

**MAYOR & COUNCIL  
REGULAR MEETING  
FEBRUARY 13, 2020  
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 Thomas Mulligan presiding. Mayor Mulligan called the meeting to order at 7:30 p.m.

Mayor Mulligan 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 this date. Mayor Mulligan announced the location of the fire exits.

Councilmembers Present

Melissa Burnside  
Russell Greuter  
Thomas Haynes  
James Hurley  
Patrick McDonald  
Robert Smith - Council President

Councilmembers Absent

Borough Attorney Joseph J. Bell, IV., Esq., was also present.

Everyone present participated in the salute to the flag.

CLOSED SESSION

Upon motion by Councilman Greuter, seconded by Councilman Haynes, and adopted unanimously upon call of the roll (or voice vote), the following resolution was adopted:

**RESOLUTION 40-20: 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:
  - Pending or Anticipated Litigation, Contract Negotiation, or Matters Falling Within Attorney-Client Privilege
  - Personnel (matter involving employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion, or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that the matter or matters be discussed at a public meeting)
  - Confidential Per Express Provision of Federal Law or State Statute
  - Release of Information Would Impair Right to Receive Federal Funds
  - Disclosure of Information Would Constitute Unwarranted Invasion of Individual Privacy
  - PBA Collective Bargaining Agreement Negotiations
  - Teamsters Collective Bargaining Agreement Negotiations
  - Purchase, Lease, or Acquisition of Real Property with Public Funds, or Investment of Public Funds
  - Tactics or Techniques to Protect Safety and Property of Public
  - Deliberations May Result in Imposition of Specific Civil Penalty
3. The minutes of the discussion shall be made public as soon as the matters under discussion are no longer of a confidential or sensitive nature.

4. This resolution shall take effect immediately.

DATE: February 13, 2020

BOROUGH OF ROCKAWAY

ATTEST: Patricia L. Bussow, Borough Clerk

BY: Thomas Mulligan, Mayor

Mayor and Council went into closed session at 7:31 p.m. and resumed the public meeting at 7:45 p.m.

#### APPROVAL OF MINUTES

Upon motion by Councilman McDonald, seconded by Councilman Haynes, and carried unanimously upon voice vote, the minutes of the January 23, 2020 Regular Meeting.

#### CORRESPONDENCE

Mayor Mulligan read a letter from Harry Kanigel regarding the addition of educational signage to the Trolley Trail project.

Mayor Mulligan read a letter regarding a sidewalk hazard at 33 Hemlock Road that he believes to have been caused by a tree planted by the Borough. Per the Attorney, the sidewalk repair has been deemed to be the homeowner's responsibility. This will be communicated to the homeowner, including two legal articles provided by the Attorney as backup.

On motion by Councilman McDonald, seconded by Councilman Haynes, and unanimously carried by voice vote to accept the correspondence.

#### COUNCIL/COMMITTEE COMMENTS

##### Councilman Haynes – Public Utility and Works Committee

*Department of Public Works* - Councilman Haynes reported that the Department of Public Works has started clean up at all parks, security lighting has been added at Donatoni, two water valves have been repaired, and the water meter replacement program is ongoing. All employees participated in a confined space awareness training and will be attending an underground safety meeting later in the month. 2020 Recycling brochures are being mailed out to all residents.

*Board of Education* - Nine teachers and seven support staff members were nominated for the Governor's Educator of the Year Award.

Councilman Haynes reported that he, along with Councilwoman Burnside and Councilman McDonald, met with the Planner from Topology to begin discussing thoughts and ideas for downtown. More information to come during the next workshop meeting.

Negotiations continue with the white-collar union, with the next meeting scheduled in March.

##### Councilman McDonald – Personnel Committee

Councilman McDonald reported that he attended the Parks and Recreation meeting. The Recreation Director met with the Senior Group. The Recreation Department will be sponsoring their next bus trip and is looking into implementing a senior chair yoga program. The Recreation Director is also working with the Department of Public Works on installing benches and picnic tables at Heady, a shower at Park Lake, and a water fountain at Donatoni.

