

MAYOR AND COUNCIL
REGULAR MEETING AGENDA
JUNE 10, 2021
6:30 PM

Public notice is hereby given that the regular meeting of the Mayor and Council of the Borough of Rockaway previously scheduled for June 10, 2021 at 6:30PM, to take place remotely only, will now be held in-person at the Community Center, 21-25 Union Street, Rockaway, New Jersey, as well as 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: June 10, 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=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

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

2. PLEDGE OF ALLEGIANCE

3. PRESENTATION *Eagle Scouts*

4. DISCUSSION *Fox Lake Dam*

5. APPROVAL OF MINUTES *Regular Meeting February 25, 2021*
 Regular Meeting March 11, 2021

Moved	Seconded	Voice Vote	
		In favor:	Against:

6. CORRESPONDENCE

7. COUNCIL REPORTS

8. REPORT OF ATTORNEY

9. REPORT OF MAYOR

10. REPORT OF ADMINISTRATOR

11. REPORT OF CLERK

12. CONSENT AGENDA

- 102-21 Request Approval of Items of Revenue and Appropriation (Clean Communities)
- 103-21 Authorize Solicitor to Foreclose Certain Properties for Delinquent Taxes
- 104-21 Authorize Submission of NJ DOT Grant Application (Mount Pleasant Avenue)
- 105-21 Authorize Release of Escrow and Performance Bond (45 Broad Street)
- 106-21 Authorize Refund of Soil Disturbance Escrow Deposit (395 Franklin Avenue)
- 107-21 Transfer Previously Appropriated Engineering Costs (Lakeside Drive Road Improvement)
- 108-21 Authorize Participation in the Coronavirus State and Local Fiscal Recovery Fund
- 109-21 Authorize Execution of Application for Funding (Municipal Alliance Committee)

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

13. ORDINANCES, *Adoption*

14-21 BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF ROCKAWAY, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$754,871 THEREOF AND AUTHORIZING THE ISSUANCE OF \$468,227 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

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

15-21 AMENDING CHAPTER A263, FEES, OF THE CODE OF THE BOROUGH OF ROCKAWAY

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

16-21 AMENDING CHAPTER 169 LAND USE ADMINISTRATION AND PROCEDURES OF THE CODE OF THE BOROUGH OF ROCKAWAY (SPECIAL MEETING FEE)

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

17-21 AMENDING CHAPTER 169 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ROCKAWAY ESTABLISHING STANDARDS FOR LAND USE PRE-APPLICATION SKETCH REVIEWS AND POST-APPLICATION TECHNICAL REVIEWS IN THE BOROUGH

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

18-21 AMENDING AND SUPPLEMENTING CHAPTER 217, ARTICLE V, ENTITLED "SIDEWALKS AND CURBS" TO PROVIDE FOR MAINTENANCE AND REPAIR OF RESIDENTIAL AND NON-RESIDENTIAL SIDEWALKS BY OWNERS OF ABUTTING LAND

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

19-21 ORDINANCE OF THE BOROUGH OF ROCKAWAY MAYOR AND COUNCIL AMENDING CHAPTER 170, LAND USE DESIGN AND PERFORMANCE STANDARDS, OF THE CODE OF THE BOROUGH OF ROCKAWAY (STORMWATER)

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

20-21 BOND ORDINANCE REAPPROPRIATING \$596,482 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR THE ACQUISITION AND INSTALLATION OF WATER METERS AND WATER DATA COLLECTION EQUIPMENT IN AND BY THE BOROUGH OF ROCKAWAY, IN THE COUNTY OF MORRIS, NEW JERSEY.

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

14. ORDINANCES, *Introduction*

21-21 AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF ROCKAWAY, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 247, WATER, ARTICLE I, ENTITLED "GENERAL REGULATIONS" TO PROHIBIT UNAUTHORIZED OPENING OF FIRE AND WATER HYDRANTS

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

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

16. CLOSED SESSION (if necessary)

17. ADJOURNMENT

Moved	Seconded	Voice Vote		Time
		In favor:	Against:	

RESOLUTION 102-21: REQUEST APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJSA 40A:4-87 (CLEAN COMMUNITIES)

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Rockaway, in the County of Morris, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$1,478.96, which is now available from Clean Communities Fund in the amount of \$1,478.96.

BE IT FURTHER RESOLVED, that the like sum of \$1,478.96 is hereby appropriated under the caption Clean Communities; and

BE IT FURTHER RESOLVED, that the above is the result of additional funds in the amount of \$1,478.96, bringing the total budgeted amount to \$12,978.96 for the Clean Communities Fund.

DATE: June 10, 2021

Borough of Rockaway

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 103-21: TAX FORCLOSURE LIST RESOLUTION DONE BY BOROUGH OF ROCKAWAY

WHEREAS, the Tax Collector of the Borough of Rockaway has prepared and presented to the Mayor and Council of the Borough of Rockaway an In Rem Foreclosure List. The list includes Schedule Numbers One and Two; and

WHEREAS, N.J.S.A. 54:5-104.35 provides in pertinent that the Governing Body may by Resolution, foreclose any of the tax sale certificates held by it, by the summary proceedings In Rem as provided in the In Rem Foreclosure Act;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of Rockaway, in the County of Morris, State of New Jersey that the Borough Attorney is hereby authorized to foreclose the property schedule as noted below on the In Rem Foreclosure List, a copy of which is attached hereto and made a part hereof:

Cert #	Block and Lot	Name of Owner
3-20	Block 84, Lot 5.03	McWilliams IIG, LLC
5-89	Block 84, Lot 35.02	Christian N. Peter

DATE: June 10, 2021

Borough of Rockaway

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 104-21: AUTHORIZE SUBMISSION OF NJ DOT GRANT APPLICATION AND EXECUTE GRANT AGREEMENT (MOUNT PLEASANT AVENUE)

WHEREAS, the Borough of Rockaway wishes to participate in the Transportation Trust Fund Application process; and

WHEREAS, the Mayor and Council have concerns over the condition of Mount Pleasant Avenue.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Rockaway, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Borough Engineer are hereby authorized to sign the grant agreements on behalf of the Borough of Rockaway and that their signatures constitute acceptance of the terms and conditions of the grant agreements and approve the execution of the grant agreements.

DATE: June 10, 2021

Borough of Rockaway

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 105-21: AUTHORIZE RELEASE OF ESCROW AND PERFORMANCE BOND (45 BROAD STREET)

WHEREAS, Jeffrey Tobias posted the required escrow deposit and performance bond for the driveway project at 45 Broad Street, 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 Jeffrey Tobias is sufficient to cover the Borough's costs and that \$3,358.26 is owed to Jeffrey Tobias; 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 \$3,358.26 representing the performance bond (\$2,700.00) and escrow balance of \$658.26 to Jeffrey Tobias, 45 Broad Street, Rockaway, NJ 07866.

DATE: June 10, 2021

Borough of Rockaway

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 106-21: AUTHORIZE REFUND OF SOIL DISTURBANCE ESCROW DEPOSIT (395 FRANKLIN AVENUE BLOCK 84, LOT 7.01)

WHEREAS, on March 1, 2021, AWT Environmental Services, P.O. Box 128, Sayreville, New Jersey 08871 (732-613-1660), paid a soil disturbance escrow deposit totaling \$500.00, for 395 Franklin Avenue, Rockaway, New Jersey 07866, Block 84, Lot 7.01; and

WHEREAS, Mott MacDonald Engineering has inspected the site and is satisfied that the work has been completed properly and has recommended the refund of the escrow deposit; 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 \$207.50, representing the balance of the escrow deposit to AWT Environmental Services, P.O. Box 128, Sayreville, New Jersey 08871 (732-613-1660).

DATE: June 10, 2021

Borough of Rockaway

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 107-21: TRANSFER PREVIOUSLY APPROPRIATED ENGINEERING COSTS (LAKESIDE DRIVE ROAD IMPROVEMENT PROJECT)

WHEREAS, the Superintendent, Department of Public Works, and the Borough Engineer have determined that certain repairs, including minor driveway apron reconstruction, curb repair, drainage structure reconstruction and inlet upgrades roadway base repair, milling, resurfacing and restriping of Lakeside Drive, are necessary; and

WHEREAS, the Borough received NJDOT Local Aid funding in the amount of \$325,000.00 for the project; and

WHEREAS, the former Borough Engineer submitted a proposal dated January 14, 2020 identifying the engineering and services that are anticipated for the Lakeside Drive Road Improvement Project, including topographic survey and basemap preparation, conceptual layout of realigned intersection, new right-of-way and temporary grading easements, basic design services, bidding and award services, contract management and coordination services, construction stakeout, and full-time construction inspection services to maintain compliance with the design plans and specifications to complete the project; and

WHEREAS, a Certification for Availability of Funds has been filed by the Borough of Rockaway Chief Financial Officer.

WHEREAS, Resolution 108-20 Appropriate Engineering Costs (Lakeside Drive Road Improvement Project) was adopted on July 9, 2020; and

WHEREAS, the project has been transferred to Mott MacDonald and as such, a portion of the remaining funds, in the amount of \$63,000.00, must also be transferred to Mott MacDonald; and

WHEREAS, any remaining balance will be returned to the appropriate line item; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, that a portion of the remaining balance of the funds appropriated for engineering costs for the Lakeside Drive Road Improvement Project, including basemap preparation, basic design services, bidding and award services, contract management and coordination services, and full-time construction inspection services to maintain compliance with the design plans and specifications to complete the project, in the amount of \$63,000.00 is hereby transferred to Mott MacDonald, 412 Mount Kemble Avenue, Morristown, NJ 07960.

DATE: June 10, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

CERTIFICATION FOR AVAILABILITY OF FUNDS

I, Patricia Reiche, Borough 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 \$63,000.00 as stated in their contracts are currently available for the purpose of awarding a state contract for the furnishing of goods or services to the following entity:

Mott MacDonald, 412 Mount Kemble Avenue, Morristown, NJ 07960

For the purpose of: Lakeside Drive Road Improvement Project

The funds are available in General Capital Fund

Budget Line Item#: 04-215-55-954-02B

DATE: June 10, 2021

BY: Patricia Reiche, CFO/Treasurer

RESOLUTION 108-21: AUTHORIZE PARTICIPATION IN THE CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS, ESTABLISHED BY THE AMERICAN RESCUE PLAN ACT OF 2021

WHEREAS, the American Rescue Plan Act of 2021 (ARPA) (P.L. 117-2) was signed into law by President Biden on March 11, 2021, the latest in a series of Coronavirus Disease 2019 (COVID-19) related relief and economic stimulus legislation; and

WHEREAS, the American Rescue Plan Act of 2021 established the Coronavirus State and Local Fiscal Recovery Funds, designed to deliver \$350 billion to state, local, territorial, and Tribal governments to bolster their response to the COVID-19 emergency and its economic impacts; and

WHEREAS, the Borough of Rockaway has been allocated \$616,505.36; and

WHEREAS, the funds may only be used to cover costs incurred during the period beginning March 3, 2021 and ending December 31, 2024. Funds not obligated by December 31, 2024 and any funds not expended to cover such obligations by December 31, 2026 must be returned; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Rockaway that participation in the Coronavirus State and Local Fiscal Recovery Fund is in the best interest of the public; and

BE IT FURTHER RESOLVED that the Administrator of the Borough of Rockaway is hereby authorized and directed to sign and file, on behalf of the Borough of Rockaway, the request for funding, together with any other certificates, documents or notices as may be necessary, in order to carry out the purposes and intent of this Resolution.

DATE: June 10, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 109-21: AUTHORIZE MAYOR TO EXECUTE APPLICATION FOR FUNDING (MUNICIPAL ALLIANCE COMMITTEE)

WHEREAS, the Mayor and Council of the Borough of Rockaway, County of Morris, recognize the critical need for substance abuse prevention programs to combat increasing drug and alcohol abuse within our community; 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 within our community; and

WHEREAS, the County of Morris Department of Human Services administers the County Supplemental Funding Initiative through which the Rockaway Borough Municipal Alliance Committee is eligible to receive up to \$2,000.00 subject to the Borough guaranteeing the availability of funds for a required 50% cash match (i.e., up to \$1,000.00), which will be used for programs to combat drug and alcohol abuse.

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 Mayor to execute the Application for Supplemental Funding and the Certification of Availability of Funds for the 50% cash match through which the Rockaway Borough Municipal Alliance Committee is eligible to receive up to \$2,000.00 for the 2019 funding cycle from the County of Morris.

DATE: June 10, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor