

**MAYOR AND COUNCIL
REGULAR MEETING
APRIL 23, 2020
6:00 PM**

Public notice is hereby given that the meeting of the Mayor and Council of the Borough of Rockaway previously scheduled for Thursday, April 23, 2020 at 6:00PM, to take place in the Community Center, 21-25 Union Street, Rockaway, NJ 07866, has been changed to a telephonic meeting only, in accordance with N.J.S.A. 10:4-6, et. seq. (the Open Public Meetings Act), at which time formal action will be taken.

The public is invited to attend this meeting by calling:

1 (224) 501-3412
Access Code 602-951-157

Patricia L. Bussow, RMC
Administrator/Borough Clerk

AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. 2020 MUNICIPAL BUDGET:
 - RESOLUTION #72-20 Governing Body Certification of Compliance 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"
 - RESOLUTION #73-20 Read Municipal Budget by Title
 - PUBLIC HEARING
 - RESOLUTION #74-20 Authorize the Adoption of the 2020 Budget
4. APPOINTMENTS
5. APPROVAL OF MINUTES February 22, 2020 Budget Meeting
 February 27, 2020 Regular Meeting
 March 12, 2020 Regular Meeting
6. CORRESPONDENCE
7. COUNCIL REPORTS
8. REPORT OF ATTORNEY
9. REPORT OF MAYOR
10. REPORT OF ADMINISTRATOR/CLERK
11. CONSENT AGENDA: Resolutions
 - #67-20 Authorize Tax Anticipation Notes

- #68-20 Extend Grace Period for Payment of Taxes
- #69-20 Authorize Estimated Tax Bills
- #70-20 Authorize Mayor to Sign Treatment Works Approval Application
- #71-20 Authorize Execution of Contract for Acquisition of Property (Fox Dam)

12. ORDINANCES: Introduction

- #05-20 \$123,600 Fully Funded Bond Ordinance (Sanitary Sewer)

13. MEETING OPEN TO THE PUBLIC

14. CLOSED SESSION (If required)

15. ADJOURNMENT

**GOVERNING BODY CERTIFICATION PURSUANT TO P.L. 2017, C.183 OF
COMPLIANCE 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"**

**GROUP AFFIDAVIT FORM FOR MUNICIPALITIES AND COUNTIES
NO PHOTO COPIES OF SIGNATURES**

STATE OF NEW JERSEY
COUNTY OF *(Insert County Name)*

We, members of the governing body of the *(Name of local unit)* being duly sworn according to law, upon our oath depose and say:

1. We are duly elected (or appointed) members of the *(insert name of governing body)* of the *(name of local unit)* in the county of *(name of county)*;
2. Pursuant to P.L. 2017, c.183, we have familiarized ourselves with the contents of 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);
3. We are familiar with the local unit's hiring practices as they pertain to the consideration of an individual's criminal history;
4. We certify that the local unit's hiring practices comply with the above-referenced enforcement guidance.

(L.S.)	(L.S.)

Sworn to and subscribed before me this _____ day of _____
Notary Public of New Jersey

Clerk

The Municipal Clerk (or Clerk of the Board of Chosen Freeholders as the case may be) shall set forth the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be executed before a municipality or county can submit its approved budget to the Division of Local Government Services. The executed certificate and the adopted resolution must be kept on file and available for inspection.

**GOVERNING BODY CERTIFICATION OF COMPLIANCE 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"**

FORM OF RESOLUTION

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 (*name of governing body*) of the (*name of local unit*), 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.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON (*insert meeting date*).

Clerk

RESOLUTION 73-20: READ MUNICIPAL BUDGET BY TITLE

WHEREAS, Chapter 259 of the Public Laws of 1995 amends the "Local Budget Law," N.J.S.A. 40A:4 et seq., to provide that the local budget may be read by its title only on the date of the public hearing, under the following conditions:

1. At least one week prior to the date of the hearing and at the hearing, a complete copy of the approved budget:
 - a. shall be made available for public inspection; and
 - b. shall be made available to each person upon request; and
2. The governing body shall, by resolution passed by not less than a majority of the full membership, determine that the conditions set forth in subsection 1.a. and 1.b. of this section have been met; and

WHEREAS, the certification by the Borough Clerk attesting to compliance with item 1.a. above is attached hereto and made a part hereof, and the Budget Summary as allowed by law was published in *The Citizen* issue of April 9, 2020.

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, (not less than a majority of the full membership thereof affirmatively concurring) that the said 2020 Local Municipal Budget of the Borough of Rockaway shall be read by title only, all of the aforementioned conditions of P.L. 1995, c. 259 having been met.

RESOLUTION 74-20: AUTHORIZE THE ADOPTION OF 2020 ANNUAL BUDGET

SEE PAGES 41 AND 42 OF BUDGET

RESOLUTION 67-20: AUTHORIZING TAX ANTICIPATION NOTES

BE IT RESOLVED by the Council of the Borough of Rockaway, in the County of Morris, State of New Jersey, that Tax Anticipation Notes, pursuant to the local budget law N.J.S.A. 40A:4-64, be and are hereby authorized to issued Tax Anticipation Notes and sold by the Chief Finance Officer for the purpose of borrowing money with interest not in excess of 6% per annum;

BE IT FURTHER RESOLVED that the proceeds of said notes shall be applied to budget purposes only;

BE IT FURTHER RESOLVED that there has been certified to the Borough of Rockaway the gross borrowing power and net borrowing power in limitation of said Tax Anticipation Notes as follows:

1. The gross borrowing power in respect to Tax Anticipation Notes of such fiscal year being 30% of the tax levy of the next preceding fiscal year, for all purposes in the case of a municipality, plus 30% of the amount of miscellaneous revenue realized in cash during the next preceding fiscal year, is \$7,975,094.00.
2. The amount of notes outstanding in anticipation of the collection of taxes of such fiscal year, except such notes which will be renewed by or paid from the proceeds, of the notes to be issued is None.
3. The net borrowing power, being in excess of the first over the second of the two above amounts is \$7,975,094.00.

BE IT FURTHER RESOLVED that said notes may be renewed from time to time but all such notes and any renewals thereof shall mature not later than 120 days after end of year, and the Mayor and Chief Finance Officer be and are hereby authorized to execute such notes and the Clerk to attest thereto;

BE IT FURTHER RESOLVED that upon making the sale of such notes the Chief Finance Officer shall make a report of such sale pursuant to N.J.S.A. 40A:4-72.

RESOLUTION 68-20: EXTEND GRACE PERIOD FOR PAYMENT OF TAXES

BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, to extend the grace period for the 2020 Year Second Quarter Property Taxes to May 29, 2020.

RESOLUTION 69-20: AUTHORIZATION TO ISSUE ESTIMATED TAX BILLS

WHEREAS, the Morris County Board of Taxation is unable to certify the 2020 tax rate in a timely manner, and

WHEREAS, without the 2020 certified tax rate the Tax Collector of the Borough of Rockaway will be unable to issue the 2020 tax bills on a timely basis.

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

1. The Tax Collector of the Borough of Rockaway is hereby authorized and directed to prepare and issue estimated tax bills for the Borough of Rockaway for the third installment of 2020 taxes. The Tax Collector shall proceed and take such actions as are permitted and required by Chapter 72, Public Laws of 1994 and N.J.S.A. 54:4-66.2 and 54:4-66.3.
 2. The total estimated tax levy for 2020 is \$24,743,936.47. The estimated tax rate for 2020 is \$3.138.
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RESOLUTION 70-20: RESOLUTION TO ENDORSE TREATMENT WORKS APPLICATION (ENCLAVE AT DENVILLE)

WHEREAS, Enclave at Denville has proposed to build a 116-unit residential development at 360 Franklin Avenue in Denville Township (Block 40203, Lot 1); and

WHEREAS, Enclave at Denville has requested permission from the Borough of Rockaway ("the Borough") to connect to the existing sanitary sewer system in the Borough of Rockaway; and

WHEREAS, Enclave at Denville has submitted a Treatment Works Approval Permit Application for approval by the Borough; and

WHEREAS, the Borough Engineer has recommended that the Governing Body endorse the Treatment Works Approval Permit Application to the State of New Jersey Department of Environmental Protection.

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 and Clerk to sign the Treatment Works Approval Permit Application form.

**BOROUGH OF ROCKAWAY
MORRIS COUNTY, NEW JERSEY**

RESOLUTION NO. 71-20

**RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE
ACQUISITION OF A PORTION OF THE PROPERTY DESIGNATED AS BLOCK 46,
LOT 3, ON THE OFFICIAL TAX MAP OF THE BOROUGH OF ROCKAWAY,
COUNTY OF MORRIS, STATE OF NEW JERSEY**

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, *et seq.*, and the Eminent Domain Act, N.J.S.A. 20:3-1, *et seq.*, authorize public entities to acquire real property or an interest in real property; and

WHEREAS, Paul and Diane Willson are the owners of the real property located at 89 Academy Street, Borough of Rockaway, County of Morris State of New Jersey and designated as Block 46, Lot 3, on the Tax Map of the Borough of Rockaway (the "Property"); and

WHEREAS, the Mayor and Council of the Borough of Rockaway ("Borough") have deemed it necessary for the Borough to acquire a fee simple interest and temporary access and grading easement in certain portions of the Property, as specified in the descriptions and maps prepared by the Borough Engineer, for purposes of completion of the Foxs Lake Dam Rehabilitation Project and the amelioration of a potential hazard and safety concerns posed by the present condition; and

WHEREAS, the Mayor and Council of the Borough of Rockaway adopted Ordinance No. 17-19 authorizing the acquisition of the Property of the Seller by negotiation of a voluntary sale or eminent domain; and

WHEREAS, the Borough subsequently engaged in negotiations for the acquisition of the Property and reached an agreement with the owners of record as to the essential terms and conditions of the sale; and

WHEREAS, the Borough Attorney will draft a proposed contract of sale in accordance with the terms and conditions authorized under this Resolution.

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 Administrator are hereby authorized to purchase and acquire a fee simple interest and temporary access and grading easement in the portions of the Property, as specified in the descriptions and maps prepared by the Borough's Engineer, located at 89 Academy Street, Borough of Rockaway, County of Morris State of New Jersey (designated as Block 46, Lot 3, on the Tax Map of the Borough of Rockaway), on behalf of the Borough of Rockaway from the owners of record for the purchase price of Eighty-Five Thousand Dollars 00/100 (\$85,000).

2. The Mayor and Borough Administrator are hereby authorized to enter into a Contract of Sale for the purchase of the aforementioned Property in the amount of the purchase price approved herein and on such other terms and conditions as may the Mayor and Borough Administrator, upon consultation with the Borough Attorney, may deem reasonable and appropriate, and to sign and execute such documents on behalf of the Borough.
3. The Mayor, Borough Administrator and Borough Attorney are hereby authorized to perform and undertake any and all due diligence and other acts as may necessary or appropriate to consummate the sale, including, but not limited to, ordering and retaining an appraisal, title search, property inspection, survey, engineer environmental testing and investigation and such other professionals, inspections and reports.
4. The formal transfer and sale of the Property shall occur in the time and manner specified in the Contract for the Sale of Real Estate.
5. This Resolution shall take effect immediately.