The timeline for the Girl Scout Gold Award project at Donatoni Park will be updated in the next few weeks.

##### Councilman Greuter - Public Safety Committee

For the month of January, the Police Department had 1,373 total events, of which 355 were administrative. There were 12 arrests and 171 summonses were issued. Officer Kukan had a Narcan save; Officers Nauen and Krowiak were commended for their efforts assisting a 3 ½ year old girl with an elbow injury.

Chief Pepperman, along with other Police Chiefs, will be in Trenton meeting with Governor Murphy to discuss the ramifications of legal marijuana, the opiate epidemic, guidelines for law enforcement and a shoplifting diversion program.

Councilman Greuter contacted Morris County regarding the crosswalk signs on Main Street. The dated signs will be replaced and the signs at West New Street and Main Street will be upgraded to signs with flashing lights.

Councilman Greuter consulted with the Police Chief regarding the replacement of no parking signs with yellow curbs and feels that the signs are more enforceable in court than the yellow curbs alone would be.

#### Councilman Hurley - Finance and License Committee

*Payment of Bills* - Upon motion by Councilman Hurley, seconded by Councilwoman Burnside, 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.

Councilman Hurley reported that the Borough Engineer and Superintendent of the Department of Public Works will present CBDG presentation on February 23<sup>rd</sup>. Fire hydrant replacement to subcommittee.

Councilman Hurley reported that the Police Chief, Department of Public Works Superintendent and the Borough Engineer met with DOT in preparation to turn over the maintenance of the Hoagland traffic light to the Borough.

#### Councilwoman Burnside - Fire Committee

*Health Department* – Councilwoman Burnside reported that she attended the Board of Health meeting. The Health Department is holding an 8-week course, A Matter of Balance, concerning falls. The Board of Health provided information regarding the Corona Virus which has been shared on the website.

*Fire Department* – For the month of January, the Fire Department logged 277 volunteer hours. Councilwoman Burnside reported that the LOSAP increase may not have been memorialized properly at an earlier meeting and requested that the agreement be honored as discussed.

#### Council President Smith - Ordinance Committee

Council President Smith reported that JCP&L will be contacted to adjust the light on corner of Wall Street to better illuminate the crosswalk rather than the driveway.

The Department of Public Works will be cleaning signs that are covered with mold and mildew.

Council President Smith reported that the Environmental Commission has expressed the desire to fundraise for certain projects. The attorney and auditors have advised that a 501(c)(3) would need to be established.

Council President Smith reported that the Ordinance Committee met and that amendments to the road opening and noise ordinances will be introduced shortly.

### ATTORNEY'S REPORT

Tax maps, information on owners of all lots surrounding Borough Hall, a list of available commercial properties, a sample written warning for employees, and a manual on uniform traffic control devices have been provided to the Administrator.

The attorney stated that considerable work needs to be done to bring our ordinances up to date.

### MAYOR'S REPORT

Mayor Mulligan provided an update on the Affordable Housing settlement that our Planners from Topology have started working on, using the updated guidelines in an attempt to secure a reduction.

A meeting has been set up with RPM to further discuss their plans in the Borough.

Rockaway Township will be coordinating with the Borough again for the Memorial Day Parade; Denville declined the invitation.

Requested closed session for personnel.

ADMINISTRATOR'S REPORT

The Administrator reported that she attended the monthly JIF meeting. Starting in 2021, all supervisors and managers will be required to complete mandatory training.

The Administrator swore in the officers of the senior group, Cream of the Crop. They asked that the need for additional parking on their meeting dates be addressed.

RESOLUTIONS (CONSENT AGENDA ITEMS)

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

**RESOLUTION 34-20: AUTHORIZE CANCELLATION OF GRANT RECEIVABLE AND RESERVE BALANCES**

**WHEREAS** certain receivable and reserve balances remain dedicated to programs or projects which have been completed; and

**WHEREAS** these balances represent completed programs or projects and it is necessary to formally cancel the grant receivable balance and its offsetting grant appropriation reserve balance from the balance sheet;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Rockaway, in the County of Morris, New Jersey, that the following grant receivable and grant reserve balances be cancelled.

