

**MAYOR & COUNCIL
REGULAR MEETING
JUNE 14, 2012
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 June 14, 2012. Mayor Greuter announced the location of the fire exits.

Councilmembers Present

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

Councilmembers Absent

Borough Attorney Ed Wacks was also present.

Everyone present participated in the salute to the flag.

APPROVAL OF MINUTES

Upon motion by Councilman Mulligan, seconded by Councilman Donofrio, and carried unanimously upon voice vote, the minutes of the May 24, 2012 Regular Meeting were accepted as submitted.

CORRESPONDENCE

Mayor Greuter read the May 25, 2012 letter from Ms. Cristin Lee, 38 Farview Rd., thanking the Governing Body for passing ordinance 10-12 to install a stop sign on Farview Dr.

Mayor Greuter read the June 7, 2012 letter from Sally Mastras, Director, Presbyterian Church Cooperative Nursery School, thanking the Borough Clerk for her assistance in coordinating the program and the Mayor and Council for providing the funding for the "Clean Communities Program."

On motion by Council President Burnside, seconded by Councilman Vicente, and unanimously carried by voice vote to accept both pieces of correspondence.

COUNCIL REPORTS

Personnel Committee - Councilwoman Kanigel

The canal tour was a success.

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

Public Works/Public Utilities Committee - Councilman Donofrio

The Public Works foremen are doing a wonderful job filling in for the Superintendent who is out on sick leave.

Requested a closed session to discuss a personnel issue.

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

Ordinance Committee - Councilman Mulligan

Explained Ordinance 12-12 that will be introduced tonight to regulate the Beach St. River Park.

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

Finance and Licensing Committee - Councilman Vicente

Payment of Bills

Upon motion by Councilman Vicente, seconded by Councilman Mulligan, and carried unanimously upon voice vote, that the bills presented to the Borough of Rockaway for payment by the Borough, as evidenced by proper vouchers, be referred to the Committee or unit contracting for same, and, when endorsed by them and approved by appropriate action of Council, that they are to be paid.

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

Fire Committee - Councilman Willer

Fire Department

The Fire Department granted application to the junior program from Mike Swanick and Joey Van Sadlers; Fabian Retamales rescinded his application due to surgery and called drills on June 13 and 20.

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

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

Public Safety Committee - Council President Burnside

The PBA Negotiations Committee met with the labor attorney and recommended that he conduct the negotiations.

Upon motion by Council President Burnside, seconded by Councilman Willer, and unanimously carried via roll call vote to authorize the labor attorney to begin direct negotiations with the PBA.

Chief Scheer recommended that the Borough consider adopting an ordinance prohibiting underage drinking on private property.

Upon motion by Council President Burnside, seconded by Councilman Mulligan, and unanimously carried via roll call vote to give permission to the Borough Attorney to draft an ordinance for the Governing Body's review prohibiting underage drinking on private property.

The Garden Club is celebrating its 30th anniversary this year.

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

ATTORNEY'S REPORT

Approved the application for a license to be issued to Boro Limousine.

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

MAYOR'S REPORT

Mayor Greuter attended a meeting of the Rockaway River de-snagging committee and received approval from the Council to meet with the Public Works supervisors to supply a worker for one day a week for July and August.

Mayor Greuter received a letter asking if the municipality would be interested in purchasing 27 Wall St. which was the site of a fire in December 2011. The Council decided there was not adequate need nor funding to purchase the property.

Mayor Greuter suggested that the Borough sell some municipal property, such as 35 Addison Ave., at auction. Councilman Mulligan recommended that a list of all Borough-owned properties be reviewed.

Thanked the Environmental Committee and Mr. Pat McDonald who spearheaded a great effort to have students from Lincoln School build birdhouses and students from Thomas Jefferson School build signs for the Beach St. River Park trail.

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

CLERK'S REPORT

Permit to Consume Alcoholic Beverages in Public

Mr. Robert Grow, of Potbelly's Riverside Café, 26 East Main St., requested a permit for patrons to consume alcoholic beverages at six outside dining tables, from April 15, 2012 until December 31, 2012, between the hours of noon to 10 p.m. Monday through Saturday and noon to 8 p.m. on Sunday.

Upon motion by Councilman Vicente, seconded by Councilman Willer, and carried unanimously via voice vote to issue a permit to Potbelly's valid from April 15, 2012 until December 31, 2012 allowing Potbelly's to serve food and beverages outside; for patrons to consume BYOB alcoholic beverages, limited to beer and wine, between the hours of noon to 10 p.m. Monday through Saturday and noon to 8 p.m. on Sunday, limited to six tables outside; and to be subject to any future ordinances regulating the outside dining and/or drinking.

Requested a closed session for potential litigation.

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

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 96-12: 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:

Aquifer Drilling & Testing, Inc., 430 Hudson River Rd., Waterford, NY 12188 - \$250.00
\$250.00 Road opening permit performance bond - Garden Ave.

DATE: June 14, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 97-12: REFUND SUMMER PLAYGROUND PROGRAM FEES

WHEREAS, on May 22, 2012, Ms. Ali Markovski, 24 Adler Ct., Rockaway, NJ 07866 signed up her two children, Emma Markovski and Connor Markovski, for the summer playground program; and

WHEREAS, the children will now be unable to attend the summer playground program; and

WHEREAS, Ms. Markovski has requested a refund of the fee paid.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, to cancel the summer playground program registration for Emma Markovski and Connor Markovski and to refund \$280.00 to Ali Markovski, 24 Adler Ct., Rockaway, NJ 07866.

DATE: June 14, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 98-12: APPROVE 2012-2013 ALCOHOL BEVERAGE CONTROL LICENSES

WHEREAS, the following named applicants have duly filed applications for the Class "C" Retail licenses known as Plenary Retail Consumption Licenses, for the period from July 1, 2011 to June 30, 2012:

<u>LICENSE NUMBER</u>	<u>NAME</u>	<u>PLACE OF BUSINESS</u>
1434-33-001-003	Ashish Dhruvi, LLC	Marilyn Avenue off Route 46 Rockaway, NJ 07866
1434-33-002-010	JJNS Enterprises, Inc. t/a Tavern on the Rocks	9 Wall Street Rockaway, NJ 07866
1434-33-003-005	March 18th Inc. t/a Caffé Navona	147 U.S. Hwy. 46 Rockaway, NJ 07866
1434-33-004-004	Skat Inc. t/a Shenanigans	75 Maple Avenue Rockaway, NJ 07866
1434-33-005-002	Mill Lane Tavern Inc. t/a Mill Lane Tavern	8 Mill Lane Rockaway, NJ 07866

1434-33-006-005	TRV Corp. t/a The Exchange Restaurant	160 East Main Street Rockaway, NJ 07866
1434-33-007-004	Rockaway Lanes, Inc. t/a Rockaway Lanes	365 Route 46 Rockaway, NJ 07866
1434-32-009-004	H.K. Smith Corp. t/a Smiths Tavern & Liquor Store	173-177 East Main Street Rockaway, NJ 07866
1434-33-010-005	Rostenican Inc. t/a Sideline Bar and Grill	116 Route 46 Rockaway, NJ 07866
1434-33-012-010	Brick 46, Inc.	68 Route 46 Rockaway, NJ 07866

and;

WHEREAS, the following named applicant has duly filed an application for a Class "C" Retail license known as Plenary Retail Distribution License for the period from July 1, 2011 to June 30, 2012.

1434-44-008-004	Lusardi Liquors Inc. t/a Rockaway Wines & Liquors	73 West Main Street Rockaway, NJ 07866
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WHEREAS, the following named applicant has duly filed an application for a Class "C" Retail license known as Club License for the period from July 1, 2011 to June 30, 2012.

1434-31-011-001	Rockden Post 175 American Legion	76 Franklin Avenue Rockaway, NJ 07866
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and;

WHEREAS, the Director of the Division of Alcoholic Beverage Control has caused to be advertised in a newspaper in each County, a General Notice of Intention to apply for said Licenses.

NOW, THEREFORE, BE IT RESOLVED that the Licenses under Class "C" Retail Licenses, known as Plenary Retail Consumption Licenses, be and the same are hereby granted as to each of the above named applicants.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the License under Class "C" Retail Licenses, known as Plenary Retail Distribution Licenses, be and the same is granted to the above named applicant.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the License under Class "C" Retail Licenses, known as Club Licenses, be and the same is hereby granted, the same to be effective as provided by law.

DATE: <u>June 14, 2012</u>	BOROUGH OF ROCKAWAY
ATTEST: <u>Sheila Seifert, Borough Clerk</u>	BY: <u>Russell Greuter, Mayor</u>

RESOLUTION 99-12: AUTHORIZE MAYOR TO EXECUTE APPLICATION FOR SOIL EROSION AND SEDIMENT CONTROL PLAN CERTIFICATION

WHEREAS, the Borough of Rockaway desires to make improvements to the salt storage and recycling area located at the Public Works Yard, 21-25 Union St. which will disturb approximately 0.28 acres; and

WHEREAS, the Borough Engineer has prepared an Application for Soil Erosion and Sediment Control Plan Certification for submittal to the Morris County Soil Conservation District; and

WHEREAS, said Application must be endorsed by a duly authorized representative of the Borough of Rockaway.

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 Application for Soil Erosion and Sediment Control Plan Certification for submittal to the Morris County Soil Conservation District for improvements to be made to the Public Works Yard, 21-25 Union St.

