

**MAYOR & COUNCIL  
REGULAR MEETING  
FEBRUARY 28, 2013  
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 28, 2013. 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 Edward Wacks, Esq., was also present.

Everyone present participated in the salute to the flag.

APPROVAL OF MINUTES

Upon motion by Councilman Willer, seconded by Councilman Vicente, and carried unanimously upon voice vote, the minutes of the February 14, 2013 Regular Meeting and the February 16, 2013 Budget Meeting were accepted as submitted.

CORRESPONDENCE

Mayor Greuter read a letter from Marcelo De Oliveira, owner of Jersey Xtreme Tumble & Cheer LLC, complimenting Donna Browne, Tax Collector, for her quick response to his request for information needed for his use variance application.

Upon motion by Councilman Vicente, seconded by Councilman Mulligan, and carried unanimously upon voice vote to accept the correspondence and place a copy in Ms. Browne's personnel file.

COUNCIL COMMENTS

Councilwoman Kanigel - Finance and Licensing Committee

*Historical Committee* - The Historical Committee is planning an event to commemorate the 150th anniversary of the drowning of 19 men from Rockaway Borough in the Cumberland River in 1863 during the Civil War.

Councilman Donofrio - Public Works/Public Utilities Committee

*Public Works* - HD Supply presented three options regarding new water meters and alternative reading systems.

The Borough Attorney will review the proposals from three engineers to evaluate the Borough's facilities for emergency generators; the proposals range from \$3,100 to \$13,500.

The Water Foreman requested permission to sell excess old outdated water meters as scrap metal. Upon motion by Councilman Donofrio, seconded by Councilman Vicente, and unanimously carried via voice vote to authorize the Water Foreman to sell the excess water meters as scrap metal.

Councilman Mulligan - Ordinance Committee

*Ordinances* - Ordinance 04-13, which will be introduced this evening, amends Chapter 139, Fire Protection and Prevention, to require a fire watch when a building's fire sprinkler system or fire suppression system is not operational for more than four hours within a 24-hour period, other than routine maintenance and repair, or for any other reason as determined by the Fire Marshal. Chapter A263, Fees, will also be amended to assess the property owner a fee of \$50 per hour per person, with a minimum charge of four hours

Councilman Vicente - Personnel

*Budget* - The 2013 budget process concluded on Saturday. The Chief Financial Officer (CFO) prepared the budget applying \$300,000 surplus. However, there was only \$56,000 in the 2012 budget. When asked about it, the CFO explained that he is anticipating \$813,000 coming in from other receivables.

The Governing Body agreed that the baseball, soccer and Halloween parades would be paid out of the Recreation trust fund; the Memorial Day parade would be fully covered; the Rotary 5K Race and Celebrate Rockaway Day would receive the same coverage as in 2012 and would contribute \$5,000 towards the cost of the fireworks.

*Recreation Staffing* - Councilman Vicente is looking at the average pay and salary ranges for lifeguards and park attendants. He said the Borough should give Borough residents the first opportunity to be hired as summer park program employees. Mr. Beilin stated that you can require residency, but legally you need to have justification for a residency requirement for only this class of employees vs. other groups (Public Works, Police, or Fire) who would be called in for emergencies.

*Recreation Fees* - Councilman Vicente stated that, for the most part, the governing body consults with and follows the advice of our paid professionals. With this said, in an effort to provide greater oversight, transparency and accountability with regards to recreation funds collected by recreational activities solely managed and/or operated by Rockaway Borough Recreation (excludes Jr. Knights Football and Cheerleading as this is a multi-town managed activity), Councilman Vicente moved that in accordance with Borough Ordinance 24-12 entitled Chapter 201, Recreation, Article 1, Parks and Recreation Advisory Committee, Section 201-8 subsection C and 201-14, along with the advice of our current CFO, Auditor, and several CFO interviewees, that all past, current and future funds collected by recreation in the forms of fees and/or donations be placed in the Recreation Trust fund and managed by the CFO with disbursements to Recreation validated by proper voucher.

In addition, all individual bank accounts managed by Recreation representatives are to be closed by March 15, with a final bank transaction statement and funds in the form of a bank draft to be turned over to the CFO where the statements will be reconciled and funds placed into their respective Recreation Trust fund accounts. This account information will be reported by the Recreation Advisory Committee Chairperson at each monthly recreation meeting. No individual bank accounts are to be established without the advice of the Borough CFO and authorization by the Mayor and Council. Failure to abide by this motion will result in actions taken as outlined in Ordinance 24-12 entitled Chapter 201 Recreation, Article 1 Parks and Recreation Advisory Committee, Section 201 - 9B "Rules and Regulations; violations and penalties."

There was no second.

*Personnel* - Requested a closed session to discuss the Chief Financial Officer candidates.

Councilman Willer - Fire Committee

*CDBG* - Will attend the Community Development Block Grant meetings on Monday and Tuesday.

Council President Burnside - Public Safety Committee

*PBA Negotiations* - Requested a closed session to discuss PBA contract negotiations. Mayor Greuter thanked the negotiating committee.

ATTORNEY'S REPORT

*RVRSA Litigation* - Both parties have filed summary judgment motions.

Requested a closed session to discuss a litigation matter and personnel matter.

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

MAYOR'S REPORT

Mayor Greuter reviewed his recent activities, including a public session regarding the new 24/7 paid ambulance services, a meeting regarding water meters, and attendance at a Blue and Gold Dinner. Mayor Greuter suggested to the Superintendent of Schools that the Fire Marshal present a program about smoke alarms at an upcoming Board of Education meeting.

Mayor Greuter announced the appointment of Councilman Vicente as the Board of Education liaison and Councilman Mulligan as the Parks and Recreation Committee liaison.

Upon motion by Councilman Donofrio, seconded by Councilman Willer, and unanimously carried via voice vote to concur with the Mayor's appointments as stated above.

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

Requested a closed session to discuss personnel.

RESOLUTIONS (CONSENT AGENDA ITEMS)

Upon motion by Councilman Willer, seconded by Council President Burnside, and carried unanimously upon call of the roll, the following resolutions were adopted:

**RESOLUTION 39-13: 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.:

Tudor Estates Condo Association - \$556.02  
c/o Sharon Cucuzzella  
60 Adler Court  
Rockaway, NJ 07866

Woods Edge Condominium Association - \$1,578.60  
c/o Michael Facas, President  
15 Woods Edge Dr.  
Rockaway, NJ 07866

DATE: February 28, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

**RESOLUTION 40-13: AWARD PROFESSIONAL SERVICES CONTRACT (LICENSED REALTOR AND AUCTION SPECIALIST)**

**WHEREAS**, the Borough of Rockaway ("the Borough") is the owner of record of real property known as: (a) Block 31, Lots 16, 17, 18, and 19 on Van Duyne Ave.; (b) Block 60, Lots 9 and 10 on Cedar Lane; and (c) Block 81.06, Lot 33.02 (67 Elycroft Ave. W.) (collectively, "the Property") in the Borough; and

**WHEREAS**, the Mayor and Council of the Borough have determined that the Property is not needed for public use, and that it would be in the best interests of the Borough to sell the Property to the highest bidder by open public sale at auction or by private sale in the manner authorized by governing statute; and

**WHEREAS**, the Mayor and Council of the Borough have determined that it would be in the best interests of the Borough to effectuate the sale of the property at an auction to be conducted by licensed realtor and auction specialist; 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 commission of five (5) percent of the high bid amount exclusive of buyer premium shall be due and payable at closing from the sale proceeds; 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.

**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 Borough of Rockaway, in accordance with the Local Public Contracts Law, hereby authorizes the and approves the award of an Auction Listing Agreement between the Borough of Rockaway and Coldwell Banker, Real Estate Services LLC, 1 Campus Drive, Parsippany, NJ 07054, to conduct an auction for the sale of (a) Block 31, Lots 16, 17, 18, and 19 on Van Duyne Ave.; (b) Block 60, Lots 9 and 10 on Cedar Lane; and (c) Block 81.06, Lot 33.02 (67 Elycroft Ave. W.). A copy of the Auction Listing Agreement is on file in the Office of the Borough Clerk and incorporated herein by reference with terms and conditions as stated in the Agreement. Said Agreement 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 Agreement 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 Agreement 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: February 28, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

**RESOLUTION 41-13: AWARD CONTRACT (DPW PICKUP TRUCK)**

**WHEREAS**, there exists a need to obtain a pickup truck for the Department of Public Works; and

**WHEREAS**, a Morris County Co-Op Contract No. 15-C exists for the purchase of vehicles from Beyer Ford, 170 Ridgedale Ave., Morristown, NJ 07962 (973-644-3200); 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 purchase of a 2013 Ford F-250 Pickup Truck for use by the Department of Public Works from Beyer Ford, 170 Ridgedale Ave., Morristown, NJ 07962 (973-644-3200), under Morris County Co-Op Contract No. 15-C, not to exceed the amount of \$31,131.00.

DATE: February 28, 2013

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:

Beyer Ford, 170 Ridgedale Ave., Morristown, NJ 07962 (973-644-3200), not to exceed the amount of \$31,131.00

Ordinance # 4-11-06

DATE: February 25, 2013

BY: John J. Doherty, Treasurer

**RESOLUTION 42-13: AUTHORIZE MAYOR TO EXECUTE LETTER OF AGREEMENT FOR MUNICIPAL ALLIANCE COMMITTEE**

**WHEREAS**, the Mayor and Council of the Borough of Rockaway, County of Morris, recognize the critical need for substance abuse prevention programs to combat increasing drug and alcohol abuse within our community; and

**WHEREAS**, the Mayor and Council of the Borough of Rockaway further recognize that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses within our community; and

**WHEREAS**, the County of Morris Department of Human Services administers the grant of the Alliance to Prevent Alcoholism and Drug Abuse through which the Rockaway Borough Municipal Alliance Committee is eligible to receive up to \$8,559.00, which will be used for programs to combat drug and alcohol abuse.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, to authorize the Mayor to execute the Letter of Agreement between the County of Morris and the Rockaway Borough Municipal Alliance Committee for the grant administration of the Alliance to Prevent Alcoholism and Drug Abuse through which the Rockaway Borough Municipal Alliance Committee is eligible to receive up to \$8,559.00.

DATE: February 28, 2013 BOROUGH OF ROCKAWAY  
ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

**RESOLUTION 43-13: AUTHORIZE THE ADVERTISEMENT OF BIDS FOR PUBLIC SEWER MANHOLE REHABILITATION PROJECT**

**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:

PUBLIC SEWER MANHOLE 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 Engineer.

DATE: February 28, 2013 BOROUGH OF ROCKAWAY  
ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

ORDINANCE NO. 04-13, Introduction & First Reading

**ORDINANCE OF THE BOROUGH OF ROCKAWAY  
MAYOR AND COUNCIL  
AMENDING CHAPTER 139, FIRE PREVENTION AND PROTECTION,  
AND CHAPTER A263, FEES,  
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 March 28, 2013.

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.

Mayor Greuter informed Bonnie Hook, president of the Rockaway Borough Business Owners Association, that the municipal contribution to Celebrate Rockaway Day would remain the same as 2012.

Mr. Pat McDonald, 42 Crestwood Rd., reported that the Parks and Recreation Committee recommended that the Summer Park Director position remain as a salaried rather than hourly position. Volunteer groups will paint fences at Heady Field, Smith Field, and Park Lake. Stanley & Orke Roofing will donate time and material to replace the Smith Field dugout roof. Volunteers are also ready to replace and paint the boards at the hockey rink, with up to \$700 for materials. The Council agreed.

Mr. Don Doty, 134 Maple Ave., suggested that a fence be installed between the parking lot and field at Friendship Field. He will meet with a member of the Environmental Committee to ensure that the fence would meet DEP approval.

Mr. Doty said that the Boy Scouts will re-do the info kiosk at Park Lake.

Mr. Tom Haynes, 81 Andrea Dr., asked for verification that the funding is set for the soccer parade.

Mr. Robert Grow, 110 Lakeside Dr., reported that the river cleanup will be on March 23. .

Fire Chief Sam Passarella reported that the Department responded to five calls in Rockaway Township this month.

Carol Johnson, Recreation Director, commended the Parks and Recreation Committee for doing an excellent job.

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

#### CLOSED SESSION

Upon motion by Councilman Willer, seconded by Council President Burnside, and adopted unanimously upon call of the roll (or voice vote), the following resolution was adopted:

#### **RESOLUTION 44-13: 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: Personnel, Potential Litigation (Donatoni Field), and PBA Contract Negotiations.
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 28, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor and Council went into closed session at 8:17 p.m. and resumed the public meeting at 8:40 p.m.

#### ADJOURNMENT

The meeting adjourned at 8:40 p.m.

Approved: As Submitted

Sheila Seifert, Borough Clerk

Date: March 14, 2013