

**MAYOR & COUNCIL
REGULAR MEETING
MARCH 12, 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.

APPROVAL OF MINUTES

Upon motion by Councilman Greuter, seconded by Councilman Haynes, and carried unanimously upon voice vote, the minutes of the February 13, 2020 Regular Meeting.

DEPARTMENT HEAD REPORTS

Police Department – Chief Pepperman provided an update on the Police Department and OEM response to COVID-19, community policing, training, arrests/summonses, and the new portable traffic sign.

Fire Department – Chief Adamchuck provided an update on the Fire Department’s response to COVID-19, several recent training sessions on extrication, and the number of calls year to date.

Fire Prevention – Fire Marshal Tom Trapasso provided an update on activities year to date, training, and school safety.

Parks and Recreation – Recreation Director O’Connor provided an update on the increase in registration for Spring sports, upcoming training for coaches, an increased online and social media presence, senior groups, and park clean up.

Finance – Chief Financial Officer Patricia Reiche provided an update on the budget, monthly reports, and MuniPay.

APPOINTMENTS

Mayor Mulligan appointed two School Crossing Guards, Melissa Phelan and Carline Kuhlmeier, effective March 12, 2020 at a salary within the Salary Ordinance.

COUNCIL/COMMITTEE COMMENTS

Councilman Haynes – Public Utility and Works Committee

Department of Public Works – Councilman Haynes reported that street sweeping is in progress, curbside recycling is being monitored and information is being left for homeowners as necessary, and the construction dumpster will be at the yard the first week in April.

Board of Education – Councilman Haynes reported that the boiler work at Lincoln Elementary School will be postponed until the Summer of 2021.

Councilman McDonald – Personnel Committee

Recreation – Councilman McDonald reported that he will be attending the next meeting on March 24th and that he is following up regarding the Sheriff's Labor Assistance Program (SLAP).

Councilman Greuter - Public Safety Committee

Councilman Greuter reported that he participated in Read Across America.

Councilman Greuter reported that the white-collar negotiations continue, with a meeting scheduled for Monday.

Councilman Greuter requested a closed session for contract negotiation.

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 he participated in Read across America, attended the Fire Chief's dinner, and made a presentation on the history of Rockaway Borough to the Young at Heart Senior's Group.

Councilwoman Burnside - Fire Committee

Health Department – Councilwoman Burnside shared an update on the current statistics and recommended precautions related to COVID-19.

Fire Department – The Fire Department scheduled drills for the 11th and 18th of March. They accepted the application of Natasha Mason and the resignation of Anthony D'Amico.

Council President Smith - Ordinance Committee

Council President Smith provided an overview of the three ordinances being introduced this evening.

ATTORNEY'S REPORT

The Attorney reported that he and the Administrator, Zoning Officer, and Construction Official will be meeting with representatives from the Islamic Center regarding a daycare center.

MAYOR'S REPORT

Mayor Mulligan reported that all recreation activities have been suspended through March 29th due to COVID-19, at which time the situation will be reassessed.

ADMINISTRATOR'S REPORT

The Administrator reported that she met with the Business Administrator from Denville regarding the Franklin Avenue Sidewalk Improvement Project and provided further information regarding the potential joint grant application.

RESOLUTIONS (CONSENT AGENDA ITEMS)

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

RESOLUTION 49-20: AUTHORIZE ISSUANCE OF REIMBURSEMENT UNDER THE "KELLY LAW"

BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that the Chief Financial Officer be directed to issue a reimbursement check as listed below under the "Kelly Law" (2019 expenses) pursuant to N.J.S.A. 40:67-23.2, et seq.:

Tudor Estates Condo Association - \$762.24
Attn: Sharon Sanders
60 Adler Court
Rockaway, NJ 07866

Woods Edge Condominium Association - \$1,960.08
Attn: Himanshu Patel, Treasurer
28 Adler Court
Rockaway, NJ 07866

DATE: March 12, 2020

BOROUGH OF ROCKAWAY

ATTEST: Patricia L. Bussow, Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 50-20: AWARD CONTRACT (DEPARTMENT OF PUBLIC WORKS – INSERTION VALVES)

WHEREAS, the Department of Public Works has determined that there exists a need to purchase and install two 10" insertion valves on the water main at Lot #1; and

WHEREAS, a diligent attempt to obtain several quotes for the purchase and installation of insertion valves was made by the Superintendent, Department of Public Works, with the lowest response being received from Carner Bros., P.O. Box 116, 10 Steel Ct., Roseland, NJ 07068 (973-226-1840); 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; and

WHEREAS, a Certification for Availability of Funds has been filed by the Borough of Rockaway Chief Financial Officer.

NOW, THEREFORE, BE IT RESOLVED, that proper Borough officials are authorized and directed to execute a contract with Carner Bros., P.O. Box 116, 10 Steel Ct., Roseland, NJ 07068 (973-226-1840), in the amount not to exceed \$30,000.00 to purchase and install two 10" insertion valves on the water main at Lot #1.

DATE: March 12, 2020

BOROUGH OF ROCKAWAY

ATTEST: Patricia L. Bussow, Borough Clerk

BY: Thomas Mulligan, Mayor

CERTIFICATION FOR AVAILABILITY OF FUNDS

I, Patricia Reiche, CFO/Treasurer, of the Borough of Rockaway, in the County of Morris, New Jersey, do hereby certify that funds in the amount not to exceed \$30,000.00 are available for the purpose of awarding a contract for the furnishing of goods or services to the following entity:

Carner Bros., P.O. Box 116, 10 Steel Ct., Roseland, NJ 07068
For the Purpose of: Purchase and Installation of Two 10" Insertion Valves
The funds are available in:
Budget Line Item #:

DATE: March 12, 2020

BY: Patricia Reiche, CFO/Treasurer

RESOLUTION 51-20: RESERVE ALLOCATED WATER CAPACITY (BLOCK 8, LOT 4)

WHEREAS, on February 21, 2020, NormRock LLC, 4922 Buck's Bluff Drive, North Myrtle Beach, SC 29582, submitted a water allocation application and nonrefundable fee related to the renovation of the existing two-family home at 3 Elm Street, Rockaway, NJ (Block 8, Lot 4); and

WHEREAS, the Borough of Rockaway Water Allocation Review Committee has reviewed the application and determined that the Borough of Rockaway has sufficient available "firm capacity" to meet this projected need for non-municipal use of 215 gallons per day; and

WHEREAS, the Borough of Rockaway Water Allocation Review Committee has recommended that the Borough of Rockaway allocate water usage of 215 gallons per day, subject to regulations now or hereafter to be adopted concerning the supply and use of water service in the Borough.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, that water usage of 215 gallons per day related to the renovation of the existing two-family home at 3 Elm Street, Rockaway, NJ (Block 8, Lot 4) is hereby approved; and

BE IT FURTHER RESOLVED that 20 percent of the \$1,075.00 nonrefundable reservation fee (\$5 per gallon per day of usage times 215 gallons per day) shall be due within 30 days of the date of this resolution and an additional 20 percent of the nonrefundable reservation fee shall be due each year thereafter on the anniversary date of the approval until it is paid in full; provided, however, that if the applicant applies for a construction permit for the proposed project, the entire reservation fee shall be paid in full before such permit shall be issued; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the Borough of Rockaway Construction and Water Departments.

DATE: March 12, 2020 BOROUGH OF ROCKAWAY

ATTEST: Patricia L. Bussow, Borough Clerk BY: Thomas Mulligan, Mayor

RESOLUTION 52-20: AWARD CONTRACT (TURF MANAGEMENT OF RECREATION FIELDS)

WHEREAS, there exists a need for Turf Management of Recreation Fields; and

WHEREAS, a diligent attempt to obtain several quotes was made by the Assistant Superintendent, Department of Public Works, with the lowest response being received from Farmside Landscape and Design, 12 Kuperus Lane, Wantage, NJ 07461 (973-875-7200); 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; 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 \$13,455.00 with Farmside Landscape and Design, 12 Kuperus Lane, Wantage, NJ 07461 (973-875-7200) for Turf Management of Recreation Fields for a one-year period beginning January 1, 2020 and ending December 31, 2020.
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: March 12, 2020 BOROUGH OF ROCKAWAY

ATTEST: Patricia L. Bussow, Borough Clerk BY: Thomas Mulligan, Mayor

CERTIFICATION FOR AVAILABILITY OF FUNDS

I, Patricia Reiche, CFO/Treasurer, of the Borough of Rockaway, in the County of Morris, New Jersey, do hereby certify that funds in the amount not to exceed \$13,455.00 are currently available for the purpose of awarding a contract for the furnishing of goods or services to the following entity:

Farmside Landscape and Design, 12 Kuperus Lane, Wantage, NJ 07461
For the Purpose of: Turf Management of Recreation Fields
The funds are available: Current Fund & Recreation Trust
Budget Line Item #'s: 01-201-28-375-201, 14-290-56-300-001

DATE: March 12, 2020

BY: Patricia Reiche, Chief Financial Officer

RESOLUTION 53-20: AWARD CONTRACT (BACK-UP LICENSED WATER OPERATOR)

WHEREAS, there exists a need for a back-up licensed water operator in cases when the regular operator of record is unavailable, during such times as vacation periods or prolonged illnesses; 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; 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 \$150.00 per month Agra Environmental and Laboratory Services, 90 ½ West Blackwell Street, Dover, NJ 07801 (973-989-010) for a one-year period beginning January 1, 2020 and ending December 31, 2020.
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: March 12, 2020

BOROUGH OF ROCKAWAY

ATTEST: Patricia L. Bussow, Borough Clerk

BY: Thomas Mulligan, Mayor

CERTIFICATION FOR AVAILABILITY OF FUNDS

I, Patricia Reiche, CFO/Treasurer, of the Borough of Rockaway, in the County of Morris, New Jersey, do hereby certify that funds in the amount not to exceed \$150.00 per month are currently available for the purpose of awarding a contract for the furnishing of goods or services to the following entity:

Agra Environmental and Laboratory Services
For the Purpose of: Back-Up Licensed Water Operator
The funds are available: Current Fund & Recreation Trust
Budget Line Item #'s: 01-201-28-375-201, 14-290-56-300-001

DATE: March 12, 2020

BY: Patricia Reiche, Chief Financial Officer

RESOLUTION 54-20: AMEND INTERLOCAL SERVICE AGREEMENT WITH MORRIS HILLS REGIONAL DISTRICT (POLICE SECURITY OFFICER)

WHEREAS, the Borough of Rockaway and the Board of Education of the Morris Hills Regional District wish to amend the existing Interlocal Service Agreement with respect to the appointment of a Police Security Officer for the Morris Hills High School; and

WHEREAS, municipalities are permitted to enter into such agreements pursuant to the Interlocal Services Act, N.J.S.A. 40:8A-1 et seq.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, in the County of Morris, State of New Jersey, that the Mayor and Borough Clerk are hereby authorized to execute an amendment to the existing Interlocal Service Agreement between the Borough of Rockaway and the Board of Education of the Morris Hills Regional District with regard to the appointment of a Police Security Officer commencing the first day of the 2020/2021 school year and terminating at the conclusion of the 2021/2022 school year.

DATE: March 12, 2020

BOROUGH OF ROCKAWAY

ATTEST: Patricia L. Bussow, Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 55-20: 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, 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 \$21,525.00 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, 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: March 12, 2020

BOROUGH OF ROCKAWAY

ATTEST: Patricia L. Bussow, Borough Clerk

BY: Thomas Mulligan, Mayor

CERTIFICATION FOR AVAILABILITY OF FUNDS

I, Patricia Reiche, CFO/Treasurer, of the Borough of Rockaway, in the County of Morris, New Jersey, do hereby certify that funds in the amount not to exceed \$21,525.00 are available for the purpose of awarding a contract for the furnishing of goods or services to the following entity:

Chelbus Cleaning Co., Inc., 275 Newton Sparta Road, Newton, NJ 07860

For the purpose of: Cleaning Services

The funds are available contingent upon the adoption of the 2020 Temporary Budget and 2020 Municipal Budget.

Budget Line Item#: 01-201-26-310-204

DATE: March 12, 2020

BY: Patricia Reiche, CFO/Treasurer

ORDINANCE NO. 02-20, Introduction

ORDINANCE NO. 02-20

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

Council President Smith 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 April 9, 2020.

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

Roll Call: Ayes: Councilwoman Burnside, Councilman Greuter, Councilman Haynes, Councilman Hurley, Councilman McDonald, Council President Smith

ORDINANCE NO. 03-20, Introduction

ORDINANCE NO. 03-20

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER 217, STREETS AND SIDEWALKS
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

Councilman Haynes 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 April 9, 2020.

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

Roll Call: Ayes: Councilwoman Burnside, Councilman Greuter, Councilman Haynes, Councilman Hurley, Councilman McDonald, Council President Smith

ORDINANCE NO. 04-20, Introduction

ORDINANCE NO. 04-20

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER 183, PEACE AND GOOD ORDER,
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

Councilwoman Burnside 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 April 9, 2020.

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

Roll Call: Ayes: Councilwoman Burnside, Councilman Greuter, Councilman Haynes, Councilman Hurley, Councilman McDonald, Council President Smith

PUBLIC PORTION

Mayor Mulligan opened the meeting to the public.

Joyce Freiermuth, 99 East Flagge Street, discussed the childcare center at the Islamic Center, as well as the joint grant with Denville for sidewalk improvement.

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

CLOSED SESSION

Upon motion by Councilwoman Burnside, seconded by Council President Smith, and adopted unanimously upon call of the roll (or voice vote), the following resolution was adopted:

RESOLUTION 56-20: 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: March 12, 2020

BOROUGH OF ROCKAWAY

ATTEST: Patricia L. Bussow, Borough Clerk

BY: Thomas Mulligan, Mayor

Mayor and Council went into closed session at 8:57 p.m. and resumed the public meeting at 9:31 p.m.

Councilman McDonald made a motion to update the title and increase the salary of the Recreation Director/Community Liaison to \$40,000, subject to the Salary Ordinance and contingent upon the Chief Financial Officer being able to locate the funds within the current budget.

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

Roll Call: Ayes: Councilwoman Burnside, Councilman Haynes, Councilman McDonald, Council President Smith
Nays: Councilman Greuter, Councilman Hurley

ADJOURNMENT

The meeting adjourned at 9:32 p.m.

Approved: As Submitted

Patricia L. Bussow, Borough Clerk

Date: April 23, 2020