

MAYOR AND COUNCIL
REGULAR MEETING AGENDA
FEBRUARY 25, 2021
6:30 PM

Public notice is hereby given that a regular meeting of the Mayor and Council of the Borough of Rockaway will be held Thursday, February 25, 2021 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 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. 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: Feb 25, 2021 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=NnVMZlkyTVdHVGRZVTRmNTIjb21YQT09>

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

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

2. PLEDGE OF ALLEGIANCE

3. CLOSED SESSION

4. PRESENTATION/DISCUSSION *Goose Control Technology*

5. CORRESPONDENCE

6. COUNCIL REPORTS

7. REPORT OF ATTORNEY

8. REPORT OF MAYOR

9. REPORT OF ADMINISTRATOR

10. REPORT OF CLERK

11. CONSENT AGENDA

- #43-21 Appoint Phil Tobaygo as an Additional Construction Official
- #44-21 Anticipate Miscellaneous Revenue Using Three Year Average
- #45-21 Award Contract (Cleaning Services)
- #46-21 Appoint Mark as Class III Officer
- #47-21 Authorizing Execution of NJDEP Wetlands Permit in Connection with RPM Project

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

12. ORDINANCES, Public Hearing & Adoption

- #02-21 Exceed the Municipal Budget Appropriation Limits

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

- #03-21 Establish Chapter 133, Filming

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

- #04-21 Amend A263, Fees (Filming)

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

#05-21 Amend Chapter 247, Water

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

#06-21 Amend Chapter 170 Land Use Design and Performance Standards (Stormwater)

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

#07-21 Amend Chapter 225 Taxation (Disable Veteran Refund)

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

#08-21 Amend Chapter A263, Fees (Water)

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

13. MEETING OPEN TO THE PUBLIC (please limit comments to 3 minutes or less)

14. CLOSED SESSION (if necessary)

15. ADJOURNMENT

Moved	Seconded	Voice Vote		Time
		In favor:	Against:	

RESOLUTION 43-21: APPOINT PHIL TOBAYGO AS ADDITIONAL CONSTRUCTION OFFICIAL

BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris and State of New Jersey, that Phil Tobaygo is hereby appointed to the position of additional construction official at an hourly rate of \$45, on an as-needed basis and is hereby employed by the Borough of Rockaway, effective Tuesday, February 22, 2021.

DATE: February 25, 2021

Borough of Rockaway

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 44-21: ANTICIPATE MISCELLANEOUS REVENUES IN THE 2021 BUDGET USING THE THREE-YEAR AVERAGE OF REALIZED REVENUES FROM THE PRIOR THREE YEARS

WHEREAS, the COVID 19 pandemic had an adverse effect on the anticipated municipal revenues in the 2020 municipal current and utility fund budgets; and

WHEREAS, Section 1 of P.L. 2020, c.74 amended N.J.S.A 40A:4-26 authorized the Director of the Division of Local Government Services (“Division”) to promulgate new standards for the anticipation of COVID-19 affected revenues in the FY2021 budget, and, if necessary, in future years and

WHEREAS, for FY 2021, the Director authorizes the use of a three-year average for the calculation of affected revenues; and

WHEREAS, the Chief Financial Officer of the Borough of Rockaway, certifies that the following revenues were affected in 2020 by the COVID 19 pandemic and that the 3 year average of the amounts realized in 2018-2020 be anticipated in the introduced budget for 2021;

Revenue	2018	2019	2020	Average
Clerk ABC Licenses	\$17,050.00	\$17,050.00	\$17,205.00	\$17,101.67
Clerk Other Licenses	\$15,185.00	\$16,055.00	\$15,085.00	\$15,441.67
Fees & Permits	\$86,448.06	\$56,990.03	\$54,964.64	\$66,134.24
Uniform Fire Safety Act	\$30,863.07	\$32,901.67	\$28,038.45	\$30,601.06
Municipal Court	\$88,453.72	\$63,746.19	\$32,116.35	\$61,438.75
Interest & Cost on Taxes	\$88,000.00	96,298.51	\$79,405.57	\$87,901.36
Sewer User Fees	\$741,194.75	\$739,522.99	\$733,711.70	\$738,143.15
Construction Code Official	\$94,466.80	\$95,053.00	\$108,652.80	\$99,390.87

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway in the County of Morris, State of New Jersey that the above referenced revenues be anticipated using the 3 year average as permitted by the amendments to 40A: 4-26, adopted by the P.L. 2020, c. 74

DATE: February 25, 2021

Borough of Rockaway

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 45-21: AWARD CONTRACT (CLEANING SERVICES)

WHEREAS, there exists a need to obtain a contractor to perform cleaning services in the Borough of Rockaway as per the agreement; 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 \$21,630.00 with Chelbus Cleaning Co., Inc., 275 Newton Sparta Road, Newton, NJ 07860 (973-940-3110) for cleaning services as per the agreement, for the period February 1, 2021 through January 31, 2022.
2. A copy of this resolution, and of the subject agreement, shall be made available for inspection in the office of the Borough Clerk.

DATE: February 25, 2021

Borough of Rockaway

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 46-21: APPOINT MARK ROGALSKY AS PART-TIME CLASS III SPECIAL OFFICER

BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris and State of New Jersey, that Mark Rogalsky is hereby appointed to the position of Part-Time Class III Special Officer for the Rockaway Borough Board of Education beginning September 1, 2020 and ending June 30, 2021, at a salary within the salary ordinance.

DATE: February 25, 2021

Borough of Rockaway

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 47-21: RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO EXECUTE WETLANDS PERMIT APPLICATION FORM

WHEREAS, in compliance with the New Jersey Supreme Court’s March 10, 2015 decision in In re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J.1 (2015)(“Mount Laurel IV”), on or about July 7, 2015 , the Borough of Rockaway filed an action with the Superior Court of New Jersey (“Court”) in Morris County, entitled In the Matter of the Application of the Borough of Rockaway, County of Morris, Docket No. 1671-15, seeking a Judgement of Compliance and Repose approving its Housing Element and Fair Share Plan (“Affordable Housing Plan”), in addition to related relief, including temporary immunity from all Mount Laurel lawsuits; and

WHEREAS, the Court granted the Borough’s motion for temporary immunity from all Mount Laurel lawsuits, which was subsequently extended via a series of orders, and is still in full force and effect today; and

WHEREAS, 74 West Main Street Urban Renewal Associates, LP (the “Entity”) proposes to construct a senior rental unit project within the Borough of Rockaway (the “Project”) which will aid the Borough in complying with its affordable housing obligation, on a site described as Block 73, Lot 65 as shown on the official assessment map of the Borough of Rockaway, and commonly known as 74 West Main Street, Rockaway, New Jersey (the “Property”); and

WHEREAS, in connection with the Project, the Entity must make off-site improvements to improve drainage on the Property and to improve existing drainage issues in the area of the Property, which improvements include increasing the size of a pipe that discharges onto Borough property; and

WHEREAS, the Entity is required to obtain a NJDEP wetlands permit in connection with those improvements, and the Borough of Rockaway is required to execute the application for that permit (the “Application”); and

WHEREAS, the execution of the Application is in the best interests of the Borough and its residents.

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, Borough Administrator and/or Borough Engineer are hereby authorized to execute the Application attached hereto as Exhibit A, and to undertake all reasonable and necessary steps to effectuate the foregoing.
2. This Resolution shall take effect according to law.

DATE: February 25, 2021

Borough of Rockaway

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor
