

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

Public notice is hereby given that a regular meeting of the Mayor and Council of the Borough of Rockaway will be held Thursday, March 11, 2021 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](http://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](mailto: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: Mar 11, 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. APPROVAL OF MINUTES**      Regular Meeting December 21, 2020  
   Regular Meeting January 14, 2021

**4. CORRESPONDENCE**

5. INTRODUCTION OF 2021 MUNICIPAL BUDGET – *Resolution 50-21: Municipal Budget Notice*

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

6. COUNCIL REPORTS

7. REPORT OF ATTORNEY

8. REPORT OF MAYOR

9. REPORT OF ADMINISTRATOR

10. REPORT OF CLERK

11. CONSENT AGENDA

- #51-21 Certify Compliance with US EEOC’s “Enforcement Guidance on the Consideration of Arrest and Convictions Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964”
- #52-21 Accept the Resignation of Joseph Rossi
- #53-21 Award Contract (Back Up Licensed Water Operator)
- #54-21 Execute Agreement for Curbside Collection of Recyclable Materials (MCMUA)
- #55-21 Extend Time for Renewal of Dog and Cat Licensing by 60 Days
- #56-21 Refund Year 2021 Tax Overpayment (Block 14, Lot 10)

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

12. 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

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

14. CLOSED SESSION (if necessary)

15. ADJOURNMENT

Moved	Seconded	Voice Vote		Time
		In favor:	Against:	

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

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 14, 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

**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

---

**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

---

**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