

**MAYOR & COUNCIL
REGULAR MEETING
JUNE 6, 2011
7:30 p.m.**

The Regular Meeting of the Mayor and Council of the Borough of Rockaway, in the County of Morris, New Jersey, was held in the Community Center, 21-25 Union Street, Rockaway, N.J. with Mayor Russell Greuter presiding. Mayor Greuter called the meeting to order at 7:33 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 June 6, 2011. Mayor Greuter announced the location of the fire exits.

Councilmembers Present

Thomas Donofrio
Joyce Kanigel
John Willer
Melissa Burnside - Council President

Councilmembers Absent

Thomas Mulligan
Joseph Vicente

Borough Attorney Ed Wacks was also present.

Everyone present participated in the salute to the flag.

PRESENTATION

Carol Spencer, Web Manager for the County of Morris, presented information regarding MCUrgent, a shared emergency network sponsored by the County Office of Emergency Management as a tool to distribute emergency information regarding manmade or natural disaster information through social media such as Twitter and Facebook. In addition, the Borough could establish a Twitter account to disseminate local non-emergency information such as Council meetings, special events, construction-related road closures.

APPROVAL OF MINUTES

Upon motion by Councilman Donofrio, seconded by Councilman Willer, and carried unanimously upon voice vote, the minutes of the May 12, 2011 and May 26, 2011 Regular Meeting were accepted as submitted.

COUNCIL REPORTS

Personnel Committee - Councilwoman Kanigel

No report.

Public Works/Public Utilities Committee - Councilman Donofrio

Public Works

There will be a meeting this week with the Teamsters.

EPA Superfund Project

Notices to the residents have been sent out, and the treatment building is coming along.

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

Fire Committee - Councilman Willer

Fire Department

The Fire Department called drills on June 15 and June 27 and accepted the resignation of Jennifer Hopler from active duty.

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

Fire Prevention Department

The Fire Marshal recommended that inspections be conducted on religious use structures, with an annual fee of \$100. The matter will be referred to the Ordinance Committee.

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

Public Safety Committee - Council President Burnside

Public Safety

Police Chief Scheer will do presentations to the senior groups and to the Business Owners Association regarding emergency preparedness and distribute FEMA handouts.

Garden Club

Thanked the Public Works Department for mulching all of the Borough's gardens.

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

ATTORNEY'S REPORT

Ordinance 03-11

Received a letter from Planning Board attorney David Burton Brady regarding Ordinance 03-11, Amending Chapter 172. Mr. Brady identified a discrepancy between signs on wheels and signs that are portable. The matter will be referred to Councilman Mulligan and the Ordinance Committee.

Requested a closed session for potential litigation (Mountain Inn and Donatoni Community Park field issue).

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

MAYOR'S REPORT

Reviewed his recent activities, including attendance at the Middle Schools Social Schools Olympiad at Morris Knolls High School, a meeting with Morris County Municipal Utilities Authority regarding new recycling requirements that will be coming out in August; a meeting with Bonnie Hook, president of the Rockaway Borough Business Owners Association, and met with a resident regarding a construction issue.

Requested a closed session to discuss a personnel issue.

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

CONSENT AGENDA ITEMS

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

Roll Call: Ayes: Donofrio, Kanigel, Willer, Burnside
Nays: None

RESOLUTION 85-11: OPPOSE THE PASSAGE OF A-3285

WHEREAS, A-3285 would require that certain public contract bid advertisements include certified cost estimates or estimate ranges of projected contract cost and it would amend the grounds for rejection of all bids; and

WHEREAS, advocates for A-3285 argue that the best interests of taxpayers are served by the provisions of A-3285, because it promotes, they claim, openness and broad dissemination of information; and

WHEREAS, we agree that taxpayers are best served by openness and board dissemination of information, however, A-3285, would, in fact, limit a competitive process that is the foundation of the Local Public Contracts Law and would not best serve the public interest; and

WHEREAS, A-3285 would require a municipality to include in the public advertisement its cost estimates or cost estimate ranges for construction projects in excess of \$500,000; and

WHEREAS, A-3285 also amends the provision to reject all bids; and

WHEREAS, one of the amendments would permit a municipality to reject all bids only if the lowest bid substantially exceeds the municipality's cost estimates or cost estimate ranges for the goods or services as published and attested; and

WHEREAS, as a result of this amendment, **all contracts, including goods and services**, over the contracting unit's bid threshold will now require the public advertisement for bids to include cost estimates or cost estimates ranges; and

WHEREAS, municipal engineers and other design professionals will typically prepare the project's cost estimates based on the current industry cost and bids received for similar projects in different municipalities; and

WHEREAS, these estimates tend to be in the middle of the current industry cost; and

WHEREAS, we are concerned that A-3285 will create the "floor" as opposed to a "ceiling" for bid pricing, removing the incentive for competitiveness and prohibit a municipality from receiving the best possible price for the project; and

WHEREAS, requiring the advertisement of the cost will lead to unfair pricing and increased cost for already strained taxpayers; and

WHEREAS, A-3285 also has the potential to expose municipalities to protracted disputes and litigation.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, strongly oppose the passage of A-3285 as it will delay construction projects, lead to increased costs, limit the rejection of bids and expose municipalities to protracted disputes and litigation; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Chris Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

DATE: June 6, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 86-11: APPROVE 2011-2012 POOLROOM & BILLIARD ROOM LICENSE

WHEREAS, the following named applicant has duly filed an application for the license known as a Poolroom and Billiard Room License,

<u>License Number</u>	<u>Name</u>	<u>Place of Business</u>
197	Robert Guerra On the Snap, LLC T/A Rockaway Billiards	353 Route 46 West Rockaway, NJ 07866

WHEREAS, the said applicant has fully completed the required application and fees pertaining to said license; and

WHEREAS, the Chief of Police has approved said application;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that the Poolroom and Billiard License be and the same is hereby granted to Robert Guerra, On the Snap, LLC, T/A Rockaway Billiards and shall be effective as provided by law, for the period from July 1, 2011 to June 30, 2012.

DATE: June 6, 2011

BOROUGH OF ROCKAWAY

ATTEST: SHEILA SEIFERT, BOROUGH CLERK

BY: Russell Greuter, Mayor

RESOLUTION 87-11: AWARD CONTRACT (SANITARY SEWER PIPELINING)

WHEREAS, on May 18, 2011, the Borough Engineer received three (3) Bid Proposals for the Sanitary Sewer Pipelining Program as follows:

Pipevision Products, Inc.	Allstate Power-Vac, Inc.	AM-Liner East, Inc.
320 Raccuglia Drive	928 E. Hazelwood Avenue	601 Jack Enders Boulevard
La Salle, IL 61301	Rahway, NJ 07065	Berryville, VA, 22611
Total Bid: \$75,600.00	Total Bid: \$106,400.00	Total Bid: \$165,400.00

WHEREAS, the apparent low responsive bid submitted by Pipevision Products, Inc., 320 Raccuglia Drive, La Salle, IL 61301 (815-220-1919) in the amount of \$75,600.00 complied with the bid specifications, and the Borough Engineer has recommended that a contract be awarded to the low responsive bidder, Pipevision Products, 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 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, as follows:

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement in an amount not to exceed \$75,600.00 with Pipevision Products, Inc., 320 Raccuglia Drive, La Salle, IL 61301 (815-220-1919), for the Sanitary Sewer Pipelining Program.
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: June 6, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

ORDINANCE NO. 07-11, Introduction & First Reading

ORDINANCE OF THE BOROUGH OF ROCKAWAY MAYOR AND COUNCIL

MUNICIPAL AND WATER UTILITY SALARIES

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 14, 2011

Said motion was seconded by Council President Burnside and passed as follows upon call of the roll:

Roll Call: Ayes: Donofrio, Kanigel, Willer, Burnside
Nays: None

ORDINANCE NO. 06-11, Public Hearing & Adoption

Councilman Willer offered the following ordinance as read by title on second reading:

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER A263, FEES,
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

WHEREAS, the Mayor and Council of the Borough of Rockaway have determined that a need exists for certain fees charged under Chapter A263, Fees, Section A263-1, Fees established, Item C, Chapter 115, Uniform Construction Codes, of the Code of Ordinances of the Borough of Rockaway to be amended in order to better reflect the actual costs of the relevant services; and

WHEREAS, said fees were last reviewed and amended in 1999.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that the following amendments be made to Chapter A263, Fees, Section A263-1, Fees established, as follows:

Section I

1. Chapter A263, Fees, Section A263-1, Fees established, Subsection C is hereby repealed in entirety and modified to read as follows:

"C. Chapter 115, Uniform Construction Codes.

