

**MAYOR & COUNCIL
REGULAR MEETING
SEPTEMBER 12, 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 September 12, 2013. Mayor Greuter announced the location of the fire exits.

Councilmembers Present

Thomas Donofrio
Joyce Kanigel
Thomas Mulligan
Joseph Vicente
Melissa Burnside - Council President

Councilmembers Absent

John Willer

Borough Attorney Edward Wacks, Esq., was also present.

Everyone present participated in the salute to the flag.

APPROVAL OF MINUTES

Upon motion by Councilman Vicente, seconded by Councilman Donofrio, and carried unanimously upon voice vote, the minutes of the August 22, 2013 Regular Meeting were accepted as submitted.

CORRESPONDENCE

Mayor Greuter read the August 30, 2013 letter from Mr. Tom Buechel, Rockaway Recycling, requesting access to conduct environmental soil and groundwater testing on Block 40, Lot 76 in order to complete due diligence on the property in advance of the pending property auction.

Mr. Wacks recommended that Ordinance 17-13, which is scheduled for public hearing and adoption this evening, be changed to give the successful bidder at the auction the opportunity to do the testing. Mr. Wacks believes it would be inappropriate to allow anyone to do any preliminary testing prior to the sale.

On motion by Councilman Mulligan, seconded by Councilwoman Kanigel, and unanimously carried via roll call vote, to carry Ordinance 17-13, with the understanding that Ordinance 17-13 will be republished due to a significant change in wording.

Mayor Greuter read a letter from Matthew Wasko dated September 10, 2013 requesting permission to sell Christmas trees from November 22 through December 24 at 100 Hibernia Avenue daily until 9:00 p.m. Mr. Wasko also volunteered to donate the tree for the Library gazebo.

Upon motion by Councilman Donofrio, seconded by Council President Burnside, and unanimously carried by voice vote to accept the correspondence, approve said sale and thank them for the donation, and to advise the Zoning Officer of same.

COUNCIL/COMMITTEE REPORTS

Councilwoman Kanigel - Finance and Licensing Committee

Library - Resolution 126-13 is for the appointment of the historical architect firm for to prepare a historic preservation plan of the Library.

Payment of Bills - Upon motion by Councilwoman Kanigel, seconded by Councilman Vicente, 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 Mulligan, seconded by Councilman Donofrio, and carried unanimously upon voice vote, to accept the Finance and License Committee report.

Councilman Donofrio - Public Works/Public Utilities Committee

No report.

Councilman Mulligan - Ordinance Committee

Recreation - The soccer parade was held last weekend. Recreation is beginning the 2014 budget process.

Ordinance 18-13 - This bond ordinance will reallocate funds from water main improvements to a pump replacement for Well No. 6A.

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

Council President Burnside - Public Safety Committee

Board of Health - Health Department has scheduled flu clinics for September 24 and October 14.

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

ATTORNEY'S REPORT

Donatoni Litigation - All paperwork has been completed. Councilman Mulligan said that the work can be done towards end of October/beginning of November.

Sale of 35 Addison Ave. - The attorneys have prepared the deeds to the property for the sale that was held.

Requested closed session for four items (current litigation in which we've been served, potential litigation regarding water meters, RVRSA possible settlement, and collection of back taxes).

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

MAYOR'S REPORT

Notices have been sent out regarding the poor condition of 2 Elm Street.

The Borough is participating in the County-wide McMATCH food drive competition.

Mayor Greuter read a letter from the First Presbyterian Church dated August 10, 2013 announcing the second annual neighborhood barbecue on October 5, 2013 from 11 to 3 for residents of Rockaway Borough and Rockaway Township and inviting the Borough to host a table to promote activities and services.

Mayor Greuter will attend the October 25 meeting of the Morris County Emergency Management task force.

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

CLERK'S REPORT

Super Seniors - Eleanor Borris, Secretary of the Super Seniors of Rockaway Borough, wrote a letter dated August 30, 2013 thanking the Council for - once again - funding the club's activities for the coming year. They appreciate the fact that this \$2,500 will enable them to provide interesting programs and activities for their members.

Bingo/Raffle License Approvals - Approved a tricky tray raffle license for HSA Rockaway Borough for event to be held on December 7, 2013, at Thomas Jefferson School, 95 East Main St.

