

**MAYOR AND COUNCIL
REGULAR MEETING
FEBRUARY 11, 2021
6:30 PM**

The Regular Meeting of the Mayor and Council of the Borough of Rockaway, in the County of Morris, New Jersey, was held remotely with Mayor Thomas Mulligan presiding. Mayor Mulligan called the meeting to order at 6:30 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, indicating that the meeting would take place as a telephonic meeting only at 6:30 p.m. on this date.

CALL TO ORDER

Council Member	Present	Absent
Councilman Greuter	X	
Councilman Haynes	X	
Councilman Hurley	X	
Councilman McDonald	X	
Councilman Smith	X	
Council President Burnside	X	

Borough Administrator Patricia Reiche and Borough Attorney Joseph J. Bell IV, Esq., were also present.

Everyone present participated in the salute to the flag.

APPROVAL OF MINUTES

Reorg Meeting January 4, 2021

Moved	Seconded	Voice Vote	
Councilman Hurley	Councilman Greuter	In favor: X	Against:

CORRESPONDENCE

Mayor Mulligan read a letter from the owner of 13 W. Longview Road requesting that the two-year moratorium on road openings be waived so that an oil-to-gas conversion could be completed. After some discussion, Mayor and Council agreed to waive the moratorium as long as all requirements set forth by the ordinance, as well as any contingencies set forth by the Borough Engineer, are met.

COUNCIL REPORTS

Council President Burnside – Fire Committee

Library - Council President Burnside introduced newly appointed Library Director Melissa Okerblom. Library Director Okerblom spoke about her previous experience, as well as the current status of the Library and her plans, including additional programs for all ages.

Health Department - Council President Burnside provided a COVID-19 update. The cat and dog licensing deadline has been extended through April 28th for those requiring rabies vaccines.

Fire Department – Council President Burnside reported that the Fire Department has continued to drill, as well as respond to calls. They have also been out clearing hydrants.

Councilman Smith - Ordinance Committee

Councilman Smith reviewed the one ordinance on the agenda for adoption, as well as the three for introduction.

Councilman Smith reported that he attended the East Main Street Bridge Stakeholder’s Meeting and encouraged all residents to take the survey available online. Administrator Reiche added that a public meeting would be held on March 18th and details would be shared on the Borough website and Facebook page as they become available.

Councilman Smith thanked the Department of Public Works for their recent snow removal efforts.

Mayor Mulligan asked that the Ordinance Committee look into the use of electronic signs and what is currently allowable.

Councilman Greuter - Public Safety Committee

Councilman Greuter reported that the Police Department had made 7 arrests and issued 75 summonses in January.

Councilman Greuter read a letter of appreciation written to Patrolman Flynn for the safe return of his wallet.

Councilman Greuter requested a closed session for contract negotiations.

Councilman McDonald - Personnel Committee

Recreation – Councilman McDonald reported that planning and preparation for Spring sports has begun. The Rockaway Borough Education Association has donated three hand sanitizing stations which will be placed at Memorial, Friendship, and Donatoni Parks.

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 is now working on Church Street Water Main Improvement Project and the 2020 CDBG Fire Hydrant Replacement Project.

Councilman Hurley reminded everyone of the budget meeting at 9:00 am this Saturday.

Councilman Haynes – Public Utility and Works Committee

Department of Public Works – Councilman Haynes reported that the Department of Public Works has been extremely busy with snow removal.

Councilman Haynes congratulate William Hopley on his promotion to Director of Department of Public Works and stated that his thirty years of experience separated him from the other candidates that were interviewed.

REPORT OF ATTORNEY

No report.

REPORT OF MAYOR

No report.

REPORT OF ADMINISTRATOR

Administrator Reiche reported that he Bond Sale will be happening on Tuesday, February 16, 2021.

Administrator Reiche shared that the State has granted an extension on the lake lowering permit for Park Lake through May 1, 2021. Also, Ferriero Engineering is asking the Borough to budget an additional \$70,000 for engineering and geotechnical services for Fox Lake Dam project due to weather delays, slow progress, etc. This matter will be discussed once Council has had an opportunity to review the correspondence.

The Construction Official will be out of the office from February 23rd through March 11th. He will be able to work from home, but has requested that Phil Tobaygo be hired to perform inspections in his absence. The Mayor and Council had no objections, so a resolution will be on the next meeting agenda.

REPORT OF CLERK

No report.

CONSENT AGENDA

RESOLUTION 36-21: APPOINT MARK HOWARTH AS ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY REPRESENTATIVE

WHEREAS, pursuant to the Sewerage Authorities Laws constituting Chapter 138 of the Pamphlet of Laws of 1946 of the State of New Jersey, and by Ordinance heretofore adopted on October 14, 1971 the Borough of Rockaway has joined in the creation of the Rockaway Valley Regional Sewerage Authority; and

WHEREAS, pursuant to said law, it is necessary that this governing body appoint a member to such Authority as its representative thereto; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, New Jersey that Mark Howarth, 39 Mountain Road, Rockaway, New Jersey is hereby appointed, and confirmed as a member of the Rockaway Valley Regional Sewerage Authority to serve for a term of office to expire on the 31st day of December, 2025.

BE IT FURTHER RESOLVED that the Clerk of the Borough of Rockaway forward a copy of this resolution to the Rockaway Valley Regional Sewerage authority and to Mr. Mark Howarth.

DATE: February 11, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 37-21: APPROPRIATE ENGINEERING COSTS FOR CHURCH STREET WATER MAIN IMPROVEMENTS

WHEREAS, this project involves the replacement of an existing 4" cast iron water main with new 8" cement lined ductile iron water main along Church Street from Halsey Avenue to Wall-Dock Street; and

WHEREAS, the Borough Engineer has submitted a proposal dated February 2, 2021 for the professional engineering work required to complete the Church Street Water Main Improvement; 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, that the amount appropriated for engineering costs to Mott MacDonald Engineering, 412 Mount Kemble Avenue, Suite G22, Morristown, New Jersey 07960 (908) 730-6000 for the Church Street Water Main Improvements including: (a) basic design services; (b) bidding and award services; (c) contract management and coordination services; (d) printing and mailing services; (e) construction inspection services; (f) coordination with Morris County, shall not exceed \$70,000.00

DATE: February 11, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 38-21: APPOINT WILLIAM HOPLER AS DIRECTOR OF PUBLIC WORKS

BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris and State of New Jersey, that William Hopler is hereby appointed to the position of Director of Public Works and is hereby employed by the Borough of Rockaway at a salary within the salary ordinance, effective Thursday, February 4, 2021.

Date: February 11, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 39-21: APPOINT EMERGENCY MANAGEMENT COORDINATOR AND EMERGENCY MANAGEMENT DIRECTOR

WHEREAS, it is necessary that this governing body appoint an Emergency Management Coordinator and Emergency Management Director; and

WHEREAS, this governing body did heretofore appoint Russell Greuter as the Emergency Management Coordinator and Chief of Police Conrad Pepperman as the Emergency Management Director to a term of office which expired on December 31, 2020; and

WHEREAS, the Council takes note of the excellent services performed by Mr. Greuter and Chief Pepperman on behalf of the Borough of Rockaway during their terms.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, New Jersey that Russell Greuter is hereby appointed, re-appointed and confirmed as the Emergency Management Coordinator for the Borough of Rockaway to serve for a three-year term of office to expire on the 31st day of December, 2023.

BE IT FURTHER RESOLVED that Conrad Pepperman of the Rockaway Borough Police Department is hereby appointed, re-appointed and confirmed as the Emergency Management Director for the Borough of Rockaway to serve for a three-year term of office to expire on the 31st day of December, 2023.

BE IT FURTHER RESOLVED that the Clerk of the Borough of Rockaway forward a copy of this resolution to the County of Morris Emergency Management, Russell Greuter, and Chief of Police Conrad Pepperman.

DATE: February 11, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

Moved: Councilman Hurley		Seconded: Council President Burnside			
Council Member	Yes	No	Abstain	Recuse	Absent
Councilman Greuter	X				
Councilman Haynes	X				
Councilman Hurley	X				
Councilman McDonald	X				
Councilman Smith	X				
Council President Burnside	X				

ORDINANCES, PUBLIC HEARING AND ADOPTION

ORDINANCE NO. 01-21

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER 61, PERSONNEL POLICIES,
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

WHEREAS, it has come to the attention of the Mayor and Council that Chapter 61, Personnel Policies, of the Code of the Borough of Rockaway needs to be amended to exempt the position of Director of Public Works from overtime compensation.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Rockaway, that the following amendment be made to Chapter 61, Personnel Policies; Article V, Overtime, as follows:

Section I

1. The following item of Section 61-53, Overtime compensation, is hereby repealed in entirety and modified to read as follows:

"§ 61-53. Overtime compensation.

- C. No additional compensation for overtime shall be paid to Employees holding the following positions: Municipal Administrator; Borough Clerk; Director of Public Works (except for snowplowing); Chief Financial Officer/Treasurer; Chief of Police; and Police Lieutenant."

Section II

1. This Ordinance may be renumbered for codification purposes.
2. All Ordinances of the Borough of Rockaway which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
3. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.
4. This Ordinance shall take effect immediately.

DATE: February 11, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting 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:

Moved:		Seconded:			
Council Member	Yes	No	Abstain	Recuse	Absent
Councilman Greuter	X				
Councilman Haynes	X				
Councilman Hurley	X				
Councilman McDonald	X				
Councilman Smith	X				
Council President Burnside	X				

ORDINANCES, INTRODUCTION

ORDINANCE NO. 06-21

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER 170, LAND USE DESIGN AND PERFORMANCE STANDARDS,
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

Moved: Councilman Smith		Seconded: Councilman Greuter			
Council Member	Yes	No	Abstain	Recuse	Absent
Councilman Greuter	X				
Councilman Haynes	X				
Councilman Hurley	X				
Councilman McDonald	X				
Councilman Smith	X				
Council President Burnside	X				

ORDINANCE NO. 07-21

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER 225, TAXATION
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

Moved: Councilman Haynes		Seconded: Councilman Hurley			
Council Member	Yes	No	Abstain	Recuse	Absent
Councilman Greuter	X				
Councilman Haynes	X				
Councilman Hurley	X				
Councilman McDonald	X				
Councilman Smith	X				
Council President Burnside	X				

ORDINANCE NO. 08-21

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

Moved: Councilman Greuter		Seconded: Councilman Hurley			
Council Member	Yes	No	Abstain	Recuse	Absent
Councilman Greuter	X				
Councilman Haynes	X				
Councilman Hurley	X				
Councilman McDonald	X				
Councilman Smith	X				
Council President Burnside	X				

MEETING OPEN TO THE PUBLIC

Bonnie Hook, 23 Jackson Avenue – Requested an update on the Downtown Development Committee and when public may be able to attend. Councilman Haynes and Council President Burnside shared that the committee is still receiving guidance from the Borough Planner and will be looking for public involvement as the process progresses. Ms. Hook also questioned the upcoming water increase and the estimated increase per household. Administrator Reiche will be providing more information to Ms. Hook.

CLOSED SESSION

RESOLUTION 40-21: 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:

Contract Negotiations

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 11, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

Moved	Seconded	Voice Vote	
Councilman Greuter	Councilman Smith	In favor: X	Against:

Mayor and Council went into closed session at 7:28 p.m. and resumed the public meeting at 7:33 p.m.

ADJOURNMENT

Moved	Seconded	Voice Vote		Time
Councilman Greuter	Councilman Hurley	In favor: X	Against:	7:34 p.m.

Kimberly Cuspilich, Acting Borough Clerk

Date approved: May 13, 2021