<u>Grant</u>	<u>Reserve Balance</u>	<u>Receivable Balance</u>
2019 Recycling Tonnage Grant	\$4,778.48	\$4,778.48

Date: February 13, 2020 Borough of Rockaway

Attest: Patricia L. Bussow, Borough Clerk By: Thomas Mulligan, Mayor

**RESOLUTION 35-20: APPROVE TRANSFER OF FUNDS - CURRENT**

**WHEREAS**, there appears to be inadequate funds in various 2019 budget appropriation accounts to meet the demands thereon; and

**WHEREAS**, there appears to be a surplus in various other accounts over and above the demand necessary for the 2019 expenditures.

**NOW, THEREFORE, BE IT RESOLVED**, (not less than two-thirds of all the members thereof affirmative concurring) that in accordance with the provision of R.S. 40A:4-58, part of the surplus in the accounts heretofore mentioned be and same are hereby transferred to the accounts (excepting the appropriation for contingent expenses or deferred charges) mentioned as being insufficient, to meet the current demands, and

**BE IT FURTHER RESOLVED**, that the Chief Finance Officer is hereby authorized and directed to make the following transfers:

<u>TO</u>	<u>ACCOUNT #</u>	<u>AMOUNT</u>
Buildings & Grounds	01-203-26-310-201	\$6,000.00

<u>FROM</u>	<u>ACCOUNT #</u>	<u>AMOUNT</u>
Legal Service OE	01-203-20-155-200	\$6,000.00

DATE: February 13, 2020

BOROUGH OF ROCKAWAY

ATTEST: Patricia L. Bussow, Borough Clerk

BY: Thomas Mulligan, Mayor

**RESOLUTION 36-20: AUTHORIZE THE EXECUTION OF A LICENSE AND PROPERTY ACCESS AGREEMENT (19 BURTON LANE)**

**WHEREAS**, the Borough of Rockaway requires temporary access and use of a portion of certain private property for purposes of inspecting and repairing a blockage in the municipal storm drain system located on or in the area of the property; and

**WHEREAS**, the owner of the property has agreed to grant the Borough a temporary, non-exclusive and revocable privilege to access and use the property located at 19 Burton Lane, Rockaway, New Jersey 07866, identified as Block 38, Lot 96, on the municipal tax map of the Borough of Rockaway, County of Morris, State of New Jersey (hereinafter the "Property") pursuant to the terms of a License and Property Access Agreement; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, does hereby authorize the Borough Administrator to execute and enter into a License and Property Access Agreement with the owner of the aforementioned Property, on behalf of the Borough of Rockaway, in accordance with the terms and conditions set forth therein.

Date: February 13, 2020

Borough of Rockaway

Attest: Patricia L. Bussow, Borough Clerk

By: Thomas Mulligan, Mayor

**RESOLUTION 37-20: AUTHORIZE THE EXECUTION OF A LICENSE AND PROPERTY ACCESS AGREEMENT (21 BURTON LANE)**

**WHEREAS**, the Borough of Rockaway requires temporary access and use of a portion of certain private property for purposes of inspecting and repairing a blockage in the municipal storm drain system located on or in the area of the property; and

**WHEREAS**, the owner of the property has agreed to grant the Borough a temporary, non-exclusive and revocable privilege to access and use the property located at 21 Burton Lane, Rockaway, New Jersey 07866, identified as Block 38, Lot 97, on the municipal tax map of the Borough of Rockaway, County of Morris, State of New Jersey (hereinafter the "Property") pursuant to the terms of a License and Property Access Agreement; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, does hereby authorize the Borough Administrator to execute and enter into a License and Property Access Agreement with the owner of the aforementioned Property, on behalf of the Borough of Rockaway, in accordance with the terms and conditions set forth therein.

Date: February 13, 2020

Borough of Rockaway

Attest: Patricia L. Bussow, Borough Clerk

By: Thomas Mulligan, Mayor

**RESOLUTION 38-20: AWARD CONTRACT (CLEANING SERVICES)**

**WHEREAS**, there exists a need to obtain a contractor to perform cleaning services in the Borough of Rockaway Municipal Building, Police Station, Public Works office, Community Center, Library, Museum Building bathroom at Donatoni Park, and bathrooms at Donatoni Community Park, Heady Field and Smith Field; and

**WHEREAS**, a diligent attempt to obtain several quotes was made by the Assistant Superintendent, Department of Public Works, with the lowest responsive bid being received from Chelbus Cleaning Co., Inc., 275 Newton Sparta Road, Newton, NJ 07860 (973-940-3110); and

**WHEREAS**, the Local Public Contracts Law (NJSA 40A:11) states that a contract that is below the bid threshold may be awarded without public bidding; and

**WHEREAS**, a Certification for 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 \$25,725.00 with Chelbus Cleaning Co., Inc., 275 Newton Sparta Road, Newton, NJ 07860 (973-940-3110) for cleaning services in the Municipal Building, Police Station, Public Works office, Community Center, Library, Museum Building bathroom at Donatoni Park, and bathrooms at Donatoni Community Park, Friendship Field and Smith Field, for the period February 1, 2020 through January 31, 2021.
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: February 13, 2020

BOROUGH OF ROCKAWAY

ATTEST: Patricia L. Bussow, Borough Clerk

BY: Thomas Mulligan, Mayor

**BOROUGH OF ROCKAWAY  
MORRIS COUNTY, NEW JERSEY**

**RESOLUTION NO. 39-20**

**RESOLUTION APPROVING APPRAISAL AND AUTHORIZING THE ISSUANCE OF A FORMAL OFFER LETTER AND INITIATION OF BONA FIDE NEGOTIATIONS WITH THE OWNERS FOR THE ACQUISITION OF PROPERTY DESIGNATED AS BLOCK 46, LOT 3, ON THE OFFICIAL TAX MAP OF THE BOROUGH OF ROCKAWAY, COUNTY OF MORRIS STATE OF NEW JERSEY**

**WHEREAS**, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, *et seq.*, and the Eminent Domain Act, N.J.S.A. 20:3-1, *et seq.*, authorize public entities to acquire real property or an interest in real property; and

**WHEREAS**, the Mayor and Council of the Borough of Rockaway (“Borough”) has deemed it necessary for the Borough to acquire a fee simple interest and temporary access and grading easement in certain portions of the real property located at 89 Academy Street, Borough of Rockaway, County of Morris State of New Jersey and designated as Block 46, Lot 3, on the Tax Map of the Borough of Rockaway (the portion to be acquired in fee simple and the portion to be acquired by temporary access and grading easement are referred to collectively herein as the “Property”); and

**WHEREAS**, the Mayor and Council of the Borough of Rockaway have determined that the public interest will be served by the acquisition of the Property for public purposes, including, without limitation, the completion of the Foxs Lake Dam Rehabilitation project and the amelioration of a potential hazard and safety concerns posed by the present condition; and

**WHEREAS**, the Mayor and Council of the Borough of Rockaway adopted Ordinance No. 17-19 on October 10, 2019, which Ordinance authorized the acquisition of said Property and the negotiation of voluntary purchase or eminent domain, if necessary, subject to such further action, studies, investigations and proceedings as required or appropriate to the accomplishment of the same; and

**WHEREAS**, the Borough retained Timothy Hoffman Real Estate Appraisers, Inc., to perform and complete an appraisal for the Property; and

**WHEREAS**, Timothy Hoffman Real Estate Appraisers, Inc., completed an appraisal of the Property on or about January 20, 2020, setting forth the fair market value of the Property as of January 16, 2020; and