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

Councilman Vicente - Personnel

Rockaway Borough Board of Education - Presented information on the school district's statistics, including student population and budget.

44 Broad Street Right-of-Way - Councilman Vicente discussed the proposal from a developer at the August 22 meeting requesting that the Governing Body consider vacating a strip of right-of-way at 44 Broad Street. The developer needed the property to build three houses rather than two houses. The Borough would receive payment for vacating the right of way. Although the vote ended in a tie on August 22, Councilman Vicente suggested that the developer be re-invited in; however, he agreed to table the vote until a full council is present.

Potential Shared Services - Construction Department

Councilman Vicente presented three options to reorganize the Construction Department services: enter into a shared services agreement with either (1) Rockaway Township or (2) the State Department of Community Affairs at no cost to the Borough; or (3) reduce the full-time Technical Assistant to the Construction Official ("TACO") position to a part-time position. A fourth option would be to remain as is. The Department, which is supposed to be self-funding, has been running at a deficit since 2009.

Mr. Len Perre, Construction Official, explained that the department is funded through user-based fees; if the department runs at a deficit, the balance is borne by the taxpayers. He recommended that, if the decision were to be Option 3, the incumbent be given the right of first refusal.

Mr. Eric Tulenko, 16 Farview Dr., asked if the State says you cannot raise fees at a certain point.

Mrs. Bonnie Hook, 23 Jackson Ave., is concerned about a reduction in services. People and contractors can't wait a week to get things done.

Mr. Sam Saporite, 34 W. Flagge St., recommended that fees be reviewed frequently instead of waiting a long period of time.

Mrs. Sylvia Banbor, the incumbent Technical Assistant to the Construction Official, noted that we are coming out of slump and hopes that the next few years will be better. A contractor from Kinnelon who is using shared services with another town told her that it is terrible to go to other town for permits.

Councilman Mulligan felt that Option 3 would be the most feasible and we would need to look within town hall to carry the workload going from full time to part time. Council President Burnside stated that if we move from full time to part time, we need to look at how things are done to gain efficiencies; can technology bring about more efficiencies or invest in tools that could decrease the burden on personnel? Councilman Donofrio said that Option 3 is the only reasonable option to explore further. Councilwoman Kanigel agreed that Option 3 is the best option; it would be easily reversible; and she would like to keep it in town.

Mr. Perre said that there are other software packages such as Spatial Data and Mitchell Humphreys that might help to increase efficiencies.

Upon motion by Councilman Vicente, seconded by Councilman Donofrio and unanimously carried via roll call vote, to pursue Option 3 for a year effective January 1, 2014, with the existing staff to remain or have right of first refusal, an evaluation of additional efficiencies will be conducted after a one year period.

Council President Burnside recommended that an evaluation of personnel in town hall be done (where efficiencies can be gained, identify the best roles, what we have now, and what would be ideal). Councilman Vicente will take the lead.

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

RESOLUTIONS (CONSENT AGENDA ITEMS)

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

RESOLUTION 115-13: ACCEPT BID FOR PROPERTY SALE (BLOCK 80, LOT 24)

WHEREAS, on June 13, 2013, the Mayor and Council of the Borough of Rockaway, County of Morris, did adopt Ordinance 08-13 to authorize the sale of real property known as Block 80, Lot 24, also known as 35 Addison Avenue ("the Property") in the Borough of Rockaway; and

WHEREAS, pursuant to the terms of Ordinance 08-13, the Property may be sold by open public sale at auction to the highest bidder on a day and at a time to be determined by resolution of the Mayor and Council; and

WHEREAS, on June 27, 2013, the Mayor and Council of the Borough of Rockaway, County of Morris, did adopt Resolution 99-13 setting forth that the public auction to sell the Property would be held at the Community Center, 21-25 Union Street, Rockaway, New Jersey, at 7:00 p.m. on Wednesday, August 21, 2013; and

WHEREAS, on August 21, 2013, said auction was held, with the highest bid being \$5,002.00 from Robert Hansen on behalf of Robert & Wendy Hansen, 31 Addison Ave., Rockaway, NJ 07866 and Russell Heiney on behalf of Dawn M. O'Shea, 6 Farview Rd., Rockaway, NJ 07866, both contiguous property owners, with the condition that title to the half of the Property contiguous to 31 Addison Avenue would be conveyed by the Borough to Robert & Wendy Hansen, and that title to the half of the Property contiguous to 6 Farview Road would be conveyed by the Borough to Dawn M. O'Shea.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey to accept the bid of \$5,002.00 from Robert Hansen on behalf of Robert & Wendy Hansen, 31 Addison Ave., Rockaway, NJ 07866 and Russell Heiney on behalf of Dawn M. O'Shea, 6 Farview Rd., Rockaway, NJ 07866, and to convey the half of the Property contiguous to 31 Addison Avenue to Robert & Wendy Hansen, and the half of the Property contiguous to 6 Farview Road to Dawn M. O'Shea.

BE IT FURTHER RESOLVED that the closing of the property sale will be held at the Community Center, 21-25 Union Street, Rockaway, New Jersey, at 10 a.m. on September 27, 2013 or as soon thereafter as the closing may be held.

DATE: September 12, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 116-13: RESOLUTION STATING COMPLIANCE OF MAYOR AND COUNCIL WITH LOCAL FINANCE BOARD AUDIT REQUIREMENTS

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts, and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2012 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body, and;

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and;

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the Annual Audit entitled "GENERAL COMMENTS" and "RECOMMENDATIONS", and;

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specially the sections of the Annual Audit entitled "GENERAL COMMENTS" and "RECOMMENDATIONS" as evidenced by the group affidavit form of the governing body attached hereto, and;

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the Annual Audit, pursuant to N.J.A.C. 5:30-6.5, and;

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and;

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52-27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rockaway, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

DATE: September 12, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 117-13: AWARD CONTRACT (HALSEY AVENUE IMPROVEMENTS PROJECT)

WHEREAS, on August 28, 2013, the Borough Clerk received three (3) bid proposals for the Halsey Avenue Improvements Project as follows:

A-Team Concrete Inc.
104 George Street
South River, NJ 08882

Caro Corporation
70-76 Passaic Avenue
Florham Park, NJ 07932

Covino & Sons Construction Co., Inc.
39 North Drive
Rochelle Park, NJ 07662

Base Bid: \$129,554.50

Base Bid: \$138,897.02

Base Bid: \$157,875.00

WHEREAS, the apparent low responsive base bid submitted by A-Team Concrete Inc., 104 George Street, South River, NJ 08882 (732-558-9156) in the amount of \$129,554.50 complied with the bid specifications, and the Borough Engineer has recommended that a contract be awarded to the low responsive bidder, A-Team Concrete Inc.; and

WHEREAS, the contract is being awarded through a fair and open process, pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, a Certificate of Availability of Funds has been filed by the Borough of Rockaway Treasurer.

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 in an amount not to exceed \$129,554.50 with A-Team Concrete Inc., 104 George Street, South River, NJ 08882 (732-558-9156), for the Halsey Avenue Improvements Project.
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: September 12, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

CERTIFICATION FOR AVAILABILITY OF FUNDS

I, Yolanda Dykes, Treasurer, of the Borough of Rockaway, in the County of Morris, New Jersey, do hereby certify that funds in the amount not to exceed \$129,554.50 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:

A-Team Concrete Inc., 104 George Street, South River, NJ 08882 (732-558-9156) for the purpose of Halsey Avenue Improvements Project
The funds are chargeable to Budget year: 2013
Budget Line Item#: 04-215-55-513-010 \$129,554.50

DATE: September 12, 2013

BY: Yolanda Dykes, Treasurer

RESOLUTION 118-13: AUTHORIZE THE-ISSUANCE OF BOND ANTICIPATION NOTES, IN AN AGGREGATE AMOUNT NOT TO EXCEED \$285,000.00 GENERAL IMPROVEMENT BOND ANTICIPATION NOTES OF THE BOROUGH OF ROCKAWAY, IN THE COUNTY OF MORRIS, NEW JERSEY

WHEREAS the Borough of Rockaway (the "Borough"), County of Morris, New Jersey adopted Bond Ordinance No. 12-13 on July 11, 2013; and

WHEREAS, the Borough Council (the "Council") has determined by passage of Bond Ordinance 12-13 to issue General Obligation Bond Anticipation Notes of the Borough to fund the projects authorized by the above captioned ordinance, and to pay the cost of issuance related thereto.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Rockaway, in the County of Morris, New Jersey, as follows:

Section 1. Pursuant to N.J.S.A. 40A:2-8, the following amounts of General Obligation General Improvement Bond Anticipation Notes (the "General Improvement Notes") shall be issued at such dates and in such amounts as is determined by the Chief Financial Officer and/or acting Chief Financial Officer in accordance with this resolution:

a. Pursuant to Bond Ordinance No. 12-13, Notes in the principal amount of not to exceed \$285,000.00 shall be issued for the purposes stated therein.

Section 2. Pursuant to the provisions of Section 40A:2-26 of the Local Bond Law of New Jersey, particularly paragraph (f) thereof, and in lieu of the sale of more than one (1) issue of bonds or notes as provided for in said Local Bond Law, the issues of bonds and notes of the Borough authorized pursuant to the Bond Ordinances of the Borough hereinabove set forth shall be combined into one (1) issues of Notes to be sold concurrently in the aggregate amount of not to exceed \$285,000.00 General Obligation General Improvement Bond Anticipation Notes.

Section 3. The following matters in connection with said Notes are hereby determined:

a. All notes issued hereunder and any renewal thereof, shall mature at such times as may be determined by the Chief Financial Officer and/or acting Chief Financial Officer of the Borough, provided that any note issued pursuant hereto shall be issued for a period not to exceed one (1) year, but all such notes, including renewals, shall mature and be paid in accordance with the Local Bond Law.

b. All notes issued hereunder shall bear interest at such rate or rates as may be determined by the Chief Financial Officer and/or acting Chief Financial Officer of the Borough.

c. The notes shall be in a form as permitted by law and approved by Bond Counsel, and issued pursuant to the Local Bond Law, and any such notes or any renewal thereof, may be signed or sealed by officers of the Borough in any manner permitted by Section 40A:2-25 of said Law notwithstanding what is otherwise set forth herein.

Section 4. The Chief Financial Officer and/or acting Chief Financial Officer of the Borough is hereby authorized and directed to determine all matters in connection with said Notes or any renewal thereof, not determined by this or a subsequent resolution and his/her signature upon said Notes shall be conclusive as to such determinations.

Section 5. The Chief Financial Officer and/or acting Chief Financial Officer of the Borough is hereby authorized to sell said Notes or any renewal thereof, from time to time at public or private sale in such amounts as he/she may determine at not less than par value and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from the dated date of the Notes to the date of delivery thereof and payment therefor.

Section 6. Any instrument issued pursuant to this Resolution shall be a general obligation of the Borough, and the Borough's faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligation and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 7. The Governing Body of the Borough hereby covenants on behalf of the Borough to take any action necessary or refrain from taking any action in order to preserve the tax exempt status of the debt obligations authorized hereunder, and issued as tax exempt obligations, as is required under the Internal Revenue Code of 1986, as amended, including compliance with said Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 8. This Resolution shall take effect immediately.

DATE: September 12, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 119-13: AUTHORIZE BOROUGH CLERK'S OFFICE TO MAINTAIN A PETTY CASH FUND IN THE AMOUNT OF \$200.00

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of a Petty Cash Fund for the Borough Clerk's Office of the Borough of Rockaway; and

WHEREAS, said Petty Cash Fund was established by resolution dated February 14, 1974 by the Mayor and Council of the Borough of Rockaway; and

WHEREAS, said Petty Cash Fund received approval from the Director of Local Government Services on February 14, 1974; and

WHEREAS, it is the desire of the Mayor and Council that said fund be increased and be allowed to continue under the control of the Borough Clerk.

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. Sheila Seifert, Borough Clerk, be and is hereby appointed custodian of petty cash and is authorized and permitted to establish a Petty Cash Fund in the amount not to exceed \$200.00 pursuant to the provisions of N.J.S.A. 40A:5-21. Said Petty Cash Fund will be used by such office or department to pay claims for small miscellaneous expenses not to exceed \$25.00.

2. Sheila Seifert, Borough Clerk, having custody of the Fund, be bonded in an amount not less than \$1,000.00 and will maintain said Fund in accordance with the laws and regulations governing its operation.

DATE: September 12, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 120-13: AUTHORIZE CHIEF OF POLICE'S OFFICE TO MAINTAIN A PETTY CASH FUND IN THE AMOUNT OF \$200.00

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of a Petty Cash Fund for the Chief of Police's Office of the Borough of Rockaway; and

WHEREAS, it is the desire of the Mayor and Council that said fund be established under the control of the Chief of Police.

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. Douglas Scheer, Chief of Police, be and is hereby appointed custodian of petty cash and is authorized and permitted to establish a Petty Cash Fund in the amount not to exceed \$200.00 pursuant to the provisions of N.J.S.A. 40A:5-21. Said Petty Cash Fund will be used by such office or department to pay claims for small miscellaneous expenses not to exceed \$25.00.

2. Douglas Scheer, Chief of Police, having custody of the Fund, be bonded in an amount not less than \$1,000.00 and will maintain said Fund in accordance with the laws and regulations governing its operation.

DATE: September 12, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 121-13: AUTHORIZE DEDICATION BY RIDER TO BUDGET - POLICE DEPARTMENT DONATIONS

WHEREAS, N.J.S.A. 40A:4-39 provides for the insertion of a "Dedication by Rider" in the budget of any local unit which dedicates revenues anticipated during the fiscal year from donations to the Rockaway Borough Police Department to purchase uniforms for the Rockaway Borough Police Department, subject to written prior consent of the Director of the Division of Local Government Services, when the revenue is not subject to reasonably accurate estimate in advance; and

WHEREAS, such dedicated revenues shall be appropriated for the purpose to which said revenue is dedicated by statute or other legal requirements.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway County of Morris, State of New Jersey, that all donations to the Rockaway Borough Police Department to purchase uniforms for the Rockaway Borough Police Department, shall be placed in a specific trust fund and such trust fund shall be considered a "Dedication by Rider" to the budget of the local unit, pursuant to N.J.S.A. 40A:4-39, for the sole purpose stated above.

DATE: September 12, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 122-13: AWARD PROFESSIONAL SERVICES CONTRACT (LSRP)

WHEREAS, there exists needs for environmental consulting services to be performed by a Licensed Site Remediation Professional ("LSRP") to conform to State of New Jersey Department of Environmental Protection requirements associated with the property located at 21-25 Union St.; said property being the location of a 1990 gasoline spill; 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, 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; and

WHEREAS, a Certificate of Availability of Funds has been filed by the Borough of Rockaway Treasurer.

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 and approves the award of a professional services contract to H2M Associates, Inc., 199 Cherry Hill Rd., Parsippany, NJ 07054, (862) 207-5900, at cost not to exceed \$7,000.00 as noted on the schedule below per proposal for remedial investigation of soil and groundwater dated August 2, 2013, for work including (a) characterize and delineate soil and groundwater contamination associated with three former tanks (PI #011177, Case No. 90-12-31-1133); (b) prepare a site-specific Health and Safety Plan and Quality Assurance Project Plan for use during field sampling activities; (c) conduct one round of enhanced fluid recovery to decrease the contamination. A copy of the contract is on file in the Office of the Clerk and incorporated herein by reference with terms and conditions as stated on the attached schedule. Said contract 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 Contract 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 Contract 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.

PROFESSIONAL SERVICES SCHEDULE

LICENSED SITE REMEDIATION PROFESSIONAL:

Sui Leong, P.E., LSRP
H2M Associates, Inc.
199 Cherry Hill Road
Parsippany, NJ 07054
(862) 207-5900, ext. 2221

1. Licensed Site Remediation Professional	\$165.00 per hour
2. Senior Scientist/Engineer	165.00 per hour
3. Project Manager/Senior Geologist	145.00 per hour
4. Staff Engineer/Scientist	85.00 per hour
5. CAD Operator	85.00 per hour
6. Technician/Administrative Assistant	58.00 per hour
7. Mileage	\$0.55 per mile or IRS min./mile
8. Other Direct Expenses	Cost plus 10%

DATE: September 12, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

CERTIFICATION FOR AVAILABILITY OF FUNDS

I, Yolanda Dykes, Treasurer, of the Borough of Rockaway, in the County of Morris, New Jersey, do hereby certify that funds in the amount not to exceed \$7,000.00 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:

H2M Associates, Inc., 199 Cherry Hill Road, Parsippany, NJ 07054, (862) 207-5900, ext. 2221, for the purpose of awarding Professional Services Contract for (LSRP – Licensed Site Remediation Professional) Environmental Consulting Services for 21-25 Union Street.