DATE: <u>June 14, 2012</u>	BOROUGH OF ROCKAWAY
ATTEST: <u>Sheila Seifert, Borough Clerk</u>	BY: <u>Russell Greuter, Mayor</u>

RESOLUTION 100-12: 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, a Certificate of Availability of Funds has been filed by the Borough of Rockaway Chief Financial Officer; 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 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 \$9,500.00 as noted on the schedule below per proposal for soil and groundwater sampling dated June 7, 2012, for work including (a) perform a groundwater sampling event of four groundwater monitoring wells and analyze all groundwater samples for volatile organic compounds and base neutral compounds; (b) perform a Preliminary Ecological Evaluation which is required for the Remedial Investigation by the NJ Department of Environmental Protection, review the NJ Landscape information, and compare all site data to NJ DEP Ecological Screening Data; (c) assist the Borough in preparing public notice at a time and materials rate; (d) prepare a Remedial Investigation Report in accordance with Technical Requirements for Site Remediation and, if appropriate, issue a Remedial Action Outcome for the underground storage tank closure; and (e) update the existing Receptor Evaluation as necessary based on the findings of the investigation and submit same to the NJ DEP, the Borough and the Health Department. 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: June 14, 2012

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:

H2M Associates, Inc., 199 Cherry Hill Rd., Parsippany, NJ 07054, (862) 207-5900, at cost not to exceed \$9,500.00.

Ordinance#: 3-01-05

DATE: June 14, 2012

BY: John J. Doherty, Treasurer

RESOLUTION 101-12: AWARD CONTRACT (MUNICIPAL BUILDING – TELECOMMUNICATION SYSTEM)

WHEREAS, there exists a need to replace the telecommunication system in the Municipal Building; and

WHEREAS, a diligent attempt to obtain several quotes was made by the Chief Financial Officer, with the lowest response being received from OBS, 600 M Ryerson Road, Lincoln Park, NJ 07035 (973-575-6550); and

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

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11) states that a contract that is below the bid threshold may be awarded without public bidding.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey that, based upon the recommendation of the Chief Financial Officer, the Borough enter into a contract in an amount not to exceed \$6,673.00 with OBS, 600 M Ryerson Road, Lincoln Park, NJ 07035 (973-575-6550) to purchase and install under Plan A, one Toshiba Strata CIX 100 Hybrid Telephone System including 11 speakerphones and the Year 2 Guaranteed Maintenance Agreement per proposal dated February 6, 2012.

DATE: June 14, 2012

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:

OBS, 600 M Ryerson Road, Lincoln Park, NJ 07035 (973-575-6550), at a cost not to exceed \$6,673.00.

Ordinance#: 13-06-03

DATE: June 14, 2012

BY: John J. Doherty, Treasurer

ORDINANCE NO. 12-12, Introduction & First Reading

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER 179, PARKS AND RECREATION AREAS,
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

Councilman Willer 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 July 12, 2012.

Said motion was seconded by Councilman Mulligan 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.

Mr. David Bogart, Rockaway Ave., thanked the Council for efforts to put together a difficult budget and stay within spirit of the two percent cap. He recommended that the Borough solicit proposals from other municipalities for health services. Council President Burnside reported that a meeting has been scheduled for next week with Randolph.

Mrs. Carol Johnson said that the Recreation Commission would like to select sand for the Park Lake beach. Councilman Donofrio will look at the sand samples.

Mr. Pat McDonald, 42 Crestwood Rd., described the other projects planned to be completed by volunteers at Lincoln and Thomas Jefferson Schools.

Mr. Robert Grow, 110 Lakeside Dr., showed some of the 15 bird houses and bird signs that the students painted for Beach St. River Park.

Mrs. Bonnie Hook, Jackson Ave., complained about the work that New Jersey Natural Gas had done in front of her house a few weeks ago with any notification to her. She suggested that a line be added to the road opening permit that they have to notify the homeowner or business when they will be working. Mr. Wacks will speak with the Borough Engineer.

Mr. McDonald asked if a second lane could be added to Jackson Ave. for left turns; Mayor Greuter replied that it is a one-lane roadway.

Ms. Kathy Haake, Rockaway Ave., suggested that the Borough submit an Open Space Trust Fund application to purchase Block 14, Lot 16, off Ogden Avenue, currently owned by the Donofrio family. Councilman Donofrio removed himself to be seated in the audience for this discussion. Ms. Haake stated that the application is due June 22, with an appraisal due by July 29. A survey would also have to be submitted.

Upon motion by Councilwoman Kanigel, for the Council to approve the submittal of an Open Space Grant application. There was no second.

Councilman Donofrio returned to the table.

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

CLOSED SESSION

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

RESOLUTION 102-12: 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 and Potential Litigation.
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: June 14, 2012

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor and Council went into closed session at 8:52 p.m. and resumed the public meeting at 9:15 p.m.

ADJOURNMENT

The meeting adjourned at 9:15 p.m.

Approved: As Submitted

Sheila Seifert, Borough Clerk

Date: June 28, 2012