

**MAYOR AND COUNCIL**  
**REGULAR MEETING AGENDA**  
**DECEMBER 10, 2020**  
**6:30 PM**

Public notice is hereby given that regular meeting of the Mayor and Council of the Borough of Rockaway previously scheduled for 6:30PM, to take place in the Community Center, 21-25 Union Street, Rockaway, NJ 07866, will now be held remotely via Zoom Webinar using either the link or telephonic information provided below. Formal action will be taken.

The meeting agenda and any document that would be made available to members of the public in hard copy at the time of the meeting will be available on the Borough's website, [www.rockawayborough.org](http://www.rockawayborough.org) forty-eight (48) hours in advance of the meeting.

Public comments may be made at the time of the meeting or submitted in advance. In advance of the meeting, members of the public are welcomed to submit questions or comments by electronic mail or in written letter form. Comments submitted via email should be sent to [comments@rockawayborough.org](mailto:comments@rockawayborough.org). Comments submitted in letter form should be sent to Kimberly Cuspilich, Acting Borough Clerk, 1 East Main Street, Rockaway, NJ 07866. All such questions or comments must include the name and address of the submitter and must be received by the Acting Borough Clerk no later than 4:30 pm on the day prior to the scheduled meeting.

Participation for this meeting will be offered via Zoom Webinar or by telephone as follows:

You are invited to a Zoom webinar.

When: Dec 10, 2020 06:30 PM Eastern Time (US and Canada)

Topic: Mayor and Council Meeting

Please click the link below to join the webinar:

<https://zoom.us/j/93658655671?pwd=NnVMZlkyTVdHVGRZVTRmNTljb21YQT09>

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 646 876 9923 or +1 301 715 8592 or +1 312 626 6799 or +1 346 248 7799 or  
+1 408 638 0968 or +1 669 900 6833 or +1 253 215 8782

Webinar ID: 936 5865 5671

Passcode: 078071

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. CORRESPONDENCE
4. COUNCIL REPORTS
5. REPORT OF ATTORNEY
6. REPORT OF MAYOR
7. REPORT OF ADMINISTRATOR
8. REPORT OF CLERK
9. CONSENT AGENDA
  - #189-20 Authorize the Submission of a Strategic Plan for Municipal Alliance Grant
  - #190-20 Accept the Resignation of Thomas Slockbower

- #191-20 Accept Resignation of Shane O'Brien
- #192-20 Appoint William Hopler Department of Public Works Supervisor
- #193-20 Award Contract (DPW Purchase of Lawn Mower)
- #194-20 Appropriate Additional Funds (Fox Lake Dam Rehabilitation)
- #195-20 Adopt Amended Recreation Rules and Regulations
- #196-20 Award Professional Service Contract (Fox Lake Dam - Courel Engineering, LLC)
- #197-20 Refund Escrow (Hometown Development)
- #198-20 Refund of Performance Bond (66 East Main Street, Block 17, Lot 22)
- #199-20 Approve Transfer of Funds - Credit
- #200-20 Authorize Refund of Road Opening Permit Application Fee
- #201-20 Appoint Daniel Gilberti as DPW Laborer
- #202-20 Award Contract (Community Center Sound System)

10. MEETING OPEN TO THE PUBLIC

11. CLOSED SESSION

12. ORDINANCES, ADOPTION

- #16-20 Amend Ch 241 Vehicles and Traffic 241-50 Woodland Avenue
- #17-20 Amend Municipal and Water Utility Salaries

13. ADJOURNMENT

**RESOLUTION 189-20: AUTHORIZE SUBMISSION OF STRATEGIC PLAN FOR MUNICIPAL ALLIANCE GRANT**

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

**WHEREAS**, the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey recognize that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and

**WHEREAS**, the Mayor and Council of the Borough of Rockaway further recognize that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

**WHEREAS**, the Mayor and Council of the Borough of Rockaway have applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Morris.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Rockaway do hereby authorize the submission of a strategic plan for the Rockaway Borough Municipal Alliance grant for fiscal year 2021 in the amount of:

