

**MAYOR & COUNCIL
REGULAR MEETING
OCTOBER 24, 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 7:33 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 October 24, 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.

PROCLAMATION

Council President Burnside read a proclamation declaring the month of November, 2013 as "Pancreatic Cancer Awareness" month. Pancreatic cancer is one of the deadliest cancers. The good health and well-being of Borough residents are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments. Kathleen Babcock accepted the proclamation on behalf of the Pancreatic Cancer Action Network.

APPROVAL OF MINUTES

Upon motion by Councilman Vicente, seconded by Councilman Donofrio, and carried unanimously upon voice vote, the minutes of the October 10, 2013 Regular Meeting were accepted as submitted.

COUNCIL COMMENTS

Councilman Vicente stated that the closed session regarding personnel and the Technical Assistant to the Construction Official position would be postponed until the next meeting. The incumbent, Mrs. Sylvia Banbor, who was in the audience, asked why this was happening after she was given a notice yesterday that there would be a discussion today. Council President Burnside replied that the Personnel Committee just met and felt additional assistance was needed from the Chief Financial Officer/Treasurer.

Councilwoman Kanigel - Finance and Licensing Committee

Library Board of Trustees - The preservation team conducted a condition assessment of the Library, and a structural engineer will also perform an assessment. A report, including prioritized recommendations, should be received by January.

Councilman Donofrio - Public Works/Public Utilities Committee

Public Works - The Halsey Avenue project is underway. DPW is installing drainage on Brook St.

Councilman Mulligan - Ordinance Committee

Recreation - The Recreation Director has finished her first six months of employment and requested an evaluation meeting with the Mayor and Councilmen Vicente and Mulligan. Recreation is planning a December 8 event at Park Lake, including a "Santa Walk" and perhaps a bonfire on the beach.

Teamsters - Councilman Mulligan is trying to set up a meeting with the Teamsters representative and the labor attorney.

Councilman Vicente - Personnel

Based on State Police data, the overall crime rate year to date compared to 2012 has decreased in the Borough by 35%.

There is a closed session on the agenda tonight for Broad Street contract negotiations.

Councilman Willer - Fire Committee

49-51 Wall St. - Fire Marshal Tom Trapasso and Borough Attorney Ed Wacks worked together to clean up one of the condominiums at 49-51 Wall St. to prevent fire hazards and are now trying to recoup the Borough's expenses and fines.

Fox Hill Condominiums - The buildings and units are not properly labeled; the Fire Marshal is working with the landlord to do so.

Council President Burnside - Public Safety Committee

No comments.

ATTORNEY'S REPORT

RVRSA Litigation - Retired Judge Bozonelis, mediator, met with Jersey City and its attorneys and has scheduled a meeting with defendants and municipalities. Another meeting will be scheduled for both sides to be engaged in a mediation session.

Donatoni Community Park - The field rehabilitation work must be scheduled. The fields will be closed as of November 10; Councilman Donofrio will speak to DPW about availability for November 12.

Requested a closed session to discuss potential litigation.

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

MCMATCH Food Drive - Mayor Greuter reported that we are the Division 2 champs.

Park Lake Dredging - Mayor Greuter will postpone the meeting with Rockaway Township. He would like the members of the Environmental Committee and Councilwoman Kanigel to accompany him to a special meeting with Mayor Dachison and the Township Business Administrator.

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

RESOLUTIONS

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

RESOLUTION 135-13: AWARD CONTRACT (DEPARTMENT OF PUBLIC WORKS – PUMP FOR WELL NO. 6A)

WHEREAS, pursuant to N.J.S.A. 40A:11-6 a contract may be negotiated or awarded without public advertising for bids where an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services, provided that the procedures set forth in that statute are followed; and

WHEREAS, Well No. 6-A (formerly Well No. 6) located at Garden Avenue, Rockaway, New Jersey is a major supply of potable water for the Borough of Rockaway; and

WHEREAS, the pump for Well No. 6-A has failed and cannot be repaired; and

WHEREAS, the emergency back-up well at Well No. 6-B (formerly Well No. 6-A) is only a back-up- for Well No. 6-A but does not produce the needed volume; and

WHEREAS, the Superintendent, Department of Public Works, has certified that this situation constitutes an actual emergency affecting the public health, safety or welfare, of the Borough and its residents; and

WHEREAS, A.C. Schultes, Inc., 664 S. Evergreen Ave., Woodbury Heights, NJ 08097 (856-845-5656), has removed and inspected the pumping equipment at Well No. 6-A and submitted a proposal to return Well No. 6-A to proper operating condition; 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, that the Borough of Rockaway Mayor and Council hereby find that an emergency condition exists with respect to pump for Well No. 6-A located at Garden Avenue, Rockaway, New Jersey, and that a contract to repair and replace the pump must be awarded on an emergent basis.

BE IT FURTHER RESOLVED, that a contract not to exceed \$35,000.00 for redevelopment, television inspection, repairs, right angle gear repairs, and motor replacement of the pump at Well No. 6-A, install and remove a temporary pump, and inspect and clean Well No. 6-A is hereby awarded to A.C. Schultes, Inc., 664 S. Evergreen Ave., Woodbury Heights, NJ 08097 (856-845-5656) as specified by quote dated August 22, 2013.

BE IT FURTHER RESOLVED, that a copy of the said contract shall be available for public inspection at the offices of the Borough Clerk.

DATE: October 24, 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 \$35,000.00 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:

A.C. Schultes, Inc., 664 S. Evergreen Ave., Woodbury Heights, NJ 08097 (856-845-5656) redevelopment, television inspection, repairs, right angle gear repairs, and motor replacement of the pump at Well No. 6-A, install and remove a temporary pump, and inspect and clean Well No. 6-A

The funds are chargeable to: Water Capital Budget
Budget Line Item#: 06-215-55-813-010 \$35,000.00

DATE: October 24, 2013 BY: Yolanda Dykes, Treasurer

RESOLUTION 136-13: REFUND DEPOSIT(S) AND/OR PERFORMANCE BOND(S) (ROAD OPENING PERMITS)

BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway to refund the following:

John Mirabella, 121 Woodside Ave., Rockaway, NJ 07866 - \$1,000.00
\$1,000.00 Road opening permit performance bond - 121 Woodside Ave.

DATE: October 24, 2013 BOROUGH OF ROCKAWAY
ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

PUBLIC PORTION

Mayor Greuter opened the meeting to the public.

Mr. Rob Grow, 110 Lakeside Dr., asked if treating Park Lake would be included in the discussion with the Township. Mr. Grow asked for information regarding the scheduled closed session for Broad St. contract negotiations.

Discussion ensued regarding what could/should be discussed in closed session. Mr. Beilin advised that Mr. Weiner, attorney for Breslauer Contractors, and his client, who were present in the audience, could make the proposal to purchase the property in public if they wanted, but contract negotiations would be the subject for a closed session.

Mayor Greuter read the October 23, 2013 letter from Larry Wiener advising that he and his client were interested in purchasing the property but did not say what the proposed purchase amount was.

Councilman Willer stated that the Council's only decision is if they will entertain selling the property.

Mr. Ken Banbor, 4 Maplewood Dr., reported that the Borough Engineer deemed their application incomplete because they did not yet have permission to buy the property.

Larry Wiener, Esq., attorney for Breslauer Contractors, stated that they do not have an application pending before the Land Use Board. His client will offer \$50,000 for a 50' wide strip of the right of way of Broad St. The Council's decision will determine if he builds three houses or two houses on oversized lots. The Land Use Board will make an independent assessment of the project that will provide job stimulus and economic growth in the Borough.

Ms. Kathy Haake, 77 Rockaway Ave., stated that she has observed that promised stormwater management issues fail after a few years. She is against the sale of the property.

Council President Burnside suggested that the Governing Body might want to consider a counter-offer.

Upon motion by Councilman Vicente, seconded by Councilman Donofrio, and carried via majority vote with Councilmen Donofrio, Mulligan, Vicente, Willer voting aye and Councilwoman Kanigel and Council President Burnside voting nay, as indicated below, to sell the 50' strip of Broad Street for \$50,000, subject to a reaching a contract that is acceptable, and on receiving minor subdivision from the Land Use Board.

Mr. Lou Spadafora, 16 Halsey Ave., complained that his and two other sidewalks on Halsey Ave are not being replaced with the roadway reconstruction project. He had replaced his sidewalk a short time ago and now the top is coming off. Discussion ensued; according to the Borough Engineer, this sidewalk was not included in the project because it did not have structural failure nor did it abut the curb. The cost to replace this section of sidewalk would be \$1,600 and the Borough does not have the additional funding.

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 voice vote, the following resolution was adopted:

RESOLUTION 137-13: 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 and Contract Negotiation.
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: October 24, 2013

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor and Council went into closed session at 8:50 p.m. and resumed the public meeting at 9:06 p.m.

ADJOURNMENT

The meeting adjourned at 9:06 p.m.

Approved: As Submitted

Sheila Seifert, Borough Clerk

Date: November 14, 2013