

**MAYOR AND COUNCIL  
REGULAR MEETING  
FEBRUARY 13, 2020  
7:30 PM**

**AGENDA**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. CLOSED SESSION
4. APPOINTMENTS
5. APPROVAL OF MINUTES: Regular Meeting – January 23, 2019
6. CORRESPONDENCE
7. COUNCIL REPORTS
8. REPORT OF ATTORNEY
9. REPORT OF MAYOR
10. REPORT OF ADMINISTRATOR/CLERK
11. CONSENT AGENDA: Resolutions
  - #34-20 Authorize Cancellation of Grant Receivable and Reserve Balances
  - #35-20 Approve Transfer of Funds – Current
  - #36-20 Authorize the Execution of an Access Agreement (19 Burton Lane)
  - #37-20 Authorize the Execution of an Access Agreement (21 Burton Lane)
  - #38-20 Award Contract (Cleaning Services)
  - #39-20 Approve Appraisal/Authorize Former Offer Letter (Block 46, Lot 3)
  - #40-20 Authorize Issuance of Licenses for Towing Service
  - #41-20 Appoint Building Subcode Official/Construction Official
  - #42-20 Appoint Tax Assessor to Fulfill Unexpired Term
12. ORDINANCES: Adoption
  - #01-20 Ordinance to Exceed the Municipal Budget Appropriation Limits
13. MEETING OPEN TO THE PUBLIC
14. CLOSED SESSION (If required)
15. ADJOURNMENT

**RESOLUTION 34-20: AUTHORIZE CANCELLATION OF GRANT RECEIVABLE AND RESERVE BALANCES**

**Whereas**, certain receivable and reserve balances remain dedicated to programs or projects which have been completed; and

**Whereas**, these balances represent completed programs or projects and it is necessary to formally cancel the grant receivable balance and its offsetting grant appropriation reserve balance from the balance sheet;

**Now, Therefore, Be it Resolved**, that the Mayor and Council of the Borough of Rockaway, in the County of Morris, New Jersey, that the following grant receivable and grant reserve balances be cancelled.

<u>Grant</u>	<u>Reserve Balance</u>	<u>Receivable Balance</u>
2019 Recycling Tonnage Grant	\$4,778.48	\$4,778.48

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**RESOLUTION 35-20: APPROVE TRANSFER OF FUNDS - CURRENT**

**WHEREAS**, there appears to be inadequate funds in various 2019 budget appropriation accounts to meet the demands thereon; and

**WHEREAS**, there appears to be a surplus in various other accounts over and above the demand necessary for the 2019 expenditures.

**NOW, THEREFORE, BE IT RESOLVED**, (not less than two-thirds of all the members thereof affirmative concurring) that in accordance with the provision of R.S. 40A:4-58, part of the surplus in the accounts heretofore mentioned be and same are hereby transferred to the accounts (excepting the appropriation for contingent expenses or deferred charges) mentioned as being insufficient, to meet the current demands, and

**BE IT FURTHER RESOLVED**, that the Chief Finance Officer is hereby authorized and directed to make the following transfers:

<u>TO</u>	<u>ACCOUNT #</u>	<u>AMOUNT</u>
Buildings & Grounds	01-203-26-310-201	\$6,000.00

  

<u>FROM</u>	<u>ACCOUNT #</u>	<u>AMOUNT</u>
Legal Service OE	01-203-20-155-200	\$6,000.00

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**RESOLUTION 36-20: AUTHORIZE THE EXECUTION OF A LICENSE AND PROPERTY ACCESS AGREEMENT (19 BURTON LANE)**

**WHEREAS**, the Borough of Rockaway requires temporary access and use of a portion of certain private property for purposes of inspecting and repairing a blockage in the municipal storm drain system located on or in the area of the property; and

**WHEREAS**, the owner of the property has agreed to grant the Borough a temporary, non-exclusive and revocable privilege to access and use the property located at 19 Burton Lane, Rockaway, New Jersey 07866, identified as Block 38, Lot 96, on the municipal tax map of the Borough of Rockaway, County of Morris, State of New Jersey (hereinafter the "Property") pursuant to the terms of a License and Property Access Agreement; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, does hereby authorize the Borough Administrator to execute and enter into a License and Property Access Agreement with the owner of the aforementioned Property, on behalf of the Borough of Rockaway, in accordance with the terms and conditions set forth therein.

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**RESOLUTION 37-20: AUTHORIZE THE EXECUTION OF A LICENSE AND PROPERTY ACCESS AGREEMENT (21 BURTON LANE)**

**WHEREAS**, the Borough of Rockaway requires temporary access and use of a portion of certain private property for purposes of inspecting and repairing a blockage in the municipal storm drain system located on or in the area of the property; and

**WHEREAS**, the owner of the property has agreed to grant the Borough a temporary, non-exclusive and revocable privilege to access and use the property located at 21 Burton Lane, Rockaway, New Jersey 07866, identified as Block 38, Lot 97, on the municipal tax map of the Borough of Rockaway, County of Morris, State of New Jersey (hereinafter the “Property”) pursuant to the terms of a License and Property Access Agreement; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, does hereby authorize the Borough Administrator to execute and enter into a License and Property Access Agreement with the owner of the aforementioned Property, on behalf of the Borough of Rockaway, in accordance with the terms and conditions set forth therein.

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**RESOLUTION 38-20: AWARD CONTRACT (CLEANING SERVICES)**

**WHEREAS**, there exists a need to obtain a contractor to perform cleaning services in the Borough of Rockaway Municipal Building, Police Station, Public Works office, Community Center, Library, Museum Building bathroom at Donatoni Park, and bathrooms at Donatoni Community Park, Heady Field and Smith Field; and

**WHEREAS**, a diligent attempt to obtain several quotes was made by the Assistant Superintendent, Department of Public Works, with the lowest responsive bid being received from Chelbus Cleaning Co., Inc., 275 Newton Sparta Road, Newton, NJ 07860 (973-940-3110); and

**WHEREAS**, the Local Public Contracts Law (NJSA 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, as follows:

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement in an amount not to exceed \$25,725.00 with Chelbus Cleaning Co., Inc., 275 Newton Sparta Road, Newton, NJ 07860 (973-940-3110) for cleaning services in the Municipal Building, Police Station, Public Works office, Community Center, Library, Museum Building bathroom at Donatoni Park, and bathrooms at Donatoni Community Park, Friendship Field and Smith Field, for the period February 1, 2020 through January 31, 2021.
2. A copy of this resolution, and of the subject agreement, shall be made available for inspection in the office of the Borough Clerk.

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**BOROUGH OF ROCKAWAY  
MORRIS COUNTY, NEW JERSEY**

**RESOLUTION NO. 39-20**

**RESOLUTION APPROVING APPRAISAL AND AUTHORIZING THE ISSUANCE OF A  
FORMAL OFFER LETTER AND INITIATION OF BONA FIDE NEGOTIATIONS WITH THE  
OWNERS FOR THE ACQUISITION OF PROPERTY DESIGNATED AS BLOCK 46, LOT 3, ON  
THE OFFICIAL TAX MAP OF THE BOROUGH OF ROCKAWAY, COUNTY OF MORRIS  
STATE OF NEW JERSEY**

**WHEREAS**, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, *et seq.*, and the Eminent Domain Act, N.J.S.A. 20:3-1, *et seq.*, authorize public entities to acquire real property or an interest in real property; and

**WHEREAS**, the Mayor and Council of the Borough of Rockaway (“Borough”) has deemed it necessary for the Borough to acquire a fee simple interest and temporary access and grading easement in certain portions of the real property located at 89 Academy Street, Borough of Rockaway, County of Morris State of New Jersey and designated as Block 46, Lot 3, on the Tax Map of the Borough of Rockaway (the portion to be acquired in fee simple and the portion to be acquired by temporary access and grading easement are referred to collectively herein as the “Property”); and

**WHEREAS**, the Mayor and Council of the Borough of Rockaway have determined that the public interest will be served by the acquisition of the Property for public purposes, including, without limitation, the completion of the Foxs Lake Dam Rehabilitation project and the amelioration of a potential hazard and safety concerns posed by the present condition; and

**WHEREAS**, the Mayor and Council of the Borough of Rockaway adopted Ordinance No. 17-19 on October 10, 2019, which Ordinance authorized the acquisition of said Property and the negotiation of voluntary purchase or eminent domain, if necessary, subject to such further action, studies, investigations and proceedings as required or appropriate to the accomplishment of the same; and

**WHEREAS**, the Borough retained Timothy Hoffman Real Estate Appraisers, Inc., to perform and complete an appraisal for the Property; and

**WHEREAS**, Timothy Hoffman Real Estate Appraisers, Inc., completed an appraisal of the Property on or about January 20, 2020, setting forth the fair market value of the Property as of January 16, 2020; and

**WHEREAS**, the Borough desires to formally approve the appraisal and authorize the issuance of a formal offer to the owners of record of the Property for the full and fair market value of the Property as of January 16, 2020, as set forth in the appraisal, and to undertake and engage in bona fide negotiations and such other action as may be required to either the consummation of a purchase and sale contract with the property owner or the exercise of eminent domain to acquire the Property;

**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 Council hereby approve, ratify and confirm the appraisal report of Timothy Hoffman Real Estate Appraisers, Inc., dated January 20, 2020, which establishes the fair market value of the portions of the Property to be acquired in fee simple and temporary easement, as of January 16, 2020, in the amount of Fifty-Three Thousand Five-Hundred Dollars 00/100 (\$53,500.00).
2. The Mayor, Borough Administrator, Borough Attorney, Borough Engineer and such other officials, consultants, employees or agents of the Borough as may be necessary and appropriate, shall be and are hereby authorized to formally offer the record owners of the Property the full and fair market value in the amount set forth above and to continue to undertake all bona fide negotiations with the owners of the Property as required by law and as necessary to consummate a contract for the purchase and sale of the Property.
3. The Mayor, Borough Council, Borough Administrator, Borough Attorney, Borough Engineer and such other officials, consultants, employees or agents of the Borough as may be necessary and appropriate, are hereby authorized and directed to take any and all actions necessary to effectuate the purposes of this Resolution.
4. The Mayor and Borough Administrator are hereby authorized and directed to execute any and all such documents, instruments, contracts or other writings and to undertake any and all such acts as may be necessary to acquire the Property and effectuate the terms hereof, subject to the Borough Attorney's approval of the form and substance of said documents.
5. The Borough Administrator and Borough Attorney are hereby authorized to hire and employ such consultants, experts and other persons as may be necessary or appropriate to effectuate such acquisition and the transfer of title.
6. This Resolution shall take effect immediately.

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**RESOLUTION 40-20: AUTHORIZE THE ISSUANCE OF LICENSE(S) FOR TOWING SERVICE**

**WHEREAS**, the Mayor and Council of the Borough of Rockaway did adopt by ordinance a procedure for the issuance of licenses to towing operators in the Borough of Rockaway; and

**WHEREAS**, the following named applicants have duly filed application for such license:

- Bunky's Heavy Towing LLC, 30 Taft Street, Dover, NJ 07801
- McCarter's Towing, LLC, 74 Cobb Street, Rockaway, NJ 07866

**WHEREAS**, pursuant to said Ordinance, the Chief of Police of the Borough of Rockaway has endorsed said applications as being complete pursuant to the Ordinance; and

**WHEREAS**, the Chief of Police has advised the Mayor and Council that the applicants have properly completed the application for a towing license in the Borough of Rockaway; and

**WHEREAS**, the Chief of Police has advised the Mayor and Council that background investigations were completed with satisfactory results; and

**WHEREAS**, the Chief of Police has advised the Mayor and Council that the applicants for towing license are presently on the official list of towers for the State of New Jersey and that these applicants have provided towing services to the Borough of Rockaway in prior years without any problems or complaints.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Rockaway that the following companies be issued official tower license as noted below:

<u>License Number</u>	<u>Name</u>	<u>Place of Business</u>
270-20	Bunky's Heavy Towing LLC	30 Taft Street, Dover, NJ 07801
271-20	McCarter's Towing, LLC	74 Cobb Street, Rockaway, NJ 07866

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**RESOLUTION 41-20: APPOINT BUILDING SUBCODE OFFICIAL/CONSTRUCTION OFFICIAL**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Rockaway that Tim Braden be and is hereby appointed to the part-time position of Building Subcode Official/Construction Official effective January 30, 2020 at a salary within the salary ordinance.

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**RESOLUTION 42-20: APPOINT TAX ASSESSOR TO FULFILL UNEXPIRED TERM**

**WHEREAS**, pursuant to N.J.S.A. 40A:9-146, the governing body shall provide for the appointment of a tax assessor; and

**WHEREAS**, pursuant to N.J.S.A. 40A:9-12.1, the governing body shall provide for the appointment of a tax assessor for the unexpired term for vacancies other than those due to expiration of a term; and

**WHEREAS**, pursuant to N.J.S.A. 40A:9-148.1, a municipal tax assessor shall hold a tax assessor certificate provided for in P.L. 1967, c. 44 (C. 54:1-35.25 et seq.) and shall have the duty of assessing property for the purpose of general taxation; and

**WHEREAS**, 55-13 of the code of the Borough of Rockaway provides for the appointment of a Tax Assessor; and

**WHEREAS**, 55-11 of the code of the Borough of Rockaway provides for the appointment for the unexpired term for vacancies other than those due to expiration of a term; and

**WHEREAS**, Jason Laliker has demonstrated to be both qualified and competent to serve as Tax Assessor of the Borough of Rockaway.

**BE IT RESOLVED** by the Mayor and Council of the Borough of Rockaway that pursuant to N.J.S.A. 40:9-148, Jason Laliker is appointed to the position of Tax Assessor of the Borough of Rockaway to fulfill the unexpired term beginning March 2, 2020 and expiring June 30, 2022 at a salary within the salary ordinance.