

**MAYOR & COUNCIL
REGULAR MEETING
MAY 28, 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, Jr., Esq., was also present.

Everyone present participated in the salute to the flag.

APPROVAL OF MINUTES

Upon motion by Councilman Greuter, seconded by Councilman McDonald, and carried unanimously upon voice vote, the minutes of the April 9, 2020 Regular Meeting and the April 23, 2020 Regular Meeting were accepted as submitted.

CORRESPONDENCE

Mayor Mulligan read a letter of resignation from Patricia L. Bussow, Borough Clerk/Administrator, effective June 19, 2020.

COUNCIL/COMMITTEE COMMENTS

Councilman McDonald - Personnel Committee

Recreation – Councilman McDonald reported that all Little League refunds have been processed; soccer and track refunds are now being worked on. Quotes are being obtaining for various projects and discussions are starting regarding fall sports.

Personnel Committee – The final copy of the job description for Community Liaison has been distributed to Mayor and Council for final review.

Councilman McDonald requested a closed session for personnel.

Councilman Haynes – Public Utility and Works Committee

Councilman Haynes reported that the Department of Public Works replaced a water hazard on Hoagland Avenue, retired an old water service, and completed the repair at the driveway at 21 Burton Lane. They are also in the process of replacing outdated fire hydrants and completing water main work on Elycroft Avenue prior to road resurfacing. A new water truck has been delivered and will be put into service once it is lettered.

Board of Education – Councilman Haynes reported that construction projects are underway at both Lincoln School and Thomas Jefferson School.

Councilman Hurley - Finance and License Committee

Councilman Hurley reported that the 2019 Audit is in the final stages and the auditor will attend a meeting in the near future.

Councilman Greuter - Public Safety Committee

Councilman Greuter reported that interviews are underway for the new patrolman.

Councilman Greuter requested that the personnel policy be reviewed with regard to reimbursement of expenses for education when an employee leaves the Borough within two years of the completion of that education.

Councilwoman Burnside - Fire Committee

Library – Councilwoman Burnside reported that the library remains closed but the staff is very active on Facebook.

Board of Health – Councilwoman Burnside reported that there were no new Covid-19 cases reported in Rockaway Borough during the last week.

Council President Smith - Ordinance Committee

No Report.

ATTORNEY'S REPORT

The Attorney provided an update on the ongoing tax appeals and the Fox Dam project.

MAYOR'S REPORT

Mayor Mulligan provided an update on the affordable housing process and timeline.

Mayor Mulligan requested a closed session to discuss affordable housing.

CLERK/ADMINISTRATOR'S REPORT

The Clerk/Administrator reported that the primary election will be mail in and residents will have the option of mailing their ballot, dropping it at a secure drop box, or voting via provisional ballot at their polling location.

RESOLUTIONS (CONSENT AGENDA ITEMS)

Resolution 78-20 and 80-20 were pulled for separate discussion and tabled until further notice.

Upon motion by Councilman Greuter, seconded by Council President Smith and carried unanimously upon call of the roll, Resolutions 79-20 and 81-20 were adopted.

RESOLUTION 78-20: REFUND MORRIS HILLS REGIONAL SCHOOL DISTRICT (POLICE SECURITY OFFICER)

WHEREAS, the Borough of Rockaway received payment of \$36,000.00 from Morris Hills Regional School District, 48 Knoll Drive, Rockaway, NJ 07866 (973-664-2280) to be applied to the police security officer; and

WHEREAS, the actual cost for the 2019-2020 school year for the police security officer was \$26,047.29, thereby resulting in an overpayment of \$9,952.71.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, to refund the overpayment of \$9,952.71 for the police security officer to Morris Hills Regional School District, 48 Knoll Drive, Rockaway, NJ 07866 (973-664-2280).

DATE: June 11, 2020

BOROUGH OF ROCKAWAY

ATTEST: PATRICIA L. BUSSOW, Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 79-20: AWARD CONTRACT (DENTAL, SHORT-TERM DISABILITY, LONG-TERM DISABILITY, AND LIFE INSURANCE FOR FULL-TIME EMPLOYEES)

WHEREAS, the Borough of Rockaway desires to provide dental, short-term disability, long-term disability, and life insurance coverage for its full-time employees; and

WHEREAS, MetLife, 4150 N. Mulberry Drive, Suite 300, Kansas City, MO 64116 (800-624-4071), provides such insurance coverage; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq) provides that any contract the amount of which exceeds the bid threshold, may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor and shall be awarded by resolution of the governing body if the subject matter thereof consists of insurance, including the purchase of insurance coverage and consultant services, which exception shall be in accordance with the requirements for extraordinary unspecifiable services; and

WHEREAS, a Certificate of Availability of Funds has been filed by the Borough of Rockaway Chief Financial Officer; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq) requires that a resolution authorizing the payment of such fees without competitive bidding must be publicly advertised.

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 \$156,288.00 with MetLife, 4150 N. Mulberry Drive, Suite 300, Kansas City, MO 64116 (800-624-4071) for dental, short-term disability, long-term disability, and life insurance for full-time employees, for the period July 1, 2020 through June 30, 2022.
2. This contract is awarded without competitive bidding as "Extraordinary, Unspecifiable Services" in accordance with the Local Public Contracts Law because the services required cannot be reasonably described by written specifications to assure that the qualitative and quantitative assessment of the problem involved, which require expertise, extensive training and proven reputation in the field of endeavor are obtained.
3. That a notice in accordance with this resolution and the Local Public Contracts Law of New Jersey, shall be published in the official newspaper or newspapers of the Borough of Rockaway as required by law.

DATE: May 28, 2020

BOROUGH OF ROCKAWAY

ATTEST: Patricia L. Bussow, Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 80-20: AUTHORIZE SETTLEMENT AGREEMENT (ROCKAWAY GARDENS)

WHEREAS, the Borough provides and charges for water service through the Borough Water Utility and bills Robmar Realty Associates, LLC t/a Rockaway Gardens Apartments quarterly for water received based on rate and consumption in accordance with Borough Ordinance; and

WHEREAS, a discrepancy arose as to the calculation of the charges on the water bill as a result of the upgrade and replacement of the previous water meter by the Borough with a different type of meter; and

WHEREAS, although it is the position of the Borough that it has the discretion to amend the ordinance at any time to change the manner in which charges are calculated to be consistent with that of how the new meter had been set in this instance or in any other way it may deem appropriate, that was not a change that was intended when the Borough made the decision to upgrade the existing water meters; and

WHEREAS, the Parties prefer to resolve the current issue amicably and without further risk or expense and wish to execute a settlement agreement;

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 Borough Clerk is hereby authorized to execute a settlement agreement with Robmar Realty Associates, LLC t/a Rockaway Gardens Apartments stating that the Borough will issue a total credit in the amount of \$13,741.77 to be applied to charges on Releasor's accounts. Such credit shall be applied to any charges on both Account No. 0100-00191 and 0100-00190 until the balance of the credit is exhausted.

DATE: June 11, 2020

BOROUGH OF ROCKAWAY

ATTEST: Patricia L. Bussow, Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 81-20: SUBMIT NJ DEPARTMENT OF TRANSPORTATION GRANT APPLICATION AND EXECUTE GRANT AGREEMENT (MANNINO DRIVE AND NICHOLS DRIVE)

WHEREAS, the Borough of Rockaway wishes to participate in the Transportation Trust Fund Application process; and

WHEREAS, the Mayor and Council have concerns over the condition of Mannino Drive and Nichols Drive.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Rockaway, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Borough Engineer are hereby authorized to sign the grant agreements on behalf of the Borough of Rockaway and that their signatures constitute acceptance of the terms and conditions of the grant agreements and approve the execution of the grant agreements.

DATE: May 28, 2020

BOROUGH OF ROCKAWAY

ATTEST: Patricia L. Bussow, Borough Clerk

BY: Thomas Mulligan, Mayor

PUBLIC PORTION

Mayor Mulligan opened the meeting to the public.

Joyce Freiermuth, 99 East Flagge Street, inquired about the increase to the Recreation Department budget.

Bob Flynn, JCP&L, reported that all JCP&L employees are working. Social distancing guidelines are being followed, which includes employees remaining outside customer's homes.

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

CLOSED SESSION

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

RESOLUTION 82-19: 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 28, 2020

BOROUGH OF ROCKAWAY

ATTEST: Patricia L. Bussow, RMC, Borough Clerk

BY: Thomas Mulligan, Mayor

Mayor and Council went into closed session at 6:54 p.m. and resumed the public meeting at 7:51 p.m.

ADJOURNMENT

The meeting adjourned at 7:53 p.m.

Approved: As Submitted

Kimberly Cuspilich, Acting Borough Clerk

Date: July 9, 2020