

**MAYOR & COUNCIL
REGULAR MEETING
DECEMBER 22, 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 December 22, 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.

PRESENTATION

Council President Burnside read a proclamation from the Mayor and Council honoring Christa Fairclough, a junior at Morris Knolls High School, and a resident of Denville, New Jersey, who administered CPR to a 76-year-old man at Rockaway Lanes on December 9 until the first responders arrived. Chief of Police Scheer presented her with a pocket mask for use in CPR and Fire Chief William Hopler and Assistant Chiefs Mark Howarth and Sam Passarella also presented her with a life saving certificate and a pin.

HEARING

C&L Towing, 62 West Main St., submitted an application for an official tower license. Chief Scheer denied the application based on Ordinance 229-8D.(a) as there is no site plan to confirm the 3,000 square foot requirement has been met nor can the truck requirement for storage on the site be met as the Board of Adjustment resolution allows only one light duty wrecker. Mr. Wacks concurred with Chief Scheer's findings in that C&L Towing failed to comply with the Borough's ordinance. A representative from C&L Towing was not present.

Upon motion by Council President Burnside, seconded by Councilman Willer, and carried unanimously upon roll call vote, to concur with Police Chief Douglas Scheer's recommendation that an official tower license not be issued to C&L Towing.

APPROVAL OF MINUTES

Upon motion by Councilman Vicente, seconded by Councilman Mulligan, and carried unanimously upon voice vote, the minutes of the December 5, 2011 Capital Budget Meeting and the December 8, 2011 Regular Meeting were accepted as submitted.

CORRESPONDENCE

Mayor Greuter read the December 20, 2011 letter from 2011 Fire Chief William Hopler thanking the Department members for their hard work and also the Governing Body for its support and commitment to the Fire Department through the year. Mayor Greuter congratulated the department for the excellent job it did fighting the recent fire on Wall St.

Mayor Greuter read the December 19, 2011 letter from Fire Chief Hopler advising that the two fire truck bids received on December 15 are in question and requesting that the Council take no action on the awarding of the bid until they have had time to review both bids and exceptions to them. Mayor Greuter explained that the attorney will review the submitted bids and that the Council has 60 days to take action.

COUNCIL COMMENTS

Personnel Committee - Councilwoman Kanigel

The Historical Committee received a grant for the installation of historic interpretative markers.

Public Works/Public Utilities Committee - Councilman Donofrio

Met on December 15 with the Borough Engineer to review plans for renovations to the Public Works yard with the inclusion of the salt dome. The truck wash bay is complete.

Ordinance Committee - Councilman Mulligan

No comments.

Finance and Licensing Committee - Councilman Vicente

The Finance Committee discussed several topics for next year, including the possibility of merging the library with Rockaway Township, rezoning, and PBA and garbage contracts that expire at year-end 2012.

Fire Committee - Councilman Willer

The Council should consider the possibility of expanding the ambulance service in the future.

Public Safety Committee - Council President Burnside

Requested closed session to discuss possible litigation.

ATTORNEY'S REPORT

An employee in the Department of Public Works submitted an Employee Complaint form regarding an incident that occurred between him and another DPW employee. The Council must take action to appoint someone to investigate the complaint and forward the results to the Mayor and Council.

Councilman Vicente made a motion to appoint the law firm of Edward Wacks to conduct the investigation. There was no second.

Upon motion by Councilman Willer, seconded by Councilman Vicente, and unanimously carried via voice vote to have the Public Works Committee conduct the investigation and forward the results to the Mayor and Council.

Requested a closed session to discuss litigation and a potential conflict of interest.

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

MAYOR'S REPORT

Briefly discussed his recent activities, including attendance at the bid opening for a new Fire Department apparatus, Hanukah lighting at The Occasion, a presentation regarding new media at the County, the Council's special meeting regarding Red Cross shelters, and a meeting with Picatinny and Rockaway Township regarding a water carnival in May.

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 149-11: 2012 COMMUNITY DEVELOPMENT PROJECT

BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway that, after due discussion and consideration, the following project shall be submitted by the Borough of Rockaway as the Community Development Project for the year 2012:

MANHOLE REHABILITATION

BE IT FURTHER RESOLVED, that the Mayor and Council authorized the expenditures of funds, not to exceed \$4,000 for the preparation of necessary cost estimates, studies, designs and other miscellaneous items in support of the Borough's project submission.

DATE: December 22, 2011 BOROUGH OF ROCKAWAY
ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

RESOLUTION 150-11: APPROVE 2012 AMUSEMENT DEVICE LICENSES

WHEREAS, the following named applicants have duly filed applications 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>
199	The Exchange Restaurant	160 E. Main St. Rockaway, NJ 07866
200	Tavern on the Rocks	9 Wall St. Rockaway, NJ 07866
201	Brick 46	68 Route 46 Rockaway, NJ 07866
202	Rockaway Lanes, Inc.	365 Route 46 West Rockaway, NJ 07866
203	Giggles Play Station LLC	350 Route 46 East Rockaway, NJ 07866
204	Rockaway Billiards	353 Route 46 West Rockaway, NJ 07866

WHEREAS, the said applicants have 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 applicants and shall be effective as provided by law.

DATE: December 22, 2011 BOROUGH OF ROCKAWAY
ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

RESOLUTION 151-11: CALL FOR IMPROVED STORM RESPONSE FROM JCP&L AND COMMITMENT TO DEVELOP A BETTER STORM ACTION PLAN

WHEREAS, Hurricane Irene in August 2011 and the Nor'easter in October, 2011 exposed great shortcomings in Jersey Central Power and Light's (JCP&L) response to outages; and

WHEREAS, residents of the Borough of Rockaway expressed anger and frustration over this response from the utility; and

WHEREAS, the intent of this resolution is to share with JCP&L the constructive observations of our residents of the company's shortcomings in the most recent storm; and

WHEREAS, a detailed response is requested from the company that takes into account the suggestions outlined herein and provides for a better storm response action plan for the future; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, that the following suggested action items are proposed for review by JCP&L:

1. Provide an improved system for tracking outages/power restoration activities.
2. Devise a better plan for managing the deployment of manpower.
3. Maintain greater coordination of manpower in the field – broader flexibility for line crews to address issues as they arise in the field.
4. Provide more reliable communication with municipal officials and the public; real time power restoration schedule and regular updates.
5. Provide an enhanced local presence by utility management – in the field and at Regional Emergency Coordination Centers.
6. Make greater use of social media to provide real time updates to customers on power restoration activities.
7. Give customer service professionals reliable resources needed to address customer questions and concerns in order alleviate the public's tendency to contact Town Hall on outages.
8. Provide for better coordination between field crews and Borough of Rockaway Public Works/Police/OEM Operations.
9. Increase local staffing levels to lessen reliance on outside crews in emergency situations.
10. Complete a full field evaluation of existing infrastructure and develop a proactive plan for mitigating future threats to continuous electric service in the community.

BE IT FURTHER RESOLVED, that JCP&L, in conjunction with its own internal post storm review, provide the Borough of Rockaway with a copy of its plan of action for future storm emergencies.

DATE: December 22, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 152-11: AUTHORIZE CHANGE ORDER NO. 3 (BEACH STREET ROADWAY RECONSTRUCTION)

WHEREAS, on October 28, 2010, the Borough of Rockaway executed a contract with Mike Fitzpatrick & Son ("Fitzpatrick"), 18 Cozy Lake Road, Oak Ridge, NJ 07438 (973-208-5500) for the Beach Street Roadway Reconstruction Project in the amount of \$156,095.00; and

WHEREAS, Change Order No. 2 was authorized on August 11, 2011 for additional work which was not anticipated at the time bids were solicited, thereby increasing the cost of this contract to \$162,965.00; and

WHEREAS, the Borough Engineer has recommended that the Borough authorize a change order (not more than 20% of the original contract) in an amount not to exceed \$5,136.15 to include a supplemental item for HMA profile milling and adjust estimated quantities to final quantities; and

WHEREAS, the procedures for this change order are in compliance with N.J.A.C. 5:34-48 of the regulations governing Local Public Contracts; and

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, hereby authorize Change Order No. 3 in an amount not to exceed \$5,136.15 to the contract for the Beach Street Roadway Reconstruction Project awarded to Mike Fitzpatrick & Son, 18 Cozy Lake Road, Oak Ridge, NJ 07438 (973-208-5500), thereby increasing the cost of this contract to \$168,101.15.

DATE: December 22, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

PUBLIC PORTION

Mayor Greuter opened the meeting to the public.

Mrs. Judy Klein, The Occasion, reported that she has observed wire signs that are stuck in the ground at Quik Check and Route 46. She thinks it's not fair for her to pay \$50 for an A-frame sign and the signs are stuck in the ground without paying anything. The matter will be referred to the Zoning Officer.

Mr. Dan Sperry, 53 Drake Ave., asked for an update on his drainage issue. Mayor Greuter read a letter dated December 21, 2011 from the Borough Engineer, Paul Ferriero. Mr. Ferriero estimated that a survey of the Borough's property line would cost from \$8,000 to \$12,000. Regarding the alleged dumping of material from the Hiler property onto Borough land, Mr. Ferriero stated, "If the fill increased the slope of the embankment to the stream, this action would not make any substantial difference in the amount of water that flows to the canal. . . . Given the relatively small area with an increased slope, any change in the amount of runoff to the area due to the slope change would be de minimus. The canal and culvert are impacted by the accumulation of sediment and debris over time, but the few thousand square feet on the slope are an insignificant contributor to the stream when the hundreds of acres in the drainage area for the canal are taken into consideration."

Mr. Ferriero's letter continued, "The construction of berms or embankments along the canal are not a viable solution to the problem" due to regulatory issues and because "the embankments would cut off any flow from the Drake Avenue side of the canal from getting into the canal. This would create flooding on the 'outside' of the embankment. . . . The water from the surrounding properties, including Hiler, the residential lots and the properties upstream of the area all flows into the culvert at the east end of the canal and will continue to flow to this low point. Attempting to alter this natural drainage pattern will not be successful and will likely result in additional flooding in areas that are not currently impacted." Mr. Ferriero concluded, "In summary, the area along Drake Avenue is a natural low point to which a significant contributory area drains. The low area was there at least as long as the canal has been in existence and perhaps before then. Canals of this type were designed in areas where water normally accumulated in order to facilitate the barge traffic. The water that flows to the canal is a result of the naturally occurring topography and not the action of the Borough."

Mr. Sperry responded that he disagreed with some of the information; he has a surveyor who will do a survey at less than that price. Either the Engineer or Joe Rossi had told him that the drywell needed to be redone. Mayor Greuter responded that it would be redone next year.

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

CLOSED SESSION

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

RESOLUTION 153-11: 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: possible litigation; litigation and a potential conflict of interest.
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: December 22, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor and Council went into closed session at 8:16 p.m. and resumed the public meeting at 8:33 p.m.

ADJOURNMENT

The meeting adjourned at 8:33 p.m.

Approved: As Submitted

Sheila Seifert, Borough Clerk

Date: January 12, 2012