

**MAYOR & COUNCIL
REGULAR MEETING
APRIL 23, 2020
6:00 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 6:00 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 6:00 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.

2020 MUNICIPAL BUDGET

RESOLUTION #72-20: GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964"

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE, BE IT RESOLVED, That the Mayor and Council of the Borough of Rockaway, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

DATE: April 23, 2020

BOROUGH OF ROCKAWAY

ATTEST: Patricia L. Bussow, Borough Clerk

BY: Thomas Mulligan, Mayor

The aforesaid resolution was moved by Councilman Greuter, seconded by Councilman McDonald, and carried as follows upon call of the roll:

Roll Call: Ayes: Burnside, Greuter, Haynes, Hurley, McDonald, Smith
Nays: None
Abstain: None

RESOLUTION 73-20: READ MUNICIPAL BUDGET BY TITLE

WHEREAS, Chapter 259 of the Public Laws of 1995 amends the "Local Budget Law," N.J.S.A. 40A:4 et seq., to provide that the local budget may be read by its title only on the date of the public hearing, under the following conditions:

1. At least one week prior to the date of the hearing and at the hearing, a complete copy of the approved budget:
 - a. shall be made available for public inspection; and
 - b. shall be made available to each person upon request; and
2. The governing body shall, by resolution passed by not less than a majority of the full membership, determine that the conditions set forth in subsection 1.a. and 1.b. of this section have been met; and

WHEREAS, the certification by the Borough Clerk attesting to compliance with item 1.a. above is attached hereto and made a part hereof, and the Budget Summary as allowed by law was published in *The Citizen* issue of April 9, 2020.

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, (not less than a majority of the full membership thereof affirmatively concurring) that the said 2020 Local Municipal Budget of the Borough of Rockaway shall be read by title only, all of the aforementioned conditions of P.L. 1995, c. 259 having been met.

DATE: April 23, 2020

BOROUGH OF ROCKAWAY

ATTEST: Patricia L. Bussow, Borough Clerk

BY: Thomas Mulligan, Mayor

**BOROUGH OF ROCKAWAY
CERTIFICATION OF BOROUGH CLERK**

In compliance with P.L. 1995, C. 259, I hereby certify that a complete Summary of the 2020 Local Municipal Budget of the Borough of Rockaway as introduced at a Regular meeting of the Mayor and Council on Thursday, March 12, 2020, was published in *The Citizen* issue of April 9, 2020; and

I further certify that on March 12, 2020, one full copy of the 2020 Local Municipal Budget was made available at the Office of the Borough Clerk of Rockaway for all those requesting same.

Dated: April 23, 2020

The aforesaid resolution was moved by Councilman Hurley, seconded by Councilman Haynes, and carried as follows upon call of the roll:

Roll Call: Ayes: Burnside, Greuter, Haynes, Hurley, McDonald, Smith
Nays: None
Abstain: None

Public Hearing on 2020 Municipal Budget as Introduced

Mayor Mulligan opened the public hearing on the 2020 Municipal Budget as introduced. There being no comments, the public hearing was closed.

Adoption of the 2020 Municipal Budget

RESOLUTION 74-20: AUTHORIZE THE ADOPTION OF 2020 ANNUAL BUDGET

SEE PAGES 41 AND 42 OF BUDGET

DATE: April 23, 2020

BOROUGH OF ROCKAWAY

ATTEST: Patricia L. Bussow, Borough Clerk

BY: Thomas Mulligan, Mayor

The aforesaid resolution was moved by Councilman Hurley, seconded by Councilman Greuter, and adopted as follows upon call of the roll to hereby adopt the budget for the year 2020:

Roll Call: Ayes: Burnside, Greuter, Haynes, Hurley, McDonald, Smith
Nays: None
Abstain: None

APPROVAL OF MINUTES

Upon motion by Councilwoman Burnside, seconded by Council President Smith, and carried unanimously upon voice vote, the minutes February 22, 2020 Budget Meeting, February 27, 2020 Regular Meeting and March 12, 2020 Regular Meeting were approved.

COUNCIL/COMMITTEE COMMENTS

Councilman Haynes – Public Utility and Works Committee

Department of Public Works – Councilman Haynes reported that a hydrant repair was completed on Hoagland Avenue, parks and playgrounds are being monitored as they remain closed until further notice, and a construction dumpster is expected in June. The MCMUA issued a reminder that gloves, masks, and wipes should not be placed in recycling containers and any containers with these items will not be collected.

Councilman McDonald – Personnel Committee

Parks and Recreation - Councilman McDonald reported that the Recreation Director is continuing to work on clearing trees, fencing, and other outdoor projects.

Registration fees for all Spring sports are being refunded. Soccer is officially cancelled; announcements are expected from track and Little League shortly.

The retaining wall at Friendship Field has been completed and is awaiting final inspection; the Recreation Director thanked the Health and Building Departments for their assistance.

Closed session requested to discuss personnel.

Councilman Hurley - Finance and License Committee

Councilman Hurley thanked the Chief Financial Officer for her efforts on the 2020 budget.

Councilman Hurley reported that the Hoagland Avenue project has begun, with the catch basins currently being worked on.

Councilman Greuter - Ordinance Committee

Councilman Greuter announced that Lieutenant Crawford is retiring from the Police Department on June 30, 2020. Promotions will be made to Lieutenant and Sergeant and a new Patrolman will be hired.

Councilwoman Burnside - Fire Committee

Health Department – Councilwoman Burnside provided an update on Covid-19 statistics and reported that complaint investigations will continue, but all routine inspections have been temporarily suspended.

Council President Smith - Ordinance Committee

Council President Smith reported that the Ordinance Committee has not been able to meet due to Covid-19, but will be working virtually going forward.

The Chief Financial Officer requested a review of the ordinance relating to the billing of delinquent water accounts; she will draft a proposed amendment.

ATTORNEY'S REPORT

The Attorney provided an overview of the resolution on the agenda related to the execution of a contract for Fox Lake Dam.

The Attorney reported that an agreement has been reached with Rockaway Gardens; they will be accepting a credit for their overpayment to the Water Utility.

MAYOR'S REPORT

Mayor Mulligan reported that RPM has submitted a concept plan for the Donatoni property, so a special meeting will be called for the first week of May to review with the Planner.

Mayor Mulligan reported that the Department of Public Works and Town Hall are beginning to transition back to normal schedules.

Discussions are ongoing with regard to the park closures and potential plans for opening of the walking paths with social distancing measures in place when possible. The Rotary 5K Run and Rockway Day have been cancelled.

ADMINISTRATOR'S REPORT

The Administrator reminded everyone to complete their Financial Disclosure Statements by the 30th to avoid being assessed fines.

RESOLUTIONS (CONSENT AGENDA ITEMS)

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

RESOLUTION 67-20: AUTHORIZING TAX ANTICIPATION NOTES

BE IT RESOLVED by the Council of the Borough of Rockaway, in the County of Morris, State of New Jersey, that Tax Anticipation Notes, pursuant to the local budget law N.J.S.A. 40A:4-64, be and are hereby authorized to issued Tax Anticipation Notes and sold by the Chief Finance Officer for the purpose of borrowing money with interest not in excess of 6% per annum;

BE IT FURTHER RESOLVED that the proceeds of said notes shall be applied to budget purposes only;

BE IT FURTHER RESOLVED that there has been certified to the Borough of Rockaway the gross borrowing power and net borrowing power in limitation of said Tax Anticipation Notes as follows:

1. The gross borrowing power in respect to Tax Anticipation Notes of such fiscal year being 30% of the tax levy of the next preceding fiscal year, for all purposes in the case of a municipality, plus 30% of the amount of miscellaneous revenue realized in cash during the next preceding fiscal year, is \$7,975,094.00.
2. The amount of notes outstanding in anticipation of the collection of taxes of such fiscal year, except such notes which will be renewed by or paid from the proceeds, of the notes to be issued is None.
3. The net borrowing power, being in excess of the first over the second of the two above amounts is \$7,975,094.00.

BE IT FURTHER RESOLVED that said notes may be renewed from time to time but all such notes and any renewals thereof shall mature not later than 120 days after end of year, and the Mayor and Chief Finance Officer be and are hereby authorized to execute such notes and the Clerk to attest thereto;

BE IT FURTHER RESOLVED that upon making the sale of such notes the Chief Finance Officer shall make a report of such sale pursuant to N.J.S.A. 40A:4-72.

DATE: April 23, 2020 BOROUGH OF ROCKAWAY
ATTEST: Patricia L. Bussow, Borough Clerk BY: Thomas Mulligan, Mayor

RESOLUTION 68-20: EXTEND GRACE PERIOD FOR PAYMENT OF TAXES

BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, to extend the grace period for the 2020 Year Second Quarter Property Taxes to May 29, 2020.

DATE: APRIL23, 2020 BOROUGH OF ROCKAWAY
ATTEST: Patricia L. Bussow, Borough Clerk BY: Thomas Mulligan, Mayor

RESOLUTION 69-20: AUTHORIZATION TO ISSUE ESTIMATED TAX BILLS

WHEREAS, the Morris County Board of Taxation is unable to certify the 2020 tax rate in a timely manner, and

WHEREAS, without the 2020 certified tax rate the Tax Collector of the Borough of Rockaway will be unable to issue the 2020 tax bills on a timely basis.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, as follows:

1. The Tax Collector of the Borough of Rockaway is hereby authorized and directed to prepare and issue estimated tax bills for the Borough of Rockaway for the third installment of 2020 taxes. The Tax Collector shall proceed and take such actions as are permitted and required by Chapter 72, Public Laws of 1994 and N.J.S.A. 54:4-66.2 and 54:4-66.3.
2. The total estimated tax levy for 2020 is \$24,743,936.47. The estimated tax rate for 2020 is \$3.138.

DATE: April 23, 2020 BOROUGH OF ROCKAWAY
ATTEST: Patricia L. Bussow, Borough Clerk BY: Thomas Mulligan, Mayor

RESOLUTION 70-20: RESOLUTION TO ENDORSE TREATMENT WORKS APPLICATION (ENCLAVE AT DENVILLE)

WHEREAS, Enclave at Denville has proposed to build a 116-unit residential development at 360 Franklin Avenue in Denville Township (Block 40203, Lot 1); and

WHEREAS, Enclave at Denville has requested permission from the Borough of Rockaway ("the Borough") to connect to the existing sanitary sewer system in the Borough of Rockaway; and

WHEREAS, Enclave at Denville has submitted a Treatment Works Approval Permit Application for approval by the Borough; and

WHEREAS, the Borough Engineer has recommended that the Governing Body endorse the Treatment Works Approval Permit Application to the State of New Jersey Department of Environmental Protection.

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 and Clerk to sign the Treatment Works Approval Permit Application form.

DATE: April 23, 2020

BOROUGH OF ROCKAWAY

ATTEST: Patricia L. Bussow, Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 71-20: AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE ACQUISITION OF A PORTION OF THE 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, Paul and Diane Willson are the owners 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 "Property"); and

WHEREAS, the Mayor and Council of the Borough of Rockaway ("Borough") have deemed it necessary for the Borough to acquire a fee simple interest and temporary access and grading easement in certain portions of the Property, as specified in the descriptions and maps prepared by the Borough Engineer, for purposes of 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 authorizing the acquisition of the Property of the Seller by negotiation of a voluntary sale or eminent domain; and

WHEREAS, the Borough subsequently engaged in negotiations for the acquisition of the Property and reached an agreement with the owners of record as to the essential terms and conditions of the sale; and

WHEREAS, the Borough Attorney will draft a proposed contract of sale in accordance with the terms and conditions authorized under this Resolution.

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 Administrator are hereby authorized to purchase and acquire a fee simple interest and temporary access and grading easement in the portions of the Property, as specified in the descriptions and maps prepared by the Borough's Engineer, located at 89 Academy Street, Borough of Rockaway, County of Morris State of New Jersey (designated as Block 46, Lot 3, on the Tax Map of the Borough of Rockaway), on behalf of the Borough of Rockaway from the owners of record for the purchase price of Eighty-Five Thousand Dollars 00/100 (\$85,000).
2. The Mayor and Borough Administrator are hereby authorized to enter into a Contract of Sale for the purchase of the aforementioned Property in the amount of the purchase price approved herein and on such other terms and conditions as may the Mayor and Borough Administrator, upon consultation with the Borough Attorney, may deem reasonable and appropriate, and to sign and execute such documents on behalf of the Borough.
3. The Mayor, Borough Administrator and Borough Attorney are hereby authorized to perform and undertake any and all due diligence and other acts as may necessary or appropriate to consummate the sale, including, but not limited to, ordering and retaining an appraisal, title search, property inspection, survey, engineer environmental testing and investigation and such other professionals, inspections and reports.
4. The formal transfer and sale of the Property shall occur in the time and manner specified in the Contract for the Sale of Real Estate.
5. This Resolution shall take effect immediately.

DATE: April 23, 2020

BOROUGH OF ROCKAWAY

ATTEST: Patricia L. Bussow, Borough Clerk

BY: Thomas Mulligan, Mayor

ORDINANCE NO. 05-20, Introduction

ORDINANCE NO. 05-20

**ORDINANCE APPROPRIATING \$123,600, \$80,000
OF WHICH IS FROM A COMMUNITY DEVELOPMENT BLOCK GRANT AND \$43,600
OF WHICH IS FROM THE RESERVE FOR SEWER CAPITAL
FOR THE SANITARY SEWER REHABILITATION PROJECT IN AND BY
THE BOROUGH OF ROCKAWAY. IN THE COUNTY OF MORRIS, NEW JERSEY**

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 May 14, 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
Nays: None
Abstain: None

PUBLIC PORTION

Mayor Mulligan opened the meeting to the public.

Kathryn Mantell at Nisavoccia thanked the Mayor and Council for being proactive.

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 72-20: 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: April 23, 2020

BOROUGH OF ROCKAWAY

ATTEST: Patricia L. Bussow, Borough Clerk

BY: Thomas Mulligan, Mayor

Mayor and Council went into closed session at 6:49 p.m. and resumed the public meeting at 7:07 p.m.

Councilman McDonald made a motion to hire Frank Caruso as a Temporary Electrical Inspector, for a maximum of sixty days, at an hourly rate of \$45.00 per hour.

The aforesaid resolution was seconded by Councilman Greuter, and adopted unanimously upon call of the roll.

ADJOURNMENT

The meeting adjourned at 7:09 p.m.

Approved: As Submitted

Patricia L. Bussow, Borough Clerk

Date: May 28, 2020