**WHEREAS**, the Borough desires to formally approve the appraisal and authorize the issuance of a formal offer to the owners of record of the Property for the full and fair market value of the Property as of January 16, 2020, as set forth in the appraisal, and to undertake and engage in bona fide negotiations and such other action as may be required to either the consummation of a purchase and sale contract with the property owner or the exercise of eminent domain to acquire the Property;

**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 Council hereby approve, ratify and confirm the appraisal report of Timothy Hoffman Real Estate Appraisers, Inc., dated January 20, 2020, which establishes the fair market value of the portions of the Property to be acquired in fee simple and temporary easement, as of January 16, 2020, in the amount of Fifty-Three Thousand Five-Hundred Dollars 00/100 (\$53,500.00).
2. The Mayor, Borough Administrator, Borough Attorney, Borough Engineer and such other officials, consultants, employees or agents of the Borough as may be necessary and appropriate, shall be and are hereby authorized to formally offer the record owners of the Property the full and fair market value in the amount set forth above and to continue to undertake all bona fide negotiations with the owners of the Property as required by law and as necessary to consummate a contract for the purchase and sale of the Property.
3. The Mayor, Borough Council, Borough Administrator, Borough Attorney, Borough Engineer and such other officials, consultants, employees or agents of the Borough as may be necessary and appropriate, are hereby authorized and directed to take any and all actions necessary to effectuate the purposes of this Resolution.
4. The Mayor and Borough Administrator are hereby authorized and directed to execute any and all such documents, instruments, contracts or other writings and to undertake any and all such acts as may be necessary to acquire the Property and effectuate the terms hereof, subject to the Borough Attorney's approval of the form and substance of said documents.
5. The Borough Administrator and Borough Attorney are hereby authorized to hire and employ such consultants, experts and other persons as may be necessary or appropriate to effectuate such acquisition and the transfer of title.
6. This Resolution shall take effect immediately.

DATE: February 13, 2020

BOROUGH OF ROCKAWAY

ATTEST: Patricia L. Bussow, Borough Clerk

BY: Thomas Mulligan, Mayor

ORDINANCE NO. 01-20, Public Hearing & Adoption

On motion by Councilman Haynes and seconded by Councilman Greuter, to offer the following ordinance as read by title on second reading:

**ORDINANCE NO. 01-20**

**CALENDAR YEAR 2020**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS**

**AND TO ESTABLISH A CAP BANK**

**(N.J.S.A. 40A:4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

**WHEREAS**, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

**WHEREAS**, the Mayor and Council of the Borough of Rockaway in the County of Morris find it advisable and necessary to increase its CY 2020 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

**WHEREAS**, the Mayor and Council hereby determine that a 3.5% increase in the budget for said year, amounting to \$332,991.00 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and



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:
  - Pending or Anticipated Litigation, Contract Negotiation, or Matters Falling Within Attorney-Client Privilege
  - Personnel (matter involving employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion, or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that the matter or matters be discussed at a public meeting)
  - Confidential Per Express Provision of Federal Law or State Statute
  - Release of Information Would Impair Right to Receive Federal Funds
  - Disclosure of Information Would Constitute Unwarranted Invasion of Individual Privacy
  - PBA Collective Bargaining Agreement Negotiations
  - Teamsters Collective Bargaining Agreement Negotiations
  - Purchase, Lease, or Acquisition of Real Property with Public Funds, or Investment of Public Funds
  - Tactics or Techniques to Protect Safety and Property of Public
  - Deliberations May Result in Imposition of Specific Civil Penalty
3. The minutes of the discussion shall be made public as soon as the matters under discussion are no longer of a confidential or sensitive nature.
4. This resolution shall take effect immediately.

DATE: February 13, 2020

BOROUGH OF ROCKAWAY

ATTEST: Patricia L. Bussow, Borough Clerk

BY: Thomas Mulligan, Mayor

Mayor and Council went into closed session at 8:49 p.m. and resumed the public meeting at 9:35 p.m.

#### ADJOURNMENT

The meeting adjourned at 9:36 p.m.

Approved:

Patricia L. Bussow, Borough Clerk

Date: