

MAYOR AND COUNCIL

REGULAR MEETING

JUNE 11, 2020

6:00 PM

Public Notice is hereby given that the Mayor and Council of the Borough of Rockaway, in the County of Morris, will convene a public meeting on Thursday, June 11, 2020 at 6:00 p.m. and will be 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 on any matters that come before the governing body. This notice has been duly advertised in the official newspaper and has been posted on the official website of the Borough of Rockaway.

The public is invited to attend this meeting by calling:

+1 (646) 749-3122

Access Code: 991-105-861

AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. APPOINTMENTS
4. OATHS OF OFFICE: Christopher Richardson (Police Lieutenant)
William Weischedel, III (Police Sergeant)
Kimberly Cuspilich (Acting Borough Clerk)
5. APPROVAL OF MINUTES: Special Meeting – May 6, 2020
Regular Meeting May 14, 2020
6. COUNCIL REPORTS
7. REPORT OF ATTORNEY
8. REPORT OF MAYOR
9. REPORT OF ADMINISTRATOR/CLERK
10. CONSENT AGENDA: Resolutions
 - #78-20 Refund Overpayment (Police Security Officer)
 - #80-20 Authorize Settlement Agreement (Rockaway Gardens)
 - #84-20 Authorize Issuance of Reimbursement Under the “Kelly Law”
 - #85-20 Change in Custodian of Petty Cash Fund
 - #86-20 Appoint Joint Insurance Fund Commissioner
 - #87-20 Authorize Execution of Contract of Sale (Block 46, Lot 3)
 - #88-20 Award Contract (DPW - Pick Up Truck)
 - #89-20 Award Contract (Recreation – Smith Field Fence Replacement)
 - #90-20 Resolution of Need
 - #91-20 Appoint Borough Administrator (Patricia Reiche)
 - #92-20 Refund Tax Sale Certificate (Block 38, Lot 127)
11. ORDINANCES: Adoption
 - #06-20 \$1,025,000 Capital Improvement Bond Ordinance
 - #07-20 \$360,000 Water Utility Bond Ordinance
 - #08-20 Amend Chapter 55, Officers and Employees
12. ORDINANCES: Introduction
 - #09-20 Municipal and Water Salaries
 - #10-20 Amend Chapter 169 Land Use Administration and Procedures
13. MEETING OPEN TO THE PUBLIC
14. CLOSED SESSION

RESOLUTION 78-20: REFUND MORRIS HILLS REGIONAL SCHOOL DISTRICT (POLICE SECURITY OFFICER)

WHEREAS, the Borough of Rockaway received payment of \$36,000.00 from Morris Hills Regional School District, 48 Knoll Drive, Rockaway, NJ 07866 (973-664-2280) to be applied to the police security officer; and

WHEREAS, the actual cost for the 2019-2020 school year for the police security officer was \$26,047.29, thereby resulting in an overpayment of \$9,952.71.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, to refund the overpayment of \$9,952.71 for the police security officer to Morris Hills Regional School District, 48 Knoll Drive, Rockaway, NJ 07866 (973-664-2280).

RESOLUTION 80-20: AUTHORIZE SETTLEMENT AGREEMENT (ROCKAWAY GARDENS)

WHEREAS, the Borough provides and charges for water service through the Borough Water Utility and bills Robmar Realty Associates, LLC t/a Rockaway Gardens Apartments quarterly for water received based on rate and consumption in accordance with Borough Ordinance; and

WHEREAS, a discrepancy arose as to the calculation of the charges on the water bill as a result of the upgrade and replacement of the previous water meter by the Borough with a different type of meter; and

WHEREAS, although it is the position of the Borough that it has the discretion to amend the ordinance at any time to change the manner in which charges are calculated to be consistent with that of how the new meter had been set in this instance or in any other way it may deem appropriate, that was not a change that was intended when the Borough made the decision to upgrade the existing water meters; and

WHEREAS, the Parties prefer to resolve the current issue amicably and without further risk or expense and wish to execute a settlement agreement;

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 Borough Clerk is hereby authorized to execute a settlement agreement with Robmar Realty Associates, LLC t/a Rockaway Gardens Apartments stating that the Borough will issue a total credit in the amount of \$13,741.77 to be applied to charges on Releasor's accounts. Such credit shall be applied to any charges on both Account No. 0100-00191 and 0100-00190 until the balance of the credit is exhausted.

RESOLUTION 84-20: AUTHORIZE ISSUANCE OF REIMBURSEMENT UNDER THE "KELLY LAW"

BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that the Chief Financial Officer be directed to issue a reimbursement check as listed below under the "Kelly Law" (2019 expenses) pursuant to N.J.S.A. 40:67-23.2, et seq.:

Fox Hill at Rockaway Condominium Association - \$3,420.00
Attn: Lynn Howell
PO Box 231
Dover, NJ 07802

RESOLUTION 85-20: CHANGE IN CUSTODIAN OF PETTY CASH FUND

WHEREAS, Borough Clerk Patricia Bussow was custodian of the Petty Cash Fund for the Clerk's office of the Borough of Rockaway, and

WHEREAS, Borough Clerk Patricia Bussow has resigned as of June 19, 2020 and Kimberly Cuspilich has been appointed as Acting Borough Clerk; and

WHEREAS, in accordance with N.J.S.A. 40:5-21, the Borough of Rockaway is changing custodians to Kimberly Cuspilich.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Rockaway, County of Morris hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

1. Kimberly Cuspilich, Acting Borough Clerk, having custody of the Fund, be bonded in an amount not less than \$1,000.00 and will maintain said Fund in accordance with the laws and regulations governing its operation.

RESOLUTION 86-20: APPOINT JOINT INSURANCE FUND COMMISSIONER

WHEREAS, the Borough of Rockaway has resolved to join the Morris County Municipal Joint Insurance Fund; and

WHEREAS, the bylaws of said Fund require that each Municipality appoint a Fund Commissioner.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, New Jersey that Patricia Reiche, Administrator/Chief Financial Officer, is hereby appointed as the Borough of Rockaway's Commissioner of the Morris County Municipal Joint Insurance Fund and Kimberly Cuspilich, Borough Clerk, as designated alternate for the year 2020; and

BE IT FURTHER RESOLVED that the Borough of Rockaway's Fund Commissioner is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the Fund as required by the Fund's Bylaws and to deliver same to the Administrator of the Fund.

RESOLUTION 87-20: AUTHORIZE MAYOR AND BOROUGH CLERK TO EXECUTE CONTRACT WITH DR. PAUL WILLSON FOR PROPERTY DESIGNATED AS BLOCK 46, LOT 3, AND MORE COMMONLY KNOWN AS 89 ACADEMY STREET, BOROUGH OF ROCKAWAY, COUNTY OF MORRIS, STATE OF NEW JERSEY

WHEREAS, the Borough of Rockaway (the "Borough") and Dr. Paul Willson have been in negotiations concerning the acquisition by the Borough of a parcel of land designated as Lot 3 in Block 46 on the Tax Maps of the Borough of Rockaway; and

WHEREAS, the parties have now come to terms with respect to a certain Contract of Sale which contract has been negotiated and approved by the Borough Attorney; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that the Mayor and Borough Clerk be authorized to execute a certain contract for the acquisition of Lot 3 in Block 46 as shown on the Tax Maps of the Borough of Rockaway subject to the Borough Attorney being satisfied with the terms and conditions provided in said contract; and

BE IT FURTHER RESOLVED that the Borough Attorney be authorized to proceed with the necessary title searches, survey work and other documentation which may be required as part of the processing of acquiring the property; and

BE IT FURTHER RESOLVED that Mayor and/or Council President (in the absence of the Mayor) and the Borough Clerk be authorized to execute any and all documents which may be necessary to effectuate the conveyance of the property to the Borough and the obtaining of all necessary funds needed to acquire such property.

This resolution shall take effect as provided by law.

RESOLUTION 88-20: AWARD CONTRACT (DPW - PICKUP TRUCK)

WHEREAS, there exists a need to obtain a pickup truck for the Department of Public Works; and

WHEREAS, Beyer Ford, 170 Ridgedale Avenue, Morristown, NJ 07960 (973-463-3065) has been awarded New Jersey State Contract No. A88727 for the purchase of a 2020 Ford F-250 SRW XL 4WD Reg Cab 8' Box; 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, that it does hereby authorize the purchase of a 2020 Ford F-250 SRW XL 4WD Reg Cab 8' Box from Beyer Ford, 170 Ridgedale Avenue, Morristown, NJ 07960 (973-463-3065) for use by the Department of Public Works, under New Jersey State Contract No. A88727 in the amount not to exceed \$43,991.00.

RESOLUTION 89-20: AWARD CONTRACT (RECREATION – SMITH FIELD FENCING)

WHEREAS, there exists a need to replace fencing at Smith Field; and

WHEREAS, a diligent attempt to obtain several quotes was made by the Recreation Director, with the lowest response being received from Hopatcong Fence Co., 105 Marne Road, Hopatcong, NJ 07843 (201-400-3575); 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, that proper Borough officials are authorized and directed to execute a contract with Hopatcong Fence Co., 105 Marne Road, Hopatcong, NJ 07843 (201-400-3575), in the amount not to exceed \$19,145.00 for the purchase and installation of fencing at Smith Field.

RESOLUTION 90-20: RESOLUTION OF NEED

WHEREAS, 74 West Main Street Urban Renewal Associates, LP (hereinafter referred to as the “Sponsor”) proposes to develop a 64-unit affordable housing development for seniors (hereinafter referred to as the “project”) pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1.1 et seq., and all applicable guidelines promulgated thereunder (the foregoing hereinafter collectively referred to as the “HMFA Requirements”) within the Borough of Rockaway (hereinafter referred to as the “Municipality”) on a site described as Lots 65; Block 73 as shown on the Official Assessment Map of the Rockaway Borough and commonly known as West Main Street Senior Residences; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the “Agency”); and

WHEREAS, pursuant to the HMFA Requirements, the governing body of the Municipality hereby determines that there is a need for this housing project in the Municipality.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Rockaway (the “Council”) that:

- (1) The Council finds and determines that the 64-unit affordable Project proposed by the Sponsor meets or will meet an existing housing need;
- (2) The Committee does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in conformity with the provisions of the HMFA Law to enable the Agency to process the Sponsor’s application for Agency funding to finance the Project.

RESOLUTION #91-20: APPOINTING PATRICIA REICHE AS BOROUGH ADMINISTRATOR COMMENCING ON JUNE 22, 2020 TO DECEMBER 31, 2020

WHEREAS, the Mayor and Borough Council need to fill the vacancy in the office of Administrator upon the resignation of Patricia Bussow; and

WHEREAS, the Mayor and Borough Council have selected Patricia Reiche, Chief Financial Officer, to assume these duties beginning June 22, 2020 for a probationary period until December 31, 2020; and

WHEREAS, the compensation for assuming these duties will be increased to the sum of twenty thousand dollars (\$20,000.00) while also fulfilling her responsibilities as Chief Financial Officer; and

WHEREAS, a contract of employment is annexed hereto along with a Certificate of Availability of Funds, available for public inspection in the office of the Municipal Clerk; and

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

1. Patricia Reiche shall be appointed as Administrator of the Borough of Rockaway commencing on June 22, 2020 through December 31, 2020, said appointment being made on a probationary basis.
2. The Mayor and Municipal Clerk are directed to execute a contract of employment as annexed to this Resolution.
3. The compensation for serving as Chief Financial Officer and Administrator shall be increased to twenty thousand dollars (\$20,000.00) beginning on June 22, 2020 until December 31, 2020.
4. The Chief Financial Officer of the Borough of Rockaway, hereby certifies that the funds necessary for the authorization and acceptance of the contract of employment of the Chief Financial Officer and Administrator by the Borough of Rockaway are available in the necessary Borough of Rockaway account(s).

RESOLUTION 92-20 REFUND TAX SALE CERTIFICATE (BLOCK 38, LOT 127)

BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, by New Jersey State Statute 54:5-58 to refund tax sale certificate dated October 9, 2019 for 138 Franklin Avenue, Block 38, Lot 127 in the amount of \$14,045.55 and premium in the amount of \$21,000.00 to Park Finance II LLC, P.O. Box 109, Cedar Knolls, N.J. 07927 and \$50.00 to Borough of Rockaway per state statute N.J.S.A. 54:5-54.