

**MAYOR & COUNCIL
REGULAR MEETING
FEBRUARY 27, 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 McDonald, seconded by Councilman Haynes, and carried unanimously upon voice vote, the minutes of the January 2, 2020 Reorganization Meeting and the January 23, 2020 Workshop Meeting were approved.

CORRESPONDENCE

Mayor Mulligan read a letter from Jason Jenkins, Vice President of Rockaway Township Fire Company No. 4, requesting to waive water fees for Birchwood Firehouse.

Mayor Mulligan read a letter from Shannon Webster of 51 Union Street requesting the use of the Community Center parking lot on July 4, 2020 for their wedding guests.

Mayor Mulligan read a letter from the Board of Chosen Freeholders requesting that the Borough host a meeting on Wednesday, August 12, 2020.

Mayor Mulligan read a letter from the Board of Chosen Freeholders regarding the 2020/2021 milling and resurfacing program.

On motion by Councilman Haynes, seconded by Councilman Hurley, and unanimously carried by voice vote to accept the correspondence.

COUNCIL/COMMITTEE COMMENTS

Councilman Haynes – Public Utility and Works Committee

Department of Public Works - Councilman Haynes reported that the Department of Public Works will be attending a safety meeting. Spring cleanup has begun on Borough properties, the guardrail on Jackson Avenue is being replaced, dead trees/limbs are being removed at Friendship Field, and the Department of Public Works will be handing out tree saplings with the Environmental Commission in early May. The street sweeper is being repaired.

Board of Education – Councilman Haynes reported that the bonds for the referendum sold. The roofing bid was awarded to VMG Group from Roselle, NJ and the security vestibule was awarded to Academy of Construction in Totowa, NJ.

Councilman McDonald – Personnel Committee

Councilman McDonald reported that the monthly Parks and Recreation meeting was cancelled; next meeting will be held on Tuesday, March 24.

The Recreation Director reports that registration for Spring sports is strong, Girls on the Run in is set to start in April at Donatoni, Little League opening day is tentatively scheduled for April 18th. The new website is up and running and receiving positive reviews.

Closed session requested to discuss personnel.

Councilman Hurley - Finance and License Committee

Councilman Hurley reported that the budget process is going well, and the CFO is awaiting numbers from RVRSA. The Auditor will be coming to a meeting to report on the 2019 audit and discuss debt reduction.

Councilman Hurley provided an update on the 2019 CDBG grant and the 2020 CDBG grant application.

Councilman Hurley reported that he attended the development meeting with the Mayor, Attorney, Engineer, and Planner.

Councilwoman Burnside - Fire Committee

Councilwoman Burnside reported that she has been following up with the Fire Department and the Attorney regarding the LOSAP ordinance.

Council President Smith - Ordinance Committee

Council President Smith reported that the Ordinance Committee will be meeting soon.

ATTORNEY'S REPORT

The Attorney presented an update regarding the LOSAP ordinance.

The Attorney reported that the Fox Dam property owner, Dr. Willson, is reviewing the offer presented by the Borough.

MAYOR'S REPORT

Mayor Mulligan reported that he attended a recent meeting of the Morris Hills Wellness Committee. There will be a health fair held at Morris Knolls on April 2nd.

Mayor Mulligan and the Administrator met with the Department of Public Works Shop Steward to discuss ongoing concerns. A quarterly meeting including the Mayor, Administrator, and the heads of the Personnel and DPW Committees was suggested.

Mayor Mulligan was approached by Denville Mayor, Tom Andes, regarding a joint application for a grant to add a sidewalk from Morris Knolls to Route 46.

The scope of work for tree removal around Fox Lake Dam is larger than anticipated and the vendor cannot do the work under the initial quote received by the Morris County Cooperative. The Borough Engineer is in the process of acquiring three quotes from vendors.

ADMINISTRATOR'S REPORT

The Administrator stated that she has one item to discuss, which would come up during executive session.

RESOLUTIONS (CONSENT AGENDA ITEMS)

Council President Smith requested Resolution 47-20 be removed from the consent agenda and voted on separately.

Upon motion by Councilman Haynes, seconded by Councilman Hurley and carried unanimously upon call of the roll, Resolutions 44-20, 45-20, and 46-20, were adopted.

Councilwoman Burnside moved that Resolution 47-20 be adopted.

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

Abstain: Council President Smith

RESOLUTION 44-20: AWARD CONTRACT (DPW - TRUCK REPAIRS)

WHEREAS, there exists a need for repairs to Department of Public Works trucks for 2020; and

WHEREAS, a diligent attempt to obtain several quotes was made by the Department of Public Works Superintendent, with the lowest responsive bid being received from Road Ready Truck, 179 Route 46, Suite 15, Rockaway, NJ 07866; 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, to authorize the purchase of vehicle maintenance services from Road Ready Truck, 179 Route 46, Suite 15, Rockaway, NJ 07866 in an amount not to exceed \$105.00 per hour as per quote received February 14, 2020.

DATE: February 27, 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 of \$105.00 per hour are available for the purpose of awarding a contract for the furnishing of goods or services to the following entity:

Road Ready Truck, 179 Route 46, Suite 15, Rockaway, NJ 07866

For the purpose of: Repairs to the Department of Public Works Trucks for 2020

The funds are available in Current fund.

