

**MAYOR & COUNCIL  
REGULAR MEETING  
SEPTEMBER 24, 2020  
6:30 P.M.**

The Regular Meeting of the Mayor and Council of the Borough of Rockaway, in the County of Morris, New Jersey, was held at the Assembly of God Church, 113 E. Main Street, Rockaway, N.J. 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.

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 Greuter, and carried unanimously upon voice vote, the minutes of the September 3, 2020 Regular Meeting were approved.

COUNCIL/COMMITTEE COMMENTS

Councilman McDonald – Personnel Committee

*Recreation* – Councilman McDonald provided an update from the Recreation Director, including that all sports are going well and all fields have been rented to almost full capacity for the Fall.

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 provided an overview of the bond ordinance being introduced and an update on capital projects.

*Historical Committee* – Councilman Hurley reported the deadline to drop off applications for the Historical Committee Yard Sale is Friday, September 25, 2020.

Councilman Haynes – Public Utility and Works Committee

*Department of Public Works* – Councilman Haynes reported that Department of Public Works has the grass cut throughout the town and all of the fields lined for sports. Sixty recycling barrels have been ordered for residents and leaf bags are scheduled to be handed out at the recycling center Saturday, September 26, 2020 while supplies last.

Councilman Haynes reported that the Department of Public Works is in the process of obtaining a quote from an outside contractor for the removal of the knot weed as safety concerns have arisen.

*Board of Education* – Councilman Haynes reported some schools have opened and students are happy to be back in the classrooms. Teachers and students are settling into their routines.

Councilman Greuter - Public Safety Committee

Councilman Greuter reported on a recent incident involving toxic fumes; the Fire Marshal and Health Department and violations were issued.

Councilwoman Burnside - Fire Committee

*Board of Health* - Councilwoman Burnside provided an update on the number of COVID-19 cases.

*Library* - Councilwoman Burnside reported the library will be open to the public starting October 5, 2020. Residents who wish to visit the library must make an appointment in advance. Curbside pickup will still be available as well.

Council President Smith - Ordinance Committee

Council President Smith reported that he last Ordinance Committee meeting had to be cancelled, but will be rescheduled soon.

ATTORNEY'S REPORT

The Attorney reported that he assisted the Recreation Director in updating the Rules and Regulations.

MAYOR'S REPORT

Mayor Mulligan provided an overview of the upcoming East Main Street Bridge Replacement project.

Mayor Mulligan provided an update on the recent Land Use Board meetings and decisions regarding the affordable housing application.

ADMINISTRATOR'S REPORT

The Administrator reported that the County will be placing a banner on the East Main Street bridge, including a website that will provide further information on the upcoming project.

The Administrator provided an update on the ongoing water issues on Church Street. The recommendation of the Borough Engineer is to replace the existing 4" cast iron pipe. Although there is a chance that this may not completely resolve the issue, it will be required in the future under the Water Quality Assurance Act.

CLERK'S REPORT

The Acting Borough Clerk reported that, as of today, all liquor licenses have been renewed for the year.

RESOLUTIONS (CONSENT AGENDA ITEMS)

**RESOLUTION 145-20: REFUND OF LAND USE BOARD APPLICATION FEES**

**WHEREAS**, on August 25, 2020, Carlos Haase, 55 W. Main Street, Rockaway, NJ 07866 paid Land Use Board application fees totaling \$3,500.00, representing an escrow payment of \$2,500.00 and application fee of \$1,000.00; and

**WHEREAS**, upon review by Ferriero Engineering, it was determined that a Land Use Board application was not necessary; and

**WHEREAS**, Carlos Haase has requested, in writing, a refund of all Land Use Board application fees; and

**WHEREAS**, the Borough Engineer has recommended the refund of said fees; and

**WHEREAS**, the Mayor and Council of the Borough of Rockaway concur with the recommendation of the Borough Engineer.

**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 \$3,500.00, representing the escrow payment of \$2,500.00 and application fee of \$1,000.00, to Carlos Haase, 55 W. Main Street, Rockaway, NJ 07866.

DATE: September 24, 2020

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

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**RESOLUTION 146-20: AWARD CONTRACT (DPW – ROAD RESURFACING)**

**WHEREAS**, on June 25, 2020, a contract for Road Resurfacing was awarded to Tilcon New York, Inc., 9 Entin Road, Parsippany, NJ 07054 (973-366-7741); and

**WHEREAS**, there exists a need to mill and resurface additional roads for the Department of Public Works; 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, that it does hereby authorize the additional purchase of hot mix asphalt and milling from Tilcon New York, Inc., 9 Entin Road, Parsippany, NJ 07054 (973-366-7741), under Morris County Cooperative Pricing Council Co-Op Contract No. 6: Road Resurfacing, Cat A: Hot Mix Asphalt, Item 1 and Cat B: Milling of Hot Mix Asphalt, Item 1 in an amount not to exceed \$60,000.00, thereby increasing the cost of this contract to \$170,000.00.

DATE: September 24, 2020

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting 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 not to exceed \$60,000.00 are available for the purpose of authorizing additional funds for the contract awarded on June 25, 2020 for the furnishing of goods or services to the following entity:

Tilcon New York, Inc., 9 Entin Road, Parsippany, NJ 07054 (973-366-7741)

For the purpose of: Purchase of hot mix asphalt and milling

The Funds are Available in the General Capital Fund

Budget Line Item#: 04-215-55-951-002

DATE: September 24, 2020

BY: Patricia Reiche, CFO/Treasurer

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**RESOLUTION 147-20: AWARD CONTRACT (DPW – TRUCK BODY)**

**WHEREAS**, there exists a need to replace a dump body and hose on Truck 106; and

**WHEREAS**, a diligent attempt to obtain several quotes was made by the Superintendent, Department of Public Works, with the lowest response being received from MaxxForce Welding Sales, 118B Richards Avenue, Dover, NJ 07801 (973-563-5246); 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, that it does hereby authorize the purchase of a replacement dump body and hose for Truck 106 from MaxxForce Welding Sales, 118B Richards Avenue, Dover, NJ 07801 (973-563-5246) in the amount not to exceed \$14,791.54.

DATE: September 24, 2020

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting 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 not to exceed \$14,791.54 are available for the purpose of awarding a contract for the furnishing of goods or services to the following entity:

MaxxForce Welding Sales, 118B Richards Avenue, Dover, NJ 07801  
For the purpose of: Replacement Truck Body and Hose (Truck 106)  
The funds are available in  
Budget Line Item#:

DATE: September 24 2020

By: Patricia Reiche, CFO/Treasurer

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#### **RESOLUTION 148-20: RESOLUTION APPROVING 2020-2021 POOLROOM & BILLIARD ROOM LICENSE**

**WHEREAS**, the following named applicant has duly filed an application for the license known as a Poolroom and Billiard Room License:

<u>License Number</u>	<u>Name</u>	<u>Place of Business</u>
272	Paul Spaanstra Rockaway Billiards, LLC	353 Route 46 West Rockaway, NJ 07866

**WHEREAS**, the said applicant has fully completed the required application and fees pertaining to said license; and

**WHEREAS**, the Chief of Police has approved said application subject to a satisfactory background check through the New Jersey State Police Bureau of Identification.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that the Poolroom and Billiard License be and the same is hereby granted to Paul Spaanstra, Rockaway Billiards, LLC and shall be effective as provided by law, for the period from July 1, 2020 to June 30, 2021.

DATE: September 24,2020

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

By: Thomas Mulligan, Mayor

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#### **RESOLUTION 149-20: APPROVE 2020-2021 ALCOHOL BEVERAGE CONTROL LICENSES**

**WHEREAS**, the following named applicants have duly filed applications for the Class "C" Retail licenses known as Plenary Retail Consumption Licenses, for the period from July 1, 2020 to June 30, 2021:

<u>LICENSE NUMBER</u>	<u>NAME</u>	<u>PLACE OF BUSINESS</u>
1434-33-010-007	Damian Mexican Foods LLC t/a Riviera Maya	116 Route 46 Rockaway, NJ 07866

and;

**WHEREAS**, the Director of the Division of Alcoholic Beverage Control has caused to be advertised in a newspaper in each County, a General Notice of Intention to apply for said Licenses.

**NOW, THEREFORE, BE IT RESOLVED** that the Licenses under Class "C" Retail Licenses, known as Plenary Retail Consumption Licenses, be and the same are hereby granted as to each of the above named applicants.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the License under Class "C" Retail Licenses, known as Plenary Retail Distribution Licenses, be and the same is granted to the above named applicant.

DATE: September 24, 2020 BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk BY: Thomas Mulligan, Mayor

ORDINANCE NO. 14-20, Public Hearing & Adoption

On motion by Council President Smith and seconded by Councilman Haynes, to offer the following ordinance as read by title on second reading:

**ORDINANCE 14-20**

**ORDINANCE REAPPROPRIATING \$500,000 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR WATER MAIN IMPROVEMENTS IN AND BY THE BOROUGH OF ROCKAWAY, IN THE COUNTY OF MORRIS, NEW JERSEY.**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ROCKAWAY, IN THE COUNTY OF MORRIS, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

**SECTION 1.** Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$500,000 of the proceeds of obligations originally made available pursuant to the following bond ordinances of the Borough of Rockaway, in the County of Morris, New Jersey (the "Borough") are no longer necessary for the various purposes for which the obligations previously were authorized:

<u>Section/Ordinance Number</u>	<u>Improvement Description and Date of Adoption</u>	<u>Amount to be Reappropriated</u>
A portion of Section 3(a) of Bond Ordinance #07-18	The rehabilitation of wells, including all work and materials necessary therefor and incidental thereto, finally adopted June 28, 2018.	\$184,000
Section 3(a) of Bond Ordinance #11-19	The rehabilitation of wells, including all work and materials necessary therefor and incidental thereto, finally adopted July 11, 2019.	\$179,460
Section 3(a) of Bond Ordinance #07-20	The rehabilitation of wells, including all work and materials necessary therefor and incidental thereto, finally adopted June 11, 2020.	\$136,540
Total:		\$500,000

**SECTION 2.** The \$500,000 proceeds described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39 are hereby reappropriated to provide for water main improvements, including all work and materials necessary therefor and incidental thereto.

**SECTION 3.** 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 4.** This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

DATE: September 24, 2020

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

By: Thomas Mulligan, Mayor

Said motion was seconded by Councilman Greuter and passed as follows upon call of the roll:

Ayes: Councilwoman Burnside, Councilman Greuter, Councilman Haynes, Councilman Hurley, Councilman McDonald, Council President Smith

PUBLIC PORTION

Mayor Mulligan opened the meeting to the public.

*Joyce Freiermuth, 99 E. Flagge Street* – Inquired about the Borough’s plans for Halloween.

*Bonnie Hook, 23 Jackson Avenue* – Inquired about the start time of the Mayor and Council meetings and website address for the East Main Street Bridge project.

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

CLOSED SESSION

**RESOLUTION 139-20: 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: September 24, 2020

Borough of Rockaway

Attest: Kimberly Cuspilich, Acting Borough Clerk

By: Thomas Mulligan, Mayor

Mayor Council went into closed session at 7:11 p.m. and resumed the public meeting at 7:26 p.m.

#### ADJOURNMENT

The meeting adjourned at 7:27 p.m.

Approved: As Submitted

Kimberly Cuspilich, Acting Borough Clerk

Date: November 12, 2020