The funds are chargeable to Budget year: 2013
Budget Line Item#: 07-201-55-700-509 \$7,000.00

DATE: September 12, 2013 BY: Yolanda Dykes, Treasurer

RESOLUTION 123-13: APPROPRIATE ENGINEERING COSTS - SANITARY SEWER MANHOLE REHABILITATION PROJECT

WHEREAS, on September 27, 2012, the County of Morris transmitted a fully executed Grant Agreement for the Sanitary Sewer Manhole Rehabilitation Project in the Borough of Rockaway for \$22,500.00; and

WHEREAS, on December 12, 2012, the County of Morris transmitted a fully executed Grant Agreement Amendment for the Sanitary Sewer Manhole Rehabilitation Project, increasing the funding to \$62,500.00; and

WHEREAS, the total cost of the design work from the Borough Engineer was \$6,675.00 and the remaining work for contract management and inspections for the period of construction is estimated not to exceed \$10,000.00; and

WHEREAS, bids were opened on August 7, 2013 and the contract was awarded on August 22, 2013 to National Water Main Cleaning Co., for \$129,255.00 (base bid plus alternate bid items 1-15); and

WHEREAS, the amount to be charged is for the purpose for which bonds may be issued under Chapter 2 of Title 40A.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, that the amount appropriated for engineering costs for the Sanitary Sewer Manhole Rehabilitation Project shall not exceed \$10,000.00 and the Chief Financial Officer is authorized to create a purchase order to be charged against Bond Ordinances 15-10 and 05-11.

DATE: September 12, 2013 BOROUGH OF ROCKAWAY
ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

RESOLUTION 124-13: APPROPRIATE ENGINEERING COSTS - HALSEY AVENUE IMPROVEMENT PROJECT

WHEREAS, on May 29, 2012, the State of New Jersey Department of Transportation transmitted a fully executed Grant Agreement for the Halsey Avenue Improvement Project in the Borough of Rockaway; and

WHEREAS, the construction contract must be awarded by November 4, 2013; and

WHEREAS, the remaining work from the Borough Engineer to complete the project, including contract management, inspection and testing, is estimated not to exceed \$23,000.00; and

WHEREAS, the amount to be charged is for the purpose for which bonds may be issued under Chapter 2 of Title 40A.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, that the amount appropriated for engineering costs for the Halsey Avenue Improvement Project shall not exceed \$23,000.00 and the Chief Financial Officer is authorized to create a purchase order to be charged against Bond Ordinance 12-13.

DATE: September 12, 2013 BOROUGH OF ROCKAWAY
ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

RESOLUTION 125-13: AUTHORIZE ISSUANCE OF SPECIAL PERMIT FOR SOCIAL AFFAIR (SAINTS PETER & PAUL ORTHODOX CHURCH)

WHEREAS, the following named applicant filed an application for a license known as a Special Permit for Social Affair to be held at Ava's Cupcakes, 20 Wall Street, Rockaway, NJ, on October 18, 2013, 7:00 p.m. to 10:00 p.m., raising funds for Rockaway Food Pantry:

Saints Peter & Paul Orthodox Church
66 Beach Street
Rockaway, NJ 07866

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey has no objection to the granting of a Special Permit for Social Affair to the above named applicant and consents thereto.

DATE: September 12, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 126-13: AWARD PROFESSIONAL SERVICES CONTRACT (HISTORICAL ARCHITECTS)

WHEREAS, there exists a need for the professional services of a historical architect to prepare a historic preservation plan for the Rockaway Borough Free Public Library Foster Memorial Building, 82 East Main Street; 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, 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; and

WHEREAS, the Morris County Board of Chosen Freeholders has approved funding in the amount of \$23,880.00 based upon the recommendation of the Morris County Historic Preservation Trust Fund Review Board to complete a Preservation Plan for the exterior envelopes of the Rockaway Borough Free Public Library Foster Memorial Building including accessibility review, structural and MEP evaluation, and paint analysis; and

WHEREAS, additional funding will be provided by the Rockaway Borough Free Public Library Board of Trustees.

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. That the Borough of Rockaway, in accordance with the Local Public Contracts Law, hereby authorizes and approves the award of a professional services contract to Connolly and Hickey Historical Architects, LLC, P.O. Box 1726, Cranford, NJ 07016; (973-746-4911) to prepare a historic preservation plan, including an evaluation of the overall situation of the Rockaway Borough Free Public Library Foster Memorial Building, 82 East Main Street, and presentation of an overall plan for addressing observed conditions at a lump sum fee of \$29,850.00. Contract copies are on file in the Office of the Clerk and are incorporated herein by reference. Said contract is hereby ratified and confirmed, and upon passage of this Resolution, the Mayor be and the same is hereby authorized to enter into said contract.
2. That this Contract 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 contract.

4. That a notice in accordance with this resolution and the Local Public Contracts Law of New Jersey, shall be published in the official newspaper or newspapers of the Borough of Rockaway as required by law.
5. That an executed copy of the Contract 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.
6. That this resolution shall take effect immediately.

DATE: September 12, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

ORDINANCE NO. 18-13, Introduction & First Reading

**BOND ORDINANCE CANCELING APPROPRIATIONS FOR
WATER/ SEWER UTILITY IMPROVEMENTS IN THE AMOUNT OF \$60,000
FROM PREVIOUSLY ADOPTED BOND ORDINANCES AND
DETERMINING THAT SAID APPROPRIATIONS, INCLUDING BOND PROCEEDS,
ARE NO LONGER NEEDED FOR THE PURPOSES SET FORTH IN
SAID ORDINANCE AND TRANSFERRING SAID AMOUNT TO THE
WATER/ SEWER UTILITY CAPITAL SURPLUS FUND AND
APPROPRIATING THE SUM OF \$60,000 TO FUND THE COST OF
CERTAIN WATER/ SEWER UTILITY IMPROVEMENTS HEREIN AUTHORIZED**

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 October 10, 2013.

Said motion was seconded by Councilman Donofrio, and passed as follows upon call of the roll:

Roll Call: Ayes: Donofrio, Kanigel, Mulligan, Vicente, Burnside
Nays: None

PUBLIC PORTION

Mayor Greuter opened the meeting to the public.

Rob Grow, 110 Lakeside Dr., asked about several items, including broken decorative street lights on Main Street; sweeping Halsey Ave., Maple Ave., Jackson Ave., and Main St. for Celebrate Rockaway Day; and work being done at Park Lake.

Discussion ensued regarding the dredging of Park Lake. Council members and the Environmental Committee discussed attending the October 29, 2013 Rockaway Township Mayor and Council meeting to gain support for dredging the Township's side of the lake.

Mayor Greuter is looking into the use of Borough police officers on Route 46 for water main break and the possibility of asking Morris County to paint crosswalks on county roads.

Mr. Pat McDonald, 42 Crestwood Rd., talked about security at the Board of Education meeting. He will obtain prices for security cameras at Heady Field and Memorial Park.

Mrs. Bonnie Hook, 23 Jackson Ave., reported that 70-75 vendors are signed up for Celebrate Rockaway Day. She requested that the Maple Ave. park bathrooms be opened for the day.

Mr. Eric Tulenko, 16 Farview Dr., asked for the status of the ordinance to sell Block 40, Lot 76.

Mr. Matt Leonard, 1 Stephens Pl., reported that a tree on Mountain Rd. is leaning on low voltage wires.

Kathy Haake, 74 Rockaway Ave., said that she has seen sellers require potential bidders to sign a confidentiality agreement before they bid prohibiting the release of information, including to the seller.

Mr. Saporite asked for a follow-up on the water utility discussion and asked if Mayor Greuter would include three residents on the committee. Mayor Greuter has done nothing yet.

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 voice vote, the following resolution was adopted:

RESOLUTION 127-13: 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: potential litigation (water meters, RVRSA, collection of back taxes) and current litigation in which we have been served.
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: September 12, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor and Council went into closed session at 9:20 p.m. and resumed the public meeting at 10:00 p.m.

ADJOURNMENT

The meeting adjourned at 10:00 p.m.

Approved: As Submitted

Sheila Seifert, Borough Clerk

Date: September 26, 2013