Budget Line Item#: 01-201-26-301-201

DATE: February 27, 2020

BY: Patricia Reiche, CFO/Treasurer

RESOLUTION 45-20: RELEASE ESCROW AND PERFORMANCE BOND (21 SYLVAN WAY)

WHEREAS, Karol Tomaszewski posted the required escrow deposit and performance bond for the soil disturbance at 21 Sylvan Way, Rockaway, New Jersey 07866; and

WHEREAS, the Borough Engineer has inspected the site and is satisfied that the work has been completed properly and recommended that the escrow balance and the performance bond may be released; and

WHEREAS, the Borough of Rockaway Chief Financial Officer has determined that the escrow posted by Karol Tomaszewski is sufficient to cover the Borough's costs and that \$186.06 is owed to Karol Tomaszewski; and

WHEREAS, the Mayor and Council of the Borough of Rockaway concur with the recommendation of the Borough Engineer and the Borough Chief Financial Officer.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, that the Chief Financial Officer is hereby authorized to return funds totaling \$686.06 representing the performance bond (\$500.00) and escrow balance of \$186.06 associated with soil disturbance to Karol Tomaszewski, 21 Sylvan Way, Rockaway, NJ 07866.

DATE: February 27, 2020

BOROUGH OF ROCKAWAY

ATTEST: Patricia L. Bussow, Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 46-20: REFUND CONSTRUCTION PERMIT FEES (BLOCK 84, LOT 28)

WHEREAS, on February 12, 2019 the Borough of Rockaway received payment of \$1989.00 from Charles and Mary Demos, 54 Meadowview Avenue, Rockaway, NJ 07866, to be applied to Building Permit No. 19-00049 for improvements to be made at 296 Route 49, Rockaway, NJ (Block 84, Lot 4); and

WHEREAS, the property owner has canceled the work and has requested a refund; and

WHEREAS, the Borough of Rockaway is entitled to a 20% review fee of \$397.80 and the \$176.00 Department of Community Affairs fee is nonrefundable.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, to refund \$1,415.20 for Building Permit No. 19-00049 to Charles and Mary Demos, 54 Meadowview Avenue, Rockaway, NJ 07866.

DATE: February 27, 2020

BOROUGH OF ROCKAWAY

ATTEST: Patricia L. Bussow, Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 47-20: INCREASE LENGTH OF SERVICE FUNDS PROGRAM (LOSAP) FOR QUALIFIED ACTIVE FIRE DEPARTMENT AND RESCUE SQUAD VOLUNTEERS

WHEREAS, on February 26, 2019, Charles and Mary Demos, 54 Meadowview Avenue, Rockaway, NJ 07866 paid permit fees in the amount of \$1,989.00; and

WHEREAS, the Mayor and Borough Council of the Borough of Rockaway enacted Ordinance 11-99 entitled "Ordinance of the Mayor and Council of the borough of Rockaway implementing the emergency services volunteer length of service award program (LOSAP) for the purpose of rewarding its members of the Rockaway Borough Fire Department and Rescue Squad for their outstanding loyal service, dedication and commitment to maintaining the health, safety and welfare of our citizens; and

WHEREAS, the Borough of Rockaway upon consultation with the Borough Fire Chief further seeks to acknowledge Borough firefighters and rescue squad members by providing LOSAP members service in 2019 from two hundred dollars (\$200.00) to a maximum of eight hundred dollars (\$800.00) based upon criteria established by the Fire Department and Rescue Squad; and

WHEREAS, Ordinance 11-99 at paragraphs 8 and 9 provides for amendment to the LOSAP pursuant to resolution, where such amendment does not exceed a total of twenty-five thousand two hundred dollars (\$25,200.00) amount originally contemplated by the Ordinance as the maximum amount of cost for the yearly administration of the program; and

WHEREAS, the amount to be appropriated from 2019 is nineteen thousand four hundred dollars (\$19,400.00); and

WHEREAS, pursuant to Ordinance 11-99 at paragraph 9A, said award will be administered in accordance with the LOSAP point system currently in effect as amended and modified from time to time by the Mayor and Council of the Borough of Rockaway.

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

1. The Borough of Rockaway hereby authorizes and approves the increase of the maximum annual Length of Service Awards Program (“LOSAP”) contribution for firefighters pursuant to Ordinance and previously awarded by Resolution from two hundred dollars (\$200.00) to eight hundred dollars (\$800.00) based upon establishing an award for their annual service for the year 2019 as appended to this Resolution; and
1. The Treasurer of the Borough of Rockaway hereby certifies that the funds necessary for annual increase to the annual LOSAP will be budgeted and available for the year 2020; and
2. Said increase in the maximum annual contribution allowable per firefighter shall continue from year to year, unless amended or modified by resolution of the Mayor and council of the Borough of Rockaway or as required by the laws of the State of New Jersey, the LOSAP Law N.J.S.A. 40A:14-183 et. seq. and the LOSAP rules adopted by the State of New Jersey, Division of Local Government Services as amended, administering and governing LOSAP.

This Resolution shall take effect immediately.

DATE: February 27, 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 tree removal at Fox Lake Dam and LOSAP.

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 48-20: 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: February 27, 2020

BOROUGH OF ROCKAWAY

ATTEST: Patricia L. Bussow, Borough Clerk

BY: Thomas Mulligan, Mayor

Mayor and Council went into closed session at 8:24 p.m. and resumed the public meeting at 8:42 p.m.

ADJOURNMENT

The meeting adjourned at 8:43 p.m.

Approved:

Patricia L. Bussow, Borough Clerk

Date: