

**MAYOR & COUNCIL
REGULAR MEETING
MAY 14, 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.

APPROVAL OF MINUTES

Upon motion by Councilman Haynes, seconded by Councilman Hurley, and carried unanimously upon voice vote, the minutes of the March 26, 2020.

COUNCIL/COMMITTEE COMMENTS

Councilman Haynes – Public Utility and Works Committee

Board of Education – Councilman Haynes reported that with school closed for the remainder of the year, the Board of Education has asked the Architect and Contractor to begin work earlier than scheduled.

Councilman McDonald – Personnel Committee

Recreation – Councilman McDonald reported that the Recreation Director is continuing to work on outside projects and is coordinating with various groups to ensure that all seniors are receiving what they need during the pandemic.

Councilman Greuter - Public Safety Committee

Police Department - Councilman Greuter reported that the Police Department made 1 arrest and issued 4 summonses during the month of April. Interviews will be scheduled for Patrolman, Sergeant, and Lieutenant. Per Mayor Mulligan, the Committee for the Patrolman interviews will consist of Councilman Greuter, Councilman McDonald, and Council President Smith; the Committee for the Sergeant and Lieutenant promotions will consist of Councilman Greuter, Council President Smith, and Mayor Mulligan.

Councilman Hurley - Finance and License Committee

Payment of Bills - Upon motion by Councilman Hurley, seconded by Councilman Greuter, 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 provided an update on capital projects.
Councilwoman Burnside - Fire Committee

Board of Health - Councilwoman Burnside attended an Infectious Disease Subcommittee Meeting and provided current statistics regarding Covid-19, as well as an overview of the contact tracing required to be performed by the public health nurses for each positive case in the Borough. An existing grant is offsetting the cost of overtime being worked by the nurses and the Board of Health is also applying for funds through FEMA. The current Covid-19 stats have been added to the homepage of the website.

Councilwoman Burnside requested a closed session for contract negotiation.

Council President Smith - Ordinance Committee

No report.

Closed session requested for personnel issue.

ATTORNEY'S REPORT

The Attorney reported that Borough has received a letter from the attorney for the owners of 4 Kelly Court requesting the vacation of a drainage easement; the Borough Engineer is currently assessing the need for the easement.

MAYOR'S REPORT

No report.

Closed session requested for potential litigation and a personnel issue.

ADMINISTRATOR'S REPORT

The Administrator reported that the Primary Election has been rescheduled for July 7, 2020.

ORDINANCE NO. 05-20, Public Hearing & Adoption

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

ORDINANCE 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**

**NOW THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ROCKAWAY,
IN THE COUNTY OF MORRIS, NEW JERSEY AS FOLLOWS:**

SECTION 1. \$123,600 is hereby appropriated, \$80,000 of which is from a Community Development Block Grant and \$43,600 of which is from the Reserve for Sewer Capital of the Borough of Rockaway, in the County of Morris, New Jersey (the "Borough") for the Sanitary Sewer Rehabilitation Project, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.

SECTION 2. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget,

a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

SECTION 3. This ordinance shall take effect after final adoption and publication and otherwise as provided by law.

DATE: May 14, 2020

BOROUGH OF ROCKAWAY

ATTEST: Patricia L. Bussow, Borough Clerk

BY: Thomas Mulligan, Mayor

Mayor Mulligan opened the meeting to the public.

There being no comments, Mayor Mulligan closed the public hearing.

The above-mentioned ordinance was adopted by the following roll call:

Roll Call: Ayes: Councilwoman Burnside, Councilman Greuter, Councilman Haynes, Councilman Hurley, Councilman McDonald, Council President Smith
Nays: None
Abstain: None

ORDINANCE NO. 06-20, Introduction

ORDINANCE 06-20

**ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS
IN AND BY THE BOROUGH OF ROCKAWAY, IN THE COUNTY OF MORRIS, NEW JERSEY,
APPROPRIATING \$1,025,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF
\$1,025,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF**

Councilman Greuter 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 June 11, 2020.

Said motion was seconded by Councilman Hurley 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

ORDINANCE NO. 07-20, Introduction

ORDINANCE 07-20

**ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE WATER UTILITY
IN AND BY THE BOROUGH OF ROCKAWAY, IN THE COUNTY OF MORRIS, NEW JERSEY,
APPROPRIATING \$360,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF
\$360,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF**

Councilman Hurley 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 June 11, 2020.

Said motion was seconded by Councilman Haynes 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

ORDINANCE NO. 8-20, Introduction

ORDINANCE NO. 08-20

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER 55, OFFICERS AND EMPLOYEES,
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 June 11, 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
Nays: None
Abstain: None

PUBLIC PORTION

Mayor Mulligan opened the meeting to the public.

Joyce Freiermuth, 99 E. Flagge Street – Inquired about the potential easement vacation and sale of said property.

Priscilla DeMasi, 99 Academy Street – Requested information on projects currently taking place in the Borough.

Muhammad Nathoo - 37 E. Main Street, Apt 16 – Inquired about the status of his recently submitted firearms permit application.

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 77-20: 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: May 14, 2020

BOROUGH OF ROCKAWAY

ATTEST: Patricia L. Bussow, Borough Clerk

BY: Thomas Mulligan, Mayor

Mayor and Council went into closed session at 6:34 p.m. and resumed the public meeting at 7:35 p.m.

ADJOURNMENT

The meeting adjourned at 7: 36 p.m.

Approved: As Submitted

Patricia L. Bussow, Borough Clerk

Date: June 11, 2020