

MAYOR AND COUNCIL
REGULAR MEETING AGENDA
JULY 22, 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 July 22, 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: July 22, 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. CORRESPONDENCE

4. COUNCIL REPORTS

5. REPORT OF ATTORNEY

6. REPORT OF MAYOR

7. REPORT OF ADMINISTRATOR

8. REPORT OF CLERK

9. CONSENT AGENDA

- 133-21 Approve Participation in Body-Worn Camera Grant Program
- 134-21 Appropriate Engineering Costs for Mannino Road and Nichols Drive Improvement Project
- 135-21 Appropriate Engineering Costs for John Street Wall Project
- 136-21 Appropriate Engineering Costs for Fox Lake Dam Rehabilitation
- 137-21 Authorize Change Order No. 1 (Fox Lake Dam – Melick-Tully and Associates, P.C.)
- 138-21 Appropriate Additional Engineering Costs (Fox Lake Dam – Ferriero Engineering, Inc.)
- 139-21 Recognize Brian Wickkiser as a Full and Permanent Employee of the Borough

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

10. ORDINANCES, Introduction

22-21 AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF ROCKAWAY TO INCLUDE CANNABIS RETAILER AS A PERMITTED USE IN CERTAIN ZONES WITHIN 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					

23-21 AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF ROCKAWAY TO ESTABLISH LICENSING REQUIREMENTS AND MUNICIPAL TRANSFER AND USER TAXES FOR AUTHORIZED CANNABIS RETAILERS AND TO PROHIBIT THE OPERATION OF ALL OTHER CLASSES OF CANNABIS BUSINESSES WITHIN 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					

24-21 AUTHORIZING EXECUTION OF A LEASE AGREEMENT BETWEEN THE BOROUGH OF ROCKAWAY AND THE BOROUGH OF ROCKAWAY HISTORICAL COMMITTEE FOR THE PROPERTY LOCATED AT 199 WEST MAIN STREET

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

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

12. CLOSED SESSION (if necessary)

13. ADJOURNMENT

Moved	Seconded	Voice Vote		Time
		In favor:	Against:	

RESOLUTION 133-21: APPROVE PARTICIPATION WITH THE STATE OF NEW JERSEY SFY21 BODY-WORN CAMERA GRANT ADMINISTERED BY THE OFFICE OF THE ATTORNEY GENERAL, DEPARTMENT OF LAW AND PUBLIC SAFETY

WHEREAS, the Borough of Rockaway wishes to apply for funding of \$34,646.00 with a match of \$0.00 for a project under the State of New Jersey SFY21 Body-Worn Camera Grant (Award #21-BWC-380) for Subaward period January 1, 2021 through December 31, 2025; and

WHEREAS, the Mayor and Council have reviewed the accompanying application and have approved said request; and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and Borough of Rockaway for the purpose described in the application.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris that:

1. As a matter of public policy, the Borough of Rockaway wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
2. The Borough of Rockaway is authorized to accept the Subaward (Award #21-BWC-380).
3. The Borough of Rockaway is accepting the specific grant of funds for the SFY21 Body-Worn Camera Grant.
4. The Attorney General will receive funds on behalf of the applicant.
5. The Office of the Attorney General shall be responsible for the receipt and review of the application for said funds.
6. The Office of the Attorney General shall initiate allocations to each applicant as authorized.

DATE: July 22, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 134-21: APPROPRIATE ENGINEERING COSTS FOR MANNINO ROAD AND NICHOLS DRIVE IMPROVEMENT PROJECT

WHEREAS, this project involves the minor curb repair, drainage structure reconstruction and inlet upgrades, roadway base repair, milling, resurfacing and restriping; and

WHEREAS, the Borough Engineer has submitted a proposal dated February 2, 2021 for the professional engineering work required to complete the Mannino Road and Nichols Drive Improvement Project; 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 Mott MacDonald Engineering, 412 Mount Kemble Avenue, Suite G22, Morristown, New Jersey 07960 (908) 730-6000 for Mannino Road and Nichols Drive Improvement Project the including: (a) topographic and location survey; (b) basic design services; (c) printing and mailing services; (d) bidding and award services; (e) contract management and coordination services; (f) construction inspection services, shall not exceed \$32,000.00

DATE: July 22, 2021

Borough of Rockaway

ATTEST: Kimberly Cuspilich, 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 \$32,000.00 are available for the purpose of awarding a contract for the Mannino Road and Nichols Drive Improvement Project to the following entity:

Mott MacDonald Engineering, 412 Mount Kemble Avenue, Suite G22, Morristown, New Jersey 07960
For the purpose of: Engineering Costs for the Mannino Road and Nichols Drive Improvement Project
The funds are available in General Capital Fund
Budget Line Item#: 04-215-55-956-020

DATE: July 22, 2021

BY: Patricia Reiche, CFO/Treasurer

RESOLUTION 135-21: APPROPRIATE ENGINEERING COSTS FOR JOHN STREET WALL PROJECT

WHEREAS, this project involves removing the existing wall where it has failed and the filling and regrading of the area, as well as repairing the curbing along John Street; and

WHEREAS, the Borough Engineer has submitted a proposal dated February 8, 2021 for the professional engineering work required to complete the John Street Wall Project; 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 Mott MacDonald Engineering, 412 Mount Kemble Avenue, Suite G22, Morristown, New Jersey 07960 (908) 730-6000 for the John Street Wall Project the including: (a) topographic and location survey; (b) basic design services; (c) printing and mailing services; (d) bidding and award services; (e) contract management and coordination services; (f) construction inspection services, shall not exceed \$13,200.00

DATE: July 22, 2021

Borough of Rockaway

ATTEST: Kimberly Cuspilich, 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 \$13,200.00 are available for the purpose of awarding a contract for the John Street Wall Project to the following entity:

Mott MacDonald Engineering, 412 Mount Kemble Avenue, Suite G22, Morristown, New Jersey 07960
For the purpose of: Engineering Costs for the John Street Wall Project
The funds are available in Current Fund
Budget Line Item#: 01-201-36-472-216

DATE: July 22, 2021

BY: Patricia Reiche, CFO/Treasurer

RESOLUTION 136-21: APPROPRIATE ENGINEERING COSTS FOR FOX LAKE DAM REHABILITATION – CONSTRUCTION PHASE

WHEREAS, this project involves the construction oversight of the Fox lake Dam Rehabilitation; and

WHEREAS, the Borough Engineer has submitted a proposal dated July 19, 2021 for the professional engineering work required to complete the Construction Phase of the Fox Lake Dam Rehabilitation Project; 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 Mott MacDonald Engineering, 412 Mount Kemble Avenue, Suite G22, Morristown, New Jersey 07960 (908) 730-6000 for the Fox Lake Dam Rehabilitation Project for the construction phase, shall not exceed \$32,500.00

DATE: July 22, 2021

Borough of Rockaway

ATTEST: Kimberly Cuspilich, 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 \$32,500.00 are available for the Fox Lake Dam Rehabilitation, Construction Phase to the following entity:

Mott MacDonald Engineering, 412 Mount Kemble Avenue, Suite G22, Morristown, New Jersey 07960
For the purpose of: Engineering Costs for the Construction Phase of the Fox Lake Dam Project
The funds are available in Current Fund
Budget Line Item#: 01-201-20-165-201

DATE: July 22, 2021

BY: Patricia Reiche, CFO/Treasurer

RESOLUTION 137-21: AUTHORIZE CHANGE ORDER NO. 1 TO PSA (FOX LAKE DAM – MELICK-TULLY AND ASSOCIATES, P.C.)

WHEREAS, on August 13, 2020, a professional services contract for construction observation and testing of earthwork activities at Fox Lake Dam by a specialized engineer was awarded to Melick-Tully and Associates, P.C., 117 Canal Road, South Bound Brook, NJ 08880 in an amount not to exceed \$30,080.00; and

WHEREAS, due to an unforeseen change in the duration of the project, the Borough Engineer has recommended authorizing Change Order No. 1 in an amount not to exceed \$65,521.57, thereby increasing the total cost of the contract to \$96,321.57; and

WHEREAS, the procedures for this change order are in compliance with Local Public Contracts Law; and

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

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey hereby authorize and approve the execution of Change Order No. 1 in an amount not to exceed \$65,521.57 to the professional services contract awarded to Melick-Tully and Associates, P.C., 117 Canal Road, South Bound Brook, NJ 08880 for construction observation and testing of earthwork activities at Fox Lake Dam, thereby increasing the cost of this contract to \$96,321.57.

DATE: July 22, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, 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 \$65,521.57 are available for the purpose of awarding a contract for the furnishing of goods or services to the following entity:

Melick-Tully & Assoc. PC, 117 Canal Road, South Bound Brook, NJ 08880
For the purpose of: Change Order No. 1 (Fox Lake Dam – Melick-Tully and Associates, P.C.)
The funds are available in General Capital Fund

Budget Line Item#: 04-215-55-955-001

DATE: July 22, 2021

BY: Patricia Reiche, CFO/Treasurer

RESOLUTION 138-21: APPROPRIATE ADDITIONAL ENGINEERING COSTS (FOX LAKE DAM REHABILITATION – FERRIERO ENGINEERING, INC.)

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, on December 10, 2020, the Mayor and Council of the Borough of Rockaway appropriated funds 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 Rehabilitation 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 in an amount not exceed \$109,000.00; and

WHEREAS, due to an unforeseen change in the duration of the project, the Borough Engineer has requested additional funds be appropriated in an amount not to exceed \$40,000.00, thereby increasing the total cost to \$149,000.00; 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 additional 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 Rehabilitation Project shall not exceed \$40,000.00, thereby increasing the total cost to \$149,000.00.

DATE: July 22, 2021

Borough of Rockaway

ATTEST: Kimberly Cuspilich, 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 \$40,000.00 are available for the purpose of awarding a contract for the furnishing of goods or services to the following entity:

Ferriero Engineering, Inc. 180 Main Street, Chester, NJ 07930
For the purpose of: Additional Engineering Costs for Fox Lake Dam Improvements
The funds are available in General Capital Fund
Budget Line Item#: 04-215-55-811-120, 04-215-55-955-001

DATE: July 22, 2021

BY: Patricia Reiche, CFO/Treasurer

RESOLUTION 139-21: RECOGNIZE BRIAN WICKKISER AS A FULL AND PERMANENT EMPLOYEE OF THE BOROUGH OF ROCKAWAY

WHEREAS, Brian Wickkiser was appointed as a Patrolman, and thereby employed by the Borough of Rockaway, effective July 1, 2020; and

WHEREAS, whereas this appointment was contingent upon completing a one-year probationary period; and

WHEREAS, on July 7, 2021, the Chief of Police indicated that Patrolman Wickkiser had successfully completed his one-year probation and requested that he be removed from probation and recognized as a full and permanent employee of the Borough of Rockaway; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris and State of New Jersey, that Brian Wickkiser is hereby recognized as a full and permanent employee of the Borough of Rockaway.

DATE: July 21, 2021

Borough of Rockaway

ATTEST: Kimberly Cuspilich, Borough Clerk

BY: Thomas Mulligan, Mayor