- (1) The fee for a construction permit shall be the sum of the subcode fees listed, plus all applicable special fees such as elevator or sign fees.

(a) The building subcode fees shall be as follows:

[1] The new construction fee shall be as follows:

- [a] Use Groups B, H, I-1, I-2, I-3, M, E, R-1, R-2, R-3, R-4 and U: volume of Building (cubic feet) times \$0.035 = volume fee.
- [b] Use Groups A-1, A-2, A-3, A-4, F-1, F-2, S-1 and S-2: volume of building (cubic feet) times \$0.030 = volume fee.
- [c] Commercial farm building: volume of building (cubic feet) times \$0.010 = volume fee.

[2] For renovations, alterations, repair and minor work fees.

- [a] Estimated cost up to \$50,000: \$22 per \$1,000.
- [b] Portion of cost over \$50,001: \$11 per \$1,000.
- [c] For combination of work involving new structures and existing structure work, the sum of the fees are computed separately as renovations/alterations/repairs and volume fees.
- [d] Installation or replacement of storage tanks up to 550 gallons for R-3/R-4: \$60.
- [e] Installation of underground storage tank: \$200 per tank.
- [f] Taking tank out of service, altering the piping or otherwise modifying any installation: \$75.

[3] Minimum fee shall be \$60.

(b) The plumbing subcode fees shall be as follows:

[1] Total number of fixtures: \$12 per fixture. (NOTE: Fixtures to include all fixtures, pieces of equipment or appliances connected to the gas piping or oil piping system, except as indicated below.)

[2] Total number of special devices: \$85 per device. [NOTE: Special devices include grease traps, oil separators, refrigeration units, utility service connectors, backflow preventors (other than R-3/R-4), steam boilers, hot-water boilers (excluding those for domestic water heating), active solar systems, sewer pumps, interceptors and fuel oil piping.]

[3] Minimum fee shall be \$60.

(c) The electrical subcode fees shall be as follows:

- [1] Electrical fixtures and devices, first 50: \$30.
- [2] Increments of 25 additional fixtures and devices: \$10. [NOTE: Fixtures and devices to be counted for these items include lighting outlets, wall switches, smoke detectors, fluorescent fixtures and motors or devices of one horsepower (hp) or one kilowatt (kw) or less.]
- [3] Each motor or electrical device greater than one hp and less than or equal to 10 hp and for transformers and generators greater than 1 kw and less than or equal to 10 kw: \$15
- [4] Each motor or electrical device greater than 10 hp and less than or equal to 50 hp; for each service panel, service entrance or subpanel, and for all transformers and generators greater than 10 kw and less than or equal to 45 kw; and for each utility load management device: per schedule below.

Number of Amps Being Installed	Fee
0 to 200	\$125.00
201 to 400	\$175.00
401 to 800	\$250.00
801 to 1,200	\$350.00
1,201 and higher	\$400.00

- [5] Each motor or electrical device greater than 50 hp and less than or equal to 100 hp; for each service panel, service entrance or subpanel less than or equal to 200 amperes; and for all transformers and generators greater than 45 kw and less than or equal to 112.5 kw: \$125 each.
- [6] Each motor or electrical device greater than 100 hp; for each service panel, service entrance or subpanel greater than 1,000 amperes; and for each transformer or generator greater than 112.5 kw: \$500.
- [7] Each communication device (data or voice): \$50 for first 50 devices; additional devices: \$5 each.
- [8] Minimum fee shall be \$60.

(d) Fire equipment and hazardous equipment.

- [1] Automatic sprinkler systems:

Number of Heads Being Installed	Fee
1 to 20	\$75
21 to 100	\$130
101 to 200	\$250
201 to 400	\$700
Over 400	\$1,200

- [2] Smoke detectors, heat detectors and carbon monoxide detectors:
 - [a] One to 12 detectors: \$40.
 - [b] Each additional 10 detectors: \$20 per increment of 10.
- [3] Independent pre-engineered systems: \$200 per system.
- [4] Gas- or oil-fired appliance which is not connected to plumbing system: \$46 per appliance.
- [5] Kitchen exhaust system: \$75 per system.
- [6] Incinerators: \$100 per incinerator.
- [7] Crematoriums: \$500 per crematorium.

(2) General fees shall be as follows:

- (a) Demolition or removal permits.

- [1] For a structure less than 5,000 square feet in area and less than 30 feet in height, or for one- or two-family residences (R-3, R-4 use) and for structures on farms: \$75.
- [2] All other structures: \$150.
- (b) Signs: \$4 per square foot of sign. (Double-faced signs fee will be based on one side of face.)
- (c) Certificate of occupancy fees.
 - [1] Fee shall be set in the amount of 10% of permit fees for new structures, with minimum of \$45 and maximum of \$200.
 - [2] The fee for a certificate of occupancy granted pursuant to a change of use group shall be \$220.
 - [3] The fee for a certificate of continued occupancy issued for all uses except R-3 under N.J.A.C. 5:23-2.23c shall be \$200.
- (d) Variation. The fee for an application for a variation in accordance with N.J.A.C. 5:23-2.10 shall be \$594 for Class I structures, \$120 for Class II structures, and \$65 for Class III structures.
- (e) Lead hazard abatement.
 - [1] The fee for lead abatement shall be \$160.
 - [2] The fee for lead abatement clearance certificate shall be \$50.
- (f) Swimming pool fees.
 - [1] Building permit for an aboveground pool: \$60.
 - [2] Building permit for an in-ground pool: \$22 per \$1,000 of the estimated cost of the work, provided that the minimum fee shall be \$100.
- (g) Asbestos abatement: fee shall be \$75 plus certificate of occupancy fee of \$25.
- (h) Standpipe fee shall be \$250 for each standpipe.
- (i) Miscellaneous fees.
 - [1] For cross connections, backflow preventors, public swimming pools, spas and hot tubs that are subject to testing and require annual inspections, the fee shall be \$65.
 - [2] In the case of discontinuance of work, all completed work will be computed. Any excess work will be refunded except 25% of excess for cost of permit fees and refunding upon approval of Mayor and Council.
 - [3] All suspensions of permits pursuant to N.J.A.C. 5:23-2.16[b] will not be refundable in whole or in part.
- (j) State training fees. Fees shall be pursuant to current regulations of N.J.A.C. 5:23-4.19.
- (k) Engineering fees.
 - [1] For engineering review: \$200.
- (l) Special off-hours inspection fees. Fees to be determined by the Construction Official prior to any inspection and to be determined based on request to conduct inspections outside of the inspector's scheduled hours. The minimum special off-hours minimum fee shall be \$50 per special inspection.

Section II

1. This Ordinance may be renumbered for codification purposes.
2. All Ordinances of the Borough of Rockaway which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

3. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.
4. This Ordinance shall take effect July 1, 2011.

DATE: June 6, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

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

On motion by Council President Burnside and seconded by Councilman Donofrio, the above mentioned ordinance was adopted by the following roll call:

Roll Call: Ayes: Donofrio, Kanigel, Willer, Burnside
Nays: None

PUBLIC PORTION

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

CLOSED SESSION

Upon motion by Council President Burnside, seconded by Councilman Donofrio, and adopted unanimously upon call of the roll, the following resolution was adopted:

RESOLUTION 88-11: CLOSE MEETING TO THE PUBLIC

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the Public from a meeting under certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances do exist;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway in the County of Morris, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows: Potential Litigation (Mountain Inn Liquor License Issue and Donatoni Community Park Drainage) and Personnel.
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 6, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor and Council went into closed session at 8:29 p.m. and resumed the public meeting at 9:51 p.m.

Upon motion by Councilman Willer, seconded by Councilman Donofrio, and carried via voice vote, with Councilmen Donofrio and Willer and Council President Burnside voting aye, and Councilwoman Kanigel voting nay, to begin to repair the baseball fields at Donatoni Community Park and to authorize the Borough Attorney to initiate litigation against Tomco Construction and Suburban Engineering.

ADJOURNMENT

The meeting adjourned at 9:56 p.m.

Approved:

Sheila Seifert, Borough Clerk

Date: