

**MAYOR AND COUNCIL
REGULAR MEETING
MARCH 11, 2021
6:30 PM**

The Regular Meeting of the Mayor and Council of the Borough of Rockaway, in the County of Morris, New Jersey, was held remotely with Mayor Thomas Mulligan presiding. Mayor Mulligan called the meeting to order at 6:30 p.m.

Mayor Mulligan read the following statement: In accordance with Section 5 of the Open Public Meetings Act, Chapter 231, Public Laws, 1975, be advised that notice of this meeting was made by posting on the Bulletin Board, Town Hall, and sending to the officially designated newspapers, indicating that the meeting would take place as a telephonic meeting only at 6:30 p.m. on this date.

CALL TO ORDER

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

Borough Administrator Patricia Reiche and Borough Attorney Joseph J. Bell IV, Esq., were also present.

Everyone present participated in the salute to the flag.

APPROVAL OF MINUTES

Regular Meeting December 21, 2020
Regular Meeting January 14, 2021

Moved	Seconded	Voice Vote	
Councilman Haynes	Council President Burnside	In favor: X	Against:

INTRODUCTION OF 2021 MUNICIPAL BUDGET

RESOLUTION 50-21: MUNICIPAL BUDGET NOTICE

Section 1.

Municipal Budget of the Borough of Rockaway, County of Morris for the Fiscal Year 2021.

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2021.

BE IT FURTHER RESOLVED, that said Budget be published in *The Citizen* in the issue of March 17, 2021.

The Governing Body of the Borough of Rockaway does hereby approve the following as the Budget for the year 2021:

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

Notice is hereby given that the Budget and Tax Resolution was approved by the Borough Council of the Borough of Rockaway, County of Morris, on March 11, 2021.

A hearing on the Budget and Tax Resolution will be held remotely on April 8, 2021 at 6:30 p.m. at which time and place objections to said Budget and Tax Resolution for the year 2021 may be presented by taxpayers or other interested persons.

DATE: March 11, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

COUNCIL REPORTS

Councilman McDonald - Personnel Committee

Recreation – Councilman McDonald reported that the Recreation Director/Community Liaison met with the Library Director to discuss ways to reach the Borough children, adults, and seniors, including the possibility of adding library stop to the senior van route.

Councilman Hurley - Finance and License Committee

Payment of Bills - Upon motion by Councilman Hurley, seconded by Councilwoman Burnside, and carried unanimously upon voice vote, that the bills presented to the Borough of Rockaway for payment by the Borough, as evidenced by proper vouchers, be referred to the Committee or unit contracting for same, and, when endorsed by them and approved by appropriate action of Council, that they are to be paid.

Councilman Hurley provided an update on various projects, including Church Street Water Main, Union Street Ditch, and East Flagge Curbing Improvement.

Councilman Haynes – Public Utility and Works Committee

Department of Public Works – Councilman Haynes reported that the Department of Public Works is repairing potholes and is preparing for spring cleanup. Cross-training also continues to remain a focus.

Quotes are being solicited for the replacement of the truck which was lost due to fire damage, as well as for the replacement of windows at the Police Station.

Councilman Haynes requested a closed session for a personnel matter.

Councilman Smith - Ordinance Committee

Councilman Smith reported that the Ordinance Committee is currently working on updating the property maintenance code.

Council President Burnside – Fire Committee

Fire Department – Council President Burnside reported that the Fire Department scheduled drills for March 10, 24 and 31. 292 volunteer hours have been logged year-to-date.

Board of Health – Council President Burnside reported that Randolph received a grant to assist vulnerable populations obtain COVID-19 vaccinations. Council President Burnside also provided an update on the cannabis legislation and decisions that will be necessary in the near future.

REPORT OF ATTORNEY

The Attorney reported that the Governing Body will have to make decisions regarding the recent cannabis legislation and adopt an ordinance by August 22, 2021. He is currently reviewing the legislation and will make recommendation on the same.

REPORT OF MAYOR

Mayor Mulligan discussed Ordinance 09-21, which is being introduced this evening in conjunction with the settlement agreement between the Borough of Rockaway and RPM.

REPORT OF ADMINISTRATOR

Administrator Reiche reported that she will be working on updating the personnel manual.

Administrator Reiche reported that the East Main Street Bridge Public Meeting is scheduled for March 18, 2021 and all available information has been shared on the Borough website and Facebook page.

REPORT OF CLERK

No report.

CONSENT AGENDA

RESOLUTION 51-21: CERTIFY COMPLIANCE WITH U.S. EEOC'S "ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964"

RESOLUTION 51-21: CERTIFY COMPLIANCE WITH U.S. EEOC'S "ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964"

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rockaway hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

DATE: March 11, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 52-21: ACCEPT THE RESIGNATION OF JOSEPH ROSSI

WHEREAS, The Borough of Rockaway has received a letter of resignation from Joseph Rossi stating his intention to resign from his position as Senior Bus Driver, effective March 2, 2021; and,

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council accept the resignation of Joseph Rossi from the position of Senior Bus Driver.

DATE: March 11, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 53-21: AWARD CONTRACT (BACK-UP LICENSED WATER OPERATOR)

WHEREAS, there exists a need for a back-up licensed water operator in cases when the regular operator of record is unavailable, during such times as vacation periods or prolonged illnesses; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 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 \$180.00 per month Agra Environmental and Laboratory Services, 90 ½ West Blackwell Street, Dover, NJ 07801 (973-989-010) for a one-year period beginning January 1, 2021 and ending December 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.

DATE: March 11, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting 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 \$180.00 per month are currently available for the purpose of awarding a contract for the furnishing of goods or services to the following entity:

Agra Environmental and Laboratory Services
For the Purpose of: Back-Up Licensed Water Operator
The funds are available: Water Utility Fund
Budget Line Item #'s: 07-201-55-700-513

DATE: March 11, 2021

BY: Patricia Reiche, Chief Financial Officer

RESOLUTION 54-21: EXECUTE AGREEMENT PROVIDING FOR CURBSIDE COLLECTION OF RECYCLABLE MATERIALS (MCMUA)

WHEREAS, the Borough of Rockaway desires to meet its recycling goals by providing curbside pick-up to its residents; and

WHEREAS, the Morris County Municipal Utilities Authority (MCMUA), 214A Center Grove Road, Randolph, NJ 07869, (973-285-8383), desires to assist municipalities in meeting their recycling goals by providing curbside pick-up and a convenient outlet for disposal of recyclables; and

WHEREAS, pursuant to the Municipal and County Utilities Authority Law, N.J.S.A. 40:14B-1 et seq., the MCMUA may enter into a contract with a municipality for the provision of recycling services; and

WHEREAS, pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, (L.2007, c.63, s.2.), a Municipal Corporation and a County Utility Authority in the State of New Jersey are considered "Local Units". Local Units are encouraged and authorized to enter into agreements which promote the sharing and/or consolidation of services; and

WHEREAS, pursuant to N.J.S.A. 40A:65-4(a)(3)(b), any agreement entered into pursuant to this section shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs, pursuant to rules and regulations promulgated by the director; and

WHEREAS, pursuant to N.J.S.A. 40A:65-5, local units entering into shared services agreements must adopt a resolution authorizing and clearly identifying the agreement and ensure that a copy of the agreement shall be open to public inspection at the offices of the local unit immediately after passage of a resolution to become a party to the agreement; and

WHEREAS, pursuant to N.J.S.A. 40A:65-5(c), the agreement shall take effect upon the adoption of appropriate resolutions by all the parties thereto, and execution of agreements authorized thereunder as set forth in the agreement; and

WHEREAS, the MCMUA has entered and may, from time to time, enter into agreements with recycling markets to which municipalities in Morris County may become parties pursuant to the Uniform Shared Services and Consolidation Act; and

WHEREAS, this agreement shall supersede previous agreements entered into by the MCMUA and the Municipality providing for curbside collection of and for accepting, processing, and marketing recyclable materials; and

WHEREAS, the parties wish to enter into this new agreement to provide for the curbside collection of recyclable materials; and

WHEREAS, the base annual cost of such services shall not exceed:

From January 1, 2021 until December 31, 2021	\$122,000.00
From January 1, 2022 until December 31, 2022	\$124,440.00
From January 1, 2023 until December 31, 2023	\$126,928.80
From January 1, 2024 until December 31, 2024	\$129,467.38
From January 1, 2025 until December 31, 2025	\$132,056.72

WHEREAS, the MCMUA shall pay or invoice the Municipality 100% of the revenue earned or cost incurred from the sale of the Recyclable Materials; 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 Mayor and Borough Clerk are authorized to execute an Agreement with the Morris County Municipal Utilities Authority (MCMUA), 214A Center Grove Road, Randolph, NJ 07869, (973-285-8383), providing for curbside collection of recyclable materials for a period beginning January 1, 2021 and continuing until December 31, 2023, and shall be automatically extended for two additional one-year periods from January 1, 2024 until December 31, 2024 and January 1, 2025 until December 31, 2025, unless one party notifies the other in writing with at least 90 days' notice of its intent to terminate.
2. That the base annual cost of such services shall not exceed:

From January 1, 2021 until December 31, 2021	\$122,000.00
From January 1, 2022 until December 31, 2022	\$124,440.00
From January 1, 2023 until December 31, 2023	\$126,928.80
From January 1, 2024 until December 31, 2024	\$129,467.38
From January 1, 2025 until December 31, 2025	\$132,056.72
3. That the MCMUA shall pay or invoice the Municipality 100% of the revenue earned or cost incurred from the sale of the Recyclable Materials
4. That an executed copy of the Agreement 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.

DATE: March 11, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting 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 \$122,000.00 with a 2% increase per year as stated in their contracts are currently available for the purpose of awarding a contract for the purpose of awarding a contract for the furnishing of goods or services to the following entity:

Morris County Municipal Utilities Authority (MCMUA), 214A Center Grove Road, Randolph, NJ 07869
For the purpose of: Execute 2017-2021 Agreement Providing for Curbside Collection of Recyclable Materials (MCMUA)
The funds are available Contingent upon the adoption of the 2021 Temporary and Municipal Budgets
Budget Line Item #: 01-201-26-305-209

DATE: March 11, 2021

BY: Patricia Reiche, Chief Financial Officer

RESOLUTION 55-21: EXTEND THE TIME FOR THE RENEWAL OF DOG AND CAT LICENSING BY 60 DAYS DUE TO THE ONGOING COVID-19 PANDEMIC

WHEREAS, Chapter 121 Cats Dogs and Other Animals of the Code of the Borough of Rockaway establishes the licensure of dogs and cats by the Borough Clerk; and

WHEREAS, the current licensing period for dogs and cats expires on February 28, 2021; and

WHEREAS, the ongoing COVID-19 pandemic has made it challenging for residents to obtain rabies vaccines for their pets in a timely manner; and

WHEREAS, the Board of Health has recommended extending the time for renewal of dog and cat licenses by sixty days; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rockaway hereby authorize the Acting Borough Clerk to extend the renewal period for cat and dog licensing to the date of April 28, 2021 and waive the late fee of seventeen dollars for the period March 1, 2021 through April 28, 2021.

DATE: March 11, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 56-21: REFUND YEAR 2021 TAX OVERPAYMENT (BLOCK 14, LOT 10)

BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway to refund the Year 2021 tax overpayment in the amount of \$2,781.85 to Nicholas and Andrea Gerbino, 57 Drake Avenue, Rockaway, NJ 07866.

DATE: March 11, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

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

ORDINANCES, INTRODUCTION

#09-21 AMENDING CHAPTER 169 (LAND USE ADMINISTRATION AND PROCEDURES), CHAPTER 171 (LAND SUBDIVISION AND SITE PLAN REVIEW), AND CHAPTER 172 (ZONING) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ROCKAWAY, AND ESTABLISHING STANDARDS FOR "SENIOR HOUSING (AHO-S)" DISTRICT IN THE BOROUGH

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

MEETING OPEN TO THE PUBLIC

Mayor Mulligan opened the meeting to the public.

There being no comments, Mayor Mulligan closed the meeting to the public.

CLOSED SESSION

RESOLUTION 57-21: CLOSE MEETING TO THE PUBLIC

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the Public from a meeting under certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances do exist;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway in the County of Morris, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:

Contract Negotiations
3. The minutes of the discussion shall be made public as soon as the matters under discussion are no longer of a confidential or sensitive nature.
4. This resolution shall take effect immediately.

DATE: March 11, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

Moved	Seconded	Voice Vote	
Councilman Smith	Councilman Hurley	In favor: X	Against:

Mayor and Council went into closed session at 7:28 p.m. and resumed the public meeting at 7:35 p.m.

Councilman Haynes made a motion to pay William Hople a stipend of \$500 per pay period for each of the 4 pay periods where he was acting as Director of Public Works, Water Utility Supervisor, and DPW Supervisor, for a total of \$2,000.00.

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

ADJOURNMENT

Moved	Seconded	Voice Vote		Time
Councilman Hurley	Councilman Haynes	In favor: X	Against:	7:42 p.m.

Kimberly Cuspilich, Acting Borough Clerk

Date approved: June 10, 2021