Union St. for 15-30 minutes, causing a traffic hazard. Mr. Bernard requested that the Council consider adopting an ordinance to prohibit commercial vehicles over a certain length from parking on certain streets. The matter will be referred to the Police Department. Mayor Greuter will obtain an ordinance from another municipality.

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

COUNCIL REPORTS

Personnel Committee - Councilwoman Kanigel

School crossing guard Carol Salerno submitted her resignation effective February 14, 2011.

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

Public Works/Public Utilities Committee - Councilman Donofrio

*Sanitary Sewer Pump*

The Borough Engineer and Superintendent, Department of Public Works, recommended that the Borough not take over the sanitary sewer pump that is on property owned by Weldon Quarry at Nichols Drive and used by three adjacent property owners.

Upon motion by Councilman Donofrio, seconded by Councilman Willer, and carried unanimously upon voice vote, to respond to the attorneys representing Weldon Quarry that the Borough does not maintain sanitary sewer pumps that are on private property and is not in a position to take over the pump that is owned by Weldon.

*RVRSR Jackson Ave. Interceptor Work*

The RVRSR pipe relining project has begun; there are certain traffic problems that must be worked out. The contractor is covering the cost of the Police overtime.

*Police Station Bridge*

Councilman Donofrio is researching plug-in heated walkways (mats) to be used on the pedestrian bridge at the Police Station as a way to reduce the icing on the bridge.

Upon motion by Councilman Willer, seconded by Councilman Mulligan, and carried unanimously upon voice vote, to accept the Public Works/Public Utilities Committee report.

Ordinance Committee - Councilman Mulligan

*Teamsters Collective Bargaining Agreement*

An agreement was reached with the Teamsters and the Public Works workers. Councilman Mulligan recognized Jill Pitman, designated agent for the Teamsters, and Jay Leonard, Steward from the DPW, for their efforts in reaching a fair settlement.

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 Councilman Willer, seconded by Councilman Mulligan, and carried unanimously upon voice vote, to accept the Finance and Licensing Committee report.

Fire Committee - Councilman Willer

*Fire Department*

The Department spent 317 hours in volunteer service in January 2011. The Fire Department called drills on February 16 and 23, accepted the resignation of David Robertson from active duty, and moved James Swanick Jr. from junior firefighter to active duty.

Upon motion by Councilman Willer, seconded by Councilman Vicente, and carried unanimously upon voice vote, to approve the actions of the Fire Department.

Reported on the Fire Marshal's activities during January, including 38 life hazard inspections.

Requested a closed session to discuss contract negotiations regarding the Fire Department fireworks. Mr. Wacks determined that the matter must be discussed in open session.

Councilman Willer asked if the municipality would continue to pay 50 percent (\$7,500) of the cost of the fireworks at the Fire Department Family Festival and if the PBA would make any contribution to offset the overtime or if the municipal budget would include the cost of police overtime. Discussion ensued, including the impact on the Police Department budget.

Councilman Willer moved that the Council approve the funding of the fireworks and include the police overtime for the Memorial Day parade and Family Festival day celebration in the budget. Said motion was seconded by Councilman Donofrio, and discussion continued.

Mr. Wacks suggested, and the Council agreed, that the discussion continue at the next budget meeting at which time a decision could be made and action taken.

Councilman Willer withdrew the motion.

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

#### Public Safety Committee - Council President Burnside

##### *School Crossing Guard Position*

School crossing guard Carol Salerno submitted her resignation effective February 14, 2011. Chief Scheer recommended that Karen Profit, 22 W. New St., Rockaway, NJ 07866, be appointed to the position of school crossing guard. Mayor Greuter agreed to make the appointment as recommended.

Upon motion by Councilman Vicente, seconded by Councilman Donofrio, and unanimously carried via voice vote, to approve Mayor Greuter's appointment of Karen Profit, 22 W. New St., Rockaway, NJ 07866, to the position of school crossing guard.

##### *Government Efficiency Movement*

A county-wide meeting of elected officials was held to discuss the possible merger of police departments and loss of employees. Our Police force is running well the way it is.

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

#### MAYOR'S REPORT

##### *Mayor's Activities*

Attended a meeting regarding background checks. The State sent a letter stating that they will review the application of Mr. Michael Luther as judge for the Joint Municipal Court of Dover.

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

#### ATTORNEY'S REPORT

##### *COAH*

All sources indicate that COAH will no longer exist.

##### *Background Checks*

Mr. Wacks reported that the attorneys have concerns with the standard contract provided by the vendor for the background checks: (1) the vendor requires payment within 15 days; (2) the municipality cannot legally enter into a contract that automatically renews; and (3) in the event of litigation, the case would be heard in Virginia. The resolution contains the phrase that the contract must be acceptable to the Borough Attorney.

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

CLERK'S REPORT

Requested a closed session to discuss potential litigation (Sanitary Sewer Pipelining Project).

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

CONSENT AGENDA ITEMS

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

**RESOLUTION 28-11: AWARD PROFESSIONAL SERVICES CONTRACT (DONATONI COMMUNITY PARK FIELD EVALUATION)**

**WHEREAS**, drainage concerns have been experienced at Donatoni Community Park located at 199 West Main St., Block 40, Lots 86 and 88; and

**WHEREAS**, the Mayor and Council have determined that an independent evaluation by a licensed professional engineer should be conducted to review the design and construction of the playing fields at Donatoni Community Park and to make recommendations to improve drainage; and

**WHEREAS**, the Borough Engineer has reviewed the proposals submitted to perform such evaluation and recommended that said specified services be performed by Peter A. Messina, PE, PP, LLC, 26 Ironia-Mendham Rd., Chester, NJ 07930 (973-584-3220); and

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

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40a:11-1, et. seq. as amended, requires that the Resolution authorizing the award of contract for "Professional Services" without bids must be available for inspection and advertised in the Borough's official newspaper; 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 a contract in an amount not to exceed \$6,500.00 with Peter A. Messina, PE, PP, LLC, 26 Ironia-Mendham Rd., Chester, NJ 07930 (973-584-3220) to conduct a review of the design and construction of the playing fields at Donatoni Community Park and to make recommendations to improve drainage.
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 10, 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:

Peter A. Messina, PE, PP, LLC, 26 Ironia-Mendham Rd., Chester, NJ 07930 (973-584-3220); \$6,500.00  
Ordinance #: 8-07-04

DATE: February 10, 2011

BY: John J. Doherty, Treasurer

**RESOLUTION 29-11: AUTHORIZE ISSUANCE OF REIMBURSEMENT UNDER THE "KELLY LAW"**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that the Chief Financial Officer be directed to issue a reimbursement check as listed below under the "Kelly Law" pursuant to N.J.S.A. 40:67-23.2, et seq.:

Laurel Manor Apartments, LLC - \$230.39  
c/o Sarah Akhtar  
P.O. Box 705  
Toms River, NJ 08753

Tudor Estates Condo Association - \$691.17  
c/o Sharon Cucuzzella  
60 Adler Court  
Rockaway, NJ 07866

Woods Edge Condominium Association - \$1,150.31  
c/o Patricia Nelson, President  
10 Woods Edge Road  
Rockaway, NJ 07866

DATE: February 10, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

**RESOLUTION 30-11: EXECUTE CONTRACT BETWEEN BOROUGH OF ROCKAWAY AND TEAMSTERS LOCAL 97 OF NJ, IBT**

**WHEREAS**, the Teamsters Local 97 of NJ, IBT (hereinafter "the Teamsters") have become the local union representative for the Borough of Rockaway's Department of Public Works employees; and

**WHEREAS**, the Teamsters and the Borough of Rockaway have been negotiating the terms to a new collective bargaining agreement; and

**WHEREAS**, the parties have negotiated and agreed upon the terms to a new collective bargaining agreement and sidebar agreement; and

**WHEREAS**, the Borough of Rockaway is desirous of executing the new collective bargaining agreement for the term of January 1, 2011 through December 31, 2013 and the sidebar agreement between the parties.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Clerk are authorized to execute the Collective Bargaining Agreement between the Borough of Rockaway and Teamsters Local 97 of NJ, IBT for the period of January 1, 2011 through December 31, 2013 and the sidebar agreement.

DATE: February 10, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

**RESOLUTION 31-11: CONFIRM INTENTION OF PARTICIPATION IN MCARP**

**WHEREAS**, there has been created a Morris County Adaptive Recreation Program (MCARP); and

**WHEREAS**, said program intends to provide recreational opportunities for people with disabilities of all ages, and further to give said persons an opportunity to explore new leisure time opportunities in conjunction with their age and specific abilities; and

**WHEREAS**, the total project cost is estimated to exceed \$300,000; and

**WHEREAS**, the Borough of Rockaway's costs with respect thereto will be approximately \$849.00 according to the Fair Share Ratio schedule.

**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 hereby intends to join the Morris County Adaptive

Recreation Program (MCARP) as described above and contribute thereto in the amount not to exceed the Fair Share Assessment for one year.

DATE: February 10, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

**RESOLUTION 32-11: AWARD CONTRACT ("DIRECT INSTALL" PROGRAM)**

**WHEREAS**, an energy efficiency audit was conducted which revealed that certain improvements should be made to the Police Station, Department of Public Works facilities, the Community Center, Public Library and the Municipal Building; and

**WHEREAS**, the Borough of Rockaway applied for an Energy Efficiency and Conservation Block Grant, seeking to acquire funding for energy efficiency improvements that would reduce costs for the Borough's taxpayers; and

**WHEREAS**, the New Jersey Office of Clean Energy has sponsored the "Direct Install" program to encourage small- to medium-sized facilities to cut energy costs by replacing eligible lighting, HVAC, and other outdated equipment with higher efficiency alternatives; and

**WHEREAS**, the Department of Community Affairs has determined that the bidding and contractor selection process TRC Energy Services, Inc. followed to award contracts to participating contractors performing work in connection with the "Direct Install" program fully satisfied State of New Jersey bidding requirements for public works projects undertaken by local government entities and precludes the need to competitively bid projects to consider other contractors; and

**WHEREAS**, Donnelly Energy Solutions, 557 Route 23 South, Wayne, NJ 07470 (973-672-1800) is the contractor designated for the County of Morris eligible to perform these improvements; and

**WHEREAS**, the cost of said improvements to the Borough's facilities is estimated to be \$154,066.48 and would result in estimated annual energy savings of \$19,000.00; and

**WHEREAS**, \$112,439.90 of the cost of improvements will be funded through an Energy Efficiency and Conservation Block Grant and the New Jersey Clean Energy Incentive; and the Borough's share would be \$41,626.58; 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, as follows:

1. The Mayor and Borough Clerk are hereby authorized and directed to execute a contract in an amount not to exceed \$41,626.58 with Donnelly Energy Solutions, 557 Route 23 South, Wayne, NJ 07470 (973-672-1800) to install energy efficiency improvements to the Police Station, Department of Public Works facilities, the Community Center, Public Library and the Municipal Building.
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 10, 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:

Donnelly Energy Solutions, 557 Route 23 South, Wayne, NJ 07470 (973-672-1800); \$41,626.58  
The Funds are Chargeable to Budget Year: 2011 Capital and Water Capital Budgets

DATE: February 10, 2011

BY: John J. Doherty, Treasurer

**RESOLUTION 33-11: AWARD CONTRACT (BACKGROUND CHECKS)**

**WHEREAS**, pursuant to Section 61-38 of the Code of the Borough of Rockaway, background checks are required of all candidates aged 16 and above, whether for paid or volunteer positions, working directly or indirectly with children/youth/minors; and

**WHEREAS**, a diligent attempt to obtain several quotes to supply background checks was made by the Recreation Director, with the lowest response being received from National Security Assurance LLC, 46 Essex St., Suite 300, Millburn, NJ 07041, (973-376-3330); 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, subject to the approval of the Borough Attorney, in an amount not to exceed \$5,500.00 with National Security Assurance LLC, 46 Essex St., Suite 300, Millburn, NJ 07041, (973-376-3330) to perform background checks.
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 10, 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:

National Security Assurance LLC, 46 Essex St., Suite 300, Millburn, NJ 07041, (973-376-3330); \$5,500.00  
The Funds are Chargeable to Budget Year: 2011 Recreation Trust

DATE: February 10, 2011

BY: John J. Doherty, Treasurer

**PUBLIC PORTION**

Mayor Greuter opened the meeting to the public.

Mrs. Bonnie Hook, Jackson Ave., reported that her business was practically shut down because the streets were closed without any notification to her. Chief Scheer, who was in the audience, reported that he is doing everything possible to ensure that the RVRSA work is progressing in a safe manner. Councilman Donofrio will speak with the Public Works Department about notifying him when streets will be closed.

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

**CLOSED SESSION**

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

**RESOLUTION 34-11: 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: Potential Litigation (Sanitary Sewer Pipelining Project).
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 10, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor and Council went into closed session at 9:07 p.m. and resumed the public meeting at 9:15 p.m.

ADJOURNMENT

The meeting adjourned at 9:15 p.m.

Approved:

Sheila Seifert, Borough Clerk

Date: