

**MAYOR AND COUNCIL  
REGULAR MEETING AGENDA  
MAY 13, 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 May 13, 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](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: May 13, 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**

*Budget Meeting February 6, 2021*

*Regular Meeting February 11, 2021*

Moved	Seconded	Voice Vote	
		In favor:	Against:

- 4. CORRESPONDENCE
- 5. COUNCIL REPORTS
- 6. REPORT OF ATTORNEY
- 7. REPORT OF MAYOR
- 8. REPORT OF ADMINISTRATOR
- 9. REPORT OF CLERK
- 10. CONSENT AGENDA

- 83-21 Refund tax overpayment (Block 77 Lot 18)
- 84-21 Accept the Resignation of Keyara Dominguez
- 85-21 Authorize Click It or Ticket Mobilization 2021
- 86-21 Release Soil Disturbance Performance Bond (121 Hibernia Ave)
- 87-21 Release Land Use Board Escrow Deposit (121 Hibernia Ave)
- 88-21 Appropriate Funds (Topology - Housing Element and Fair Share Plan)
- 89-21 Authorize and Direct the Land Use Board to Conduct a Preliminary Investigation
- 90-21 Kelly Law Reimbursement (Fox Hill & Tudor)
- 91-21 Approve Water Allocation Application (Block 10301 Lot 19)
- 92-21 Resolution of Need (74 West Main Street Urban Renewal Associates, LLC)
- 93-21 Authorize Execution of First Amendment to Financial Agreement with 74 West Main Street Urban Renewal Associates, LLC)
- 94-21 Authorize Submission of Local Recreation Improvement Grant for Improvements at Park Lake

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

11. ORDINANCES, *Adoption*

- 10-21 ORDINANCE OF THE BOROUGH OF ROCKAWAY MAYOR AND COUNCIL AMENDING CHAPTER 213, SEWER, OF THE CODE OF 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					

11-21 ORDINANCE OF THE BOROUGH OF ROCKAWAY MAYOR AND COUNCIL  
MUNICIPAL AND WATER UTILITY SALARIES

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

12-21 ORDINANCE APPROPRIATING \$280,000, \$80,000 OF WHICH IS FROM A COMMUNITY DEVELOPMENT BLOCK GRANT AND \$200,000 OF WHICH IS FROM THE WATER CAPITAL IMPROVEMENT FUND FOR VARIOUS WATER IMPROVEMENTS IN AND BY THE BOROUGH OF ROCKAWAY, IN THE COUNTY OF MORRIS, NEW JERSEY

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*

14-21 BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF ROCKAWAY, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$754,871 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$468,227 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

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

15-21 AMENDING CHAPTER A263, FEES, OF THE CODE OF 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					

16-21 AMENDING CHAPTER 169, LAND USE ADMINISTRATION AND PROCEDURES OF THE CODE OF THE BOROUGH OF ROCKAWAY (SPECIAL MEETING FEE)

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

17-21 AMENDING CHAPTER 169 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ROCKAWAY ESTABLISHING STANDARDS FOR LAND USE PRE-APPLICATION SKETCH REVIEWS AND POST-APPLICATION TECHNICAL REVIEWS IN THE BOROUGH

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

18-21 AMENDING CHAPTER 217, STREETS AND SIDEWALKS, OF THE CODE OF 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					

19-21 AMEND CHAPTER 170 LAND USE DESIGN AND PERFORMANCE STANDARDS (STORMWATER)

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

20-21 BOND ORDINANCE REAPPROPRIATING \$596,482 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR THE ACQUISITION AND INSTALLATION OF WATER METERS AND WATER DATA COLLECTION EQUIPMENT IN AND BY THE BOROUGH OF ROCKAWAY, IN THE COUNTY OF MORRIS, NEW JERSEY.

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

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 83-21: REFUND YEAR 2021 TAX OVERPAYMENT (BLOCK 77, LOT 18)**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Rockaway to refund the Year 2021 tax overpayment in the amount of \$520.95 to Hector Ortiz, 34 Longview Road, Rockaway, NJ 07866.