Alliance DEDR	\$3,400.00
Cash Match	\$ 850.00
In-Kind	\$2,550.00

The Borough of Rockaway Mayor and Council acknowledge the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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**RESOLUTION 190-20: ACCEPT THE RESIGNATION OF DPW SUPERINTENDENT THOMAS SLOCKBOWER**

**WHEREAS**, The Borough of Rockaway has received a letter of resignation from Thomas Slockbower stating his intention to retire from his position as DPW Superintendent to be effective December 31, 2020; and,

**WHEREAS**, the Mayor and Council express their appreciation of the work performed by Mr. Slockbower during his time with the Borough of Rockaway.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council accepts the resignation of Thomas Slockbower from the position listed above.

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**RESOLUTION 191-20: ACCEPT THE RESIGNATION OF DPW LABORER SHANE O'BRIEN**

**WHEREAS**, The Borough of Rockaway has received a letter of resignation from Shane O'Brien stating his intention to retire from his position as DPW Laborer to be effective November 25, 2020; and,

**WHEREAS**, the Mayor and Council expresses its appreciation of the work performed by Mr. O'Brien during his time with the Borough of Rockaway.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council accepts the resignation of Shane O'Brien from the position listed above.

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**RESOLUTION 192-20: APPOINT WILLIAM HOPLER DEPARTMENT OF PUBLIC WORKS SUPERVISOR**

**WHEREAS**, on November 23, 2020, the Mayor and Council voted in favor of reorganizing the Department of Public Works, including the elimination of the Department of Public Works Superintendent and Department of Public Works Assistant Superintendent positions, effective December 31, 2020; and

**WHEREAS**, the Mayor and Council have offered William Hopley the position of Department of Public Works Supervisor, effective December 31, 2020; and

**WHEREAS**, on December 4, 2020, Mr. Hopley agreed to accept said offer.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Rockaway, County of Morris and State of New Jersey, that William Hopley is hereby appointed to the position of Department of Public Works Supervisor by the Borough of Rockaway at salary within the salary ordinance, effective Thursday, December 31, 2020.

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**RESOLUTION 193-20: AWARD CONTRACT (DPW - PURCHASE OF LAWN MOWER)**

**WHEREAS**, there exists a need to obtain a lawn mower for the Department of Public Works; and

**WHEREAS**, the Educational Services Commission of New Jersey, NJ State approved Co-Op #65MCESCCPS Grounds Equipment includes the purchase of a Exmark 72" Diesel Series Lazer Lawn Mower from Kenvil Power 926 US Highway 46, Kenvil, New Jersey, 07847 (973) 584-8115; 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 Exmark 72" Diesel Series Lazer Lawn Mower from Kenvil Power, 926 US Highway 46, Kenvil, New Jersey 07847 (973) 584-8115, under the Educational Services Commission of New Jersey, NJ State approved Co-Op #65MCESCCPS Grounds Equipment, not to exceed the amount of \$19,003.39.

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**RESOLUTION 194-20: APPROPRIATE ENGINEERING COSTS (FOX LAKE DAM REHABILITATION)**

**WHEREAS**, the Fox Lake Dam must meet certain requirements of the State of New Jersey Department of Environmental Protection (NJDEP) to prevent dam failure and minimize damage in the event of such failure; and

**WHEREAS**, the Borough Engineer has submitted a proposal dated March 11, 2020 for the professional engineering and survey work required to bring the dam into compliance with the NJDEP's Dam Safety Standards; 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 Paul W. Ferriero, Ferriero Engineering, Inc., 180 Main Street, P.O. Box 571, Chester, NJ 07930 for the Fox Lake Dam Improvements Project including: (a) stability analysis of the existing dam and subsurface investigation; (b) analysis of the proposed dam to ensure stability under normal conditions, Probable Maximum Flood conditions, and ice loading; (c) preparation of design plans, calculations, reports, and specifications for the rehabilitation of the dam; coordination of the sub-consultants, landscape modifications, and preparation of permit applications to the regulatory agencies; (d) finalization of construction plans, specifications and bid documents for the public bid process; (e) survey work for land acquisition/easements; (f) survey stakeout of the proposed improvements for construction; (g) construction administration and inspection services; (h) a survey of the improvements after the project is completed (as-built survey), and (i) attendance at meetings, shall not exceed \$109,000.00.

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**RESOLUTION 195-20: AUTHORIZE ADOPTION OF AMENDED RECREATION RULES AND REGULATIONS**

**WHEREAS**, on February 14, 2019, the Mayor and Council adopted rules and regulations promulgated by the Borough of Rockaway Parks and Recreation Advisory Committee, including standards for approval and conditions for use of facilities, governing lands, playgrounds and recreation facilities within the Borough of Rockaway; and

**WHEREAS**, the rules and regulations have been amended by the Borough of Rockaway Parks and Recreation Advisory Committee; and

**WHEREAS**, the Mayor and Council have reviewed the amended rules and regulations and wish to adopt same.

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

1. The Mayor and Council hereby adopt the amended rules and regulations governing lands, playgrounds and recreation facilities promulgated by the Parks and Recreation Advisory Committee; and
2. The rules and regulations shall have the full force of law and shall be enforceable by the Borough of Rockaway Police Department.

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**RESOLUTION 196-20: AWARD PROFESSIONAL AGREEMENT (FOX LAKE DAM – COUREL ENGINEERING)**

**WHEREAS**, there exists a need for professional services for providing structural engineering services for Fox Lake Dam; and

**WHEREAS**, said needs or certain specified professional services are to be rendered or performed by a person or persons authorized by law to practice a recognized profession whose practice is regulated by law within the meaning of N.J.S.A. 40A:11-2, et seq. as amended; and

**WHEREAS**, the performance of said professional services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal base of specialized training and study; as distinguished from general academic instruction or apprenticeship and training; and

**WHEREAS**, said professional services cannot reasonably be described by written specifications; and

**WHEREAS**, the Borough of Rockaway has a need to acquire said professional services as a contract without public advertising pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the services to be performed are "Professional Services" as defined in N.J.S.A. 40A:11-5(1)(a)(i) and therefore excepted from the Local Public Contracts Law requirements for competitive bidding; and

**WHEREAS**, a Certificate of 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. That the Borough of Rockaway, in accordance with the Local Public Contracts Law, hereby authorizes and approves the award of a professional services contract to Courel Engineering, LLC, 9 Wren Way, Bridgewater, New Jersey 08807 (980-526-8629), per proposal dated March 10, 2020, to provide structural engineering services for the Fox Lake Dam Rehabilitation Project. The primary goal of this structural engineering service is to design the spillway, the spillway walls and the inspection of the construction, at a cost not to exceed \$27,000.00; contract copies are on file in the Office of the Clerk and are incorporated herein by reference. Said contract is hereby ratified and confirmed, and upon passage of this Resolution, the Mayor and Borough Clerk be and the same are hereby authorized to enter into said contract.
2. That this Contract is awarded without competitive bidding as a professional services contract under the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) because such service is a recognized profession licensed and regulated by law.
3. That the Mayor and Council of the Borough of Rockaway, New Jersey hereby authorize and direct the execution of the aforesaid contracts for the period commencing on the date set forth therein.
4. That an executed copy of the Contract and a copy of this resolution shall be filed in the Office of the Borough Clerk and be available there for inspection in accordance with law.
5. That this resolution shall take effect immediately.

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**RESOLUTION 197-20: REFUND PERFORMANCE BOND AND ESCROW BALANCE (BLOCK 17 LOT 22)**

**WHEREAS**, on November 10, 2016, Hometown Development, 66 E. Main Street, Rockaway, New Jersey 07866, (973-713-3923) paid fees totaling \$81,921.95, representing a performance bond in the amount of \$62,436.00, an engineering fees escrow deposit in the amount of \$14,485.95, and an escrow deposit in the amount of \$5,000.00; and

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

**WHEREAS**, the Borough of Rockaway Chief Financial Officer has determined that the escrow posted by Hometown Development, LLC is sufficient to cover the Borough's costs and that the remaining funds are owed to Hometown Development, LLC; 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 \$73,998.59, representing a performance bond in the amount of \$62,436.00, an engineering escrow balance in the amount of \$9,505.76 and an escrow balance in the amount of \$2,056.83, to Hometown Development, 66 E. Main Street, Rockaway, New Jersey 07866, (973-713-3923).

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**RESOLUTION 198-20: REFUND OF PERFORMANCE BOND (66 EAST MAIN STREET BLOCK 17, LOT 22)**

**WHEREAS**, on March 14, 2019, Robert Makepeace, 75 Milton Road, Oak Ridge, New Jersey 07438 (973-222-7082), paid a Performance Bond totaling \$1,000.00, for 66 East Main Street, Rockaway, New Jersey 07866, Block 17, Lot 22; and

**WHEREAS**, upon review by Construction Official and the Zoning Officer, it was determined that all work was completed as necessary; and

**WHEREAS**, the Construction Official and Ferriero Engineering has inspected the site and is satisfied that the work has been completed properly and has recommended the refund of the performance bond; 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 \$1,000.00, representing the performance bond to Robert Makepeace, 75 Milton Road, Oak Ridge, New Jersey 07438 (973-222-7082).

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**RESOLUTION 199-20: APPROVE TRANSFER OF FUNDS – CURRENT**

**WHEREAS**, there appears to be inadequate funds in various 2020 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 2020 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>
Land Use Board – S&W	01-201-20-190-010	\$1,000.00
Construction Official – S&W	01-201-22-195-010	\$1,000.00
Uniform Construction Code – S&W	01-201-30-422-010	\$2,500.00
<u>FROM</u>	<u>ACCOUNT #</u>	<u>AMOUNT</u>
Salary Adjustments	01-201-30-425-100	\$4,500.00

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**RESOLUTION 200-20: AUTHORIZE REFUND OF ROAD OPENING PERMIT APPLICATION FEE**

**WHEREAS**, on November 12, 2020, New Jersey Natural Gas (NJNG), 201 Roundhill Drive, Rockaway, NJ 07866 (973-586-4675), paid a Road Opening Permit application fee totaling \$50.00; and

**WHEREAS**, upon review by Ferriero Engineering and DPW Superintendent Tom Slockbower, it was determined that the road was not located in the Borough of Rockaway; and

**WHEREAS**, NJNG has requested, in writing, a refund of the Road Opening Permit application fee; and

**WHEREAS**, the Mayor and Council of the Borough of Rockaway concur with the recommendation of the Borough Engineer and DPW Superintendent;

**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 \$50.00, representing the Road Opening Permit application fee, to NJNG, 201 Roundhill, Rockaway, NJ 07866 (973-586-4675)

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**RESOLUTION 201-20: RESOLUTION APPOINTING DANIEL GILBERTI AS DPW LABORER**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Rockaway, County of Morris and State of New Jersey, that Daniel Gilberti is hereby appointed to the position of DPW Laborer and is hereby employed by the Borough of Rockaway at a salary within the salary ordinance, effective Monday, January 4, 2021.

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**RESOLUTION 202-20: AWARD CONTRACT (LIBERTY RECORDER AND SOUND SYSTEM)**

**WHEREAS**, there exists a need for the installation of audio and video equipment at the Community Center; and

**WHEREAS**, the Educational Services Commission of New Jersey, NJ State approved Co-Op #65MCECCPS includes the purchase of a Cat-5E HDMI Converter, Sanus TV Wall Mount, CF2-5 Audio/Video Recessed Floor Box, the Mounting of Zoom tv, run 2x wires to equipment room, run wire to tv, remount camera, configure Zoom on Zoom computer, tip and make all necessary connections from Gramco Business Communications, 1149 Bloomfield Ave, Clifton, New Jersey 07012 (973-773-8500); 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 and installation of video and audio equipment from Gramco Business Communications, 1149 Bloomfield Ave, Clifton, New Jersey 07012 (973-773-8500), under the Educational Services Commission of New Jersey, NJ State approved Co-Op #65MCECCPS, not to exceed the amount of \$3,807.00.