DATE: May 13, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

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**RESOLUTION 84-21: ACCEPT THE RESIGNATION OF KEYARA DOMINGUEZ**

**WHEREAS**, The Borough of Rockaway has received a letter of resignation from Keyara Dominguez stating her intention to resign from her position as Police Clerk, effective April 29, 2021; and,

**WHEREAS**, the Mayor and Council express their appreciation of the work performed by Mrs. Dominguez during her time with the Borough of Rockaway.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council accept the resignation of Keyara Dominguez from the position of Police Clerk.

DATE: May 13, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

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**RESOLUTION 85-21: SUPPORT THE CLICK IT OR TICKET MOBILIZATION OF MAY 24 – JUNE 6, 2021**

**WHEREAS**, unbelted motorists and passengers accounted for nearly 39 percent of the state's motor vehicle fatalities in 2018; and

**WHEREAS**, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

**WHEREAS**, the National Highway Traffic Safety Administration estimates that seat belt use saved more than 15,000 lives nationally in 2017 alone; and

**WHEREAS**, the State of New Jersey will participate in the nationwide *Click It or Ticket* seat belt mobilization from May 24 – June 6, 2021 in an effort to raise awareness and increase seat belt usage through a combination of enforcement and education: and

**WHEREAS**, a further increase in seat belt usage in New Jersey will save lives on our roadways.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Rockaway declares its support for the *Click It or Ticket* seat belt mobilization both locally and nationally from May 24 – June 6, 2021 and pledges to increase awareness of the mobilization and the benefits of seat belt use.

DATE: May 13, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

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**RESOLUTION 86-21: REFUND OF SOIL DISTURBANCE PERFORMANCE BOND (121 HIBERNIA AVE)**

**WHEREAS**, on April 29, 2020, Pheasant Walk, LLC 4 Woodport Road, Wharton, New Jersey 07855 (973-703-5148), paid a Performance Bond totaling \$500.00, for a Soil Disturbance Application; and

**WHEREAS**, upon review by the Town Engineer, it was determined that all work was completed as necessary; and

**WHEREAS**, the Town Engineer has inspected the site and is satisfied that the work has been completed properly and has recommended the refund of the performance bond; and

**WHEREAS**, the Mayor and Council of the Borough of Rockaway concur with the recommendation of the Borough Engineer.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Rockaway, that the Chief Financial Officer is hereby authorized to return funds totaling \$500.00, representing the performance bond to Pheasant Walk, LLC 4 Woodport Road, Wharton, New Jersey 07855 (973-703-5148).

DATE: May 13, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

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**RESOLUTION 87-21: RELEASE LAND USE BOARD ESCROW DEPOSIT (121 HIBERNIA AVE)**

**WHEREAS**, Pheasant Walk LLC 4 Woodport Road, Wharton New Jersey 07855 (973-703-5148), posted the required escrow deposit for 121 Hibernia Avenue, Rockaway, New Jersey 07866; and

**WHEREAS**, the Borough Engineer has inspected the site and is satisfied that the work has been completed properly and recommended that the escrow balance may be released; and

**WHEREAS**, the Borough of Rockaway Chief Financial Officer has determined that the escrow posted by Homeless Solutions is sufficient to cover the Borough's costs and that \$2,389.03 is owed to Pheasant Walk LLC; and

**WHEREAS**, the Mayor and Council of the Borough of Rockaway concur with the recommendation of the Borough Engineer and the Borough Chief Financial Officer.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Rockaway, that the Chief Financial Officer is hereby authorized to return funds totaling \$2,389.03 representing the escrow balance associated with 121 Hibernia Avenue to Pheasant Walk LLC 4 Woodport Road, Wharton New Jersey 07855 (973-703-5148).

DATE: May 13, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

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**RESOLUTION 88-21: APPROPRIATE FUNDS – HOUSING ELEMENT AND FAIR SHARE PLAN**

**WHEREAS**, the Borough Planner submitted a proposal dated May 5, 2021 to prepare a Housing Element and Fair Share Plan at a cost not to exceed \$7,000.00; and

**WHEREAS**, the amount to be charged is for the purpose of preparing a Housing Element and Fair Share Plan, which memorializes the policies and strategies of the Fair Share Housing Center settlement agreement; 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 the Borough Planner to prepare a Housing Element and Fair Share Plan, shall not exceed \$7,000.00, and the Chief Financial Officer is authorized to disburse such funds.

DATE: May 13, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

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**RESOLUTION 89-21: AUTHORIZING AND DIRECTING THE BOROUGH LAND USE BOARD TO CONDUCT A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER PROPERTIES COMMONLY KNOWN AS BLOCK 17, LOTS 26-28; BLOCK 40, LOTS 1, 17-19, 19.01, 20-21, 89, 89.01, 91-99; BLOCK 41, LOTS 2-4; BLOCK 42, LOTS 1-3, 3.01, 4-8, 8.01, BLOCK 43, LOTS 7-10; BLOCK 45, LOTS 13-21, 23-24; BLOCK 46, LOTS 22-**

**32, 34-35; BLOCK 47, LOT 9; BLOCK 73, LOTS 69, 71 AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH CONSTITUTES A NON- CONDEMNATION AREA IN NEED OF REDEVELOPMENT PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 et seq.**

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment in accordance with the Act; and

**WHEREAS**, to determine whether certain parcels of land constitute areas in need of redevelopment under the Redevelopment Law the Borough of Rockaway must authorize the Land Use Board (acting as the Planning Board) to conduct a preliminary investigation of the area and make recommendations to the Borough of Rockaway Council; and

**WHEREAS**, the Borough of Rockaway believes it is in the best interest that an investigation occur with respect to certain parcels within the Borough and therefore authorizes and directs the Land Use Board to conduct a preliminary investigation of the properties commonly known as: *BLOCK 17, LOTS 26, 27, 28; BLOCK 40, LOTS 1, 17, 18, 19, 19.01, 20, 21, 89, 89.01, 91, 92, 93, 94, 95, 96, 97, 98, 99; BLOCK 41, LOTS 2, 3, 4; BLOCK 42, LOTS 1, 2, 3, 3.01, 4, 5, 7, 8, 8.01, BLOCK 43, LOTS 7, 8, 9, 10; BLOCK 45, LOTS 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24; BLOCK 46, LOTS 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 34, 35; BLOCK 47, LOT 9; BLOCK 73, LOTS 69, 71* on the tax map of the Borough (hereinafter the "Study Area") to determine whether the Study Area Meets the criteria set forth in the Redevelopment Law, specifically N.J.S.A. 40A:12A-5 and N.J.S.A 40A:12A-14, and should be designated as a non-condemnation area in need of redevelopment; and

**WHEREAS**, the redevelopment area determination requested hereunder, in connection with the Study Area, authorizes the Borough of Rockaway to use all those powers provided by the Redevelopment Law for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a "Non- Condemnation Redevelopment Area").

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

**Section 1.** The foregoing recitals are incorporated herein as if set forth in full.

**Section 2.** The Land Use Board is hereby authorized and directed to conduct a preliminary investigation pursuant to N.J.S.A. 40A:12A-6 to determine whether the Study Area is a redevelopment area in accordance with the criteria set forth in N.J.S.A. 40A:12A-5 to be designated as a non-condemnation area in need of redevelopment. Such determination shall be made after public notice and public hearing as provided in this Resolution and the Development Law.

**Section 3.** As part of its investigation, prior to the public hearing, the Land Use Board shall prepare a map showing the boundaries of the Study Area and the location of the parcels contained therein. A statement setting forth the basis of the investigation shall be appended to the map.

**Section 4.** The Land Use Board shall conduct a public hearing in accordance with the Redevelopment Law, specifically N.J.S.A. 40A:12A-6 & 12A-14, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that the Study Area is a non-condemnation redevelopment area. The notice of the hearing shall specifically state that the redevelopment area determination shall not authorize the Borough of Rockaway to exercise the power of eminent domain to acquire any property in the delineated area, for the Study Area is being investigated as a possible non-condemnation redevelopment area. The notice shall further state that a map has been prepared and can be inspected at the office of the municipal clerk. A copy of the notice shall be published in a newspaper of general circulation in the municipality once each week for two (2) consecutive weeks, and the last publication shall not be less than ten (10) days prior to the date set forth the hearing. A copy of the notice shall be mailed at least ten days prior to the date set for the hearing to the last owner, if any, of each parcel of property within the area according to the assessment records of the municipality. A notice shall also be sent to all persons at their last known address, if any, whose names are noted on the assessment records as claimants of an interest in any such parcel. Such notice shall be published and mailed by the municipal clerk, or by such clerk or official as the Land Use Board shall designate.

**Section 5.** At the public hearing, the Land Use Board shall hear from all persons who are interested in or would be affected by a determination that the Study Area is a non-condemnation redevelopment area. All objections to a determination that the Study Area is a non-condemnation area in need of

redevelopment and evidence in support of those objections shall be received and considered by the Land Use Board and made part of the public record.

**Section 6.** After conducting its investigation, and conducting a public hearing at which all objections to the designation are received and considered, the Land Use Board shall recommend that the Study Area, or any part thereof, be determined, or not determined by the Mayor and Council of the Borough of Rockaway to be a non-condemnation area in need of redevelopment.

**Section 7.** A copy of this Resolution shall be available for public inspection at the offices of the Borough Clerk.

**Section 8.** This Resolution shall take effect immediately.

DATE: May 13, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

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**RESOLUTION 90-21: 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" (2020 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

Tudor Estates Condo Association - \$762.24  
Attn: Sharon Sanders  
60 Adler Court  
Rockaway, NJ 07866

DATE: May 13, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

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**RESOLUTION 91-21: APPROVE WATER ALLOCATION APPLICATION (BLOCK 10301, LOT 19)**

**WHEREAS**, on April 21, 2021, Gus Hollstein, 3 Welch Lane, Rockaway, New Jersey 07866, submitted a water allocation application for his house located in Rockaway Township (Block 10301, Lot 19) but has frontage (rear yard) on Swede Mine Road, where a Rockaway Borough owned water main is located; and

**WHEREAS**, the Borough of Rockaway Licensed Water Operator has reviewed the application and determined that the Borough of Rockaway has sufficient available "firm capacity" to meet this projected; and

**WHEREAS**, the Borough Engineer has reviewed the Applicant's request for Water Allocation and recommends that the connection to the Borough of Rockaway's water main be approved; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Rockaway, that water allocation application for 3 Welch Lane, Rockaway, New Jersey 07866 (Block 10301 Lot 19) is hereby approved; and

**BE IT FURTHER RESOLVED** that 20 percent of the \$1,600.00 nonrefundable reservation fee (\$5 per gallon per day of usage as estimated in accordance with N.J.A.C. 7:10-12.6) shall be due within 30 days of the date of this resolution and an additional 20 percent of the nonrefundable reservation fee shall be due each year thereafter on the anniversary date of the approval until it is paid in full; provided, however, that if the applicant applies for a construction permit for the proposed project, the entire reservation fee shall be paid in full before such permit shall be issued; and

**BE IT FURTHER RESOLVED** that copies of this resolution be forwarded to the Borough of Rockaway Construction and Water Departments.

DATE: May 13, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

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**RESOLUTION 92-21: RESOLUTION OF NEED (74 West Main Street Urban Renewal Associates, LLC/ Block 73, Lot 65)**

**WHEREAS**, 74 West Main Street Urban Renewal Associates, LP (hereinafter referred to as the “Sponsor”) proposes to develop a 70-unit affordable housing development for seniors, consisting of 69 rental units and one caretaker/supervisor unit, (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 on a site described as Block 73, Lot 65 as shown on the Official Tax Map of Rockaway Borough; 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 Mayor and Council of the Borough of Rockaway hereby determine that there is a need for this housing project in the Borough.

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

- (1) The Mayor and Council find and determine that the 70-unit affordable Project proposed by the Sponsor meets or will meet an existing housing need; and
- (2) The Mayor and Council do hereby adopt the within Resolution and make 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; and
- (3) This resolution shall take effect immediately.

DATE: May 13, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

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**RESOLUTION 93-21: RESOLUTION AUTHORIZING EXECUTION OF FIRST AMENDMENT TO FINANCIAL AGREEMENT WITH 74 WEST MAIN STREET URBAN RENEWAL ASSOCIATES, L.P.**

**WHEREAS**, the New Jersey Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq. authorizes a municipality to enter into a financial agreement with an urban renewal entity undertaking development and construction of a low- or moderate-income housing project, granting a long-term tax exemption to the project; and

**WHEREAS**, 74 West Main Street Urban Renewal Associates, LP qualified to do business under the provisions of the New Jersey Long Term Tax Exemption Law and has made application to the Borough of Rockaway for (i) the approval of the Project; (ii) the grant of a long-term tax exemption for the Project; and (iii) the execution of a Financial Agreement; and

**WHEREAS**, on August 13, 2020, the Rockaway Borough Mayor and Council adopted Ordinance No. 12-20, approving a Financial Agreement between the Borough and 74 West Main Street Urban Renewal Associates, LP, pertaining to the construction of affordable housing units on real property located at Block 73, Lot 65 on the Rockaway Borough Tax Map; and

**WHEREAS**, on April 8, 2021, the Mayor and Council approved a settlement agreement with RPM Development Group, a related entity of 74 West Main Street Urban Renewal Associates, LP, the terms of which require certain revisions to the Financial Agreement; and

**WHEREAS**, 74 West Main Street Urban Renewal Associates, LP has presented to the Borough Council a First Amendment to Financial Agreement, a copy of which is attached hereto as Exhibit A, in order to effectuate the revisions to the Financial Agreement.

**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 Clerk are hereby authorized to execute the First Amendment to Financial Agreement attached hereto as Exhibit A, and to undertake all reasonable and necessary steps to effectuate the foregoing.
2. This Resolution shall take effect according to law.

DATE: May 13, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

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**RESOLUTION 94-21: AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS LOCAL RECREATION IMPROVEMENT GRANT PROGRAM FOR IMPROVEMENTS AT PARK LAKE**

**WHEREAS**, the New Jersey Department of Community Affairs is offering the Local Recreation Improvement Grant (LRIG); and

**WHEREAS**, the Local Recreation Improvement Grant is a competitive grant that supports improvement and repair of public recreation facilities including local parks, municipal recreation centers, and local stadiums; and

**WHEREAS**, the Local Recreation Improvement Grant funds will be allocated to each grant recipient to help cover costs associated with updating community centers, playgrounds, pools, fields, walking or bicycle trails, rail trails, multi-sport courts, and recreational facilities, one-time personnel costs directly related to improvements, project development professional services costs, equipment costs including playground and recreation facilities equipment, and environmental remediation costs required to prepare recreation site for use; and

**WHEREAS**, the Local Recreation Improvement Grant exists to fund improvements to recreational facilities, provide quality outdoor recreational spaces, and assist local units in completing unmet recreational obligations on property owned by the local unit; and

**WHEREAS**, Rockaway Borough is the sole owner of the Property at Block 58, Lots 1, 2 and 3, commonly referred to as Park Lake; and

**WHEREAS**, Rockaway Borough wishes to apply to funding through the NJDCA Local Recreation Improvement Grant; and

**WHEREAS**, Rockaway Borough is qualified to apply for this funding; and

**BE IT RESOLVED**, by the Borough of Rockaway, County of Morris, State of New Jersey as follows:

1. The governing body of the Borough of Rockaway formally supports this NJDCA Local Improvement Grant Application for Improvements at Park Lake.
2. The Borough of Rockaway hereby authorizes and accepts the submission to the New Jersey Department of Community Affairs Local Recreation Improvement Grant

program for 2021.

3. The Mayor, Borough Clerk together with all other appropriate officers, employees, professionals and staff of the Borough of Rockaway are hereby authorized and directed to take all steps necessary to effectuate the purpose of this resolution.

DATE: May 13, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor