

**MAYOR AND COUNCIL  
REGULAR MEETING AGENDA  
JULY 8, 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 July 8, 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: July 8, 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 March 25, 2021*  
    *Special Meeting June 21, 2021*  
    *Emergency Meeting June 29, 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

- 121-21 Award Contract (DPW - Water Meters) with COF
- 122-21 Execute Agreement with the Morris County Cooperative Pricing Council
- 123-21 Refund Tax Sale Certificate (12 Sylvan Way, Block 81.04, Lot 1)
- 124-21 Refund Tax Sale Certificate (140 Maple Avenue, Block 13, Lot 1)
- 125-21 Endorse Round 3 Housing Element and Fair Share Plan
- 126-21 Refund of Road Opening Performance Bond (135 Phillip Drive)
- 127-21 Refund of Road Opening Escrow Deposit (135 Phillip Drive)
- 128-21 Award Contract (Police HVAC Unit)
- 129-21 Request Approval of Items of Revenue and Appropriation (Body-Worn Cameras)

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

11. ORDINCES, ADOPTION

**21-21 AMENDING AND SUPPLEMENTING CHAPTER 247, WATER, ARTICLE I, ENTITLED "GENERAL REGULATIONS" TO PROHIBIT UNAUTHORIZED OPENING OF FIRE AND WATER HYDRANTS**

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

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

13. CLOSED SESSION (if necessary)

14. ADJOURNMENT

Moved	Seconded	Voice Vote		Time
		In favor:	Against:	

**RESOLUTION 121-21: AWARD CONTRACT (DPW – WATER METER PURCHASE)**

**WHEREAS**, there exists a need to purchase water meters for the Department of Public Works; and

**WHEREAS**, the Morris County Cooperative Pricing Council contract includes the purchase of water meters from Rio Supply, Inc., 100 Allied Parkway, Sicklerville, NJ 08081 (609-410-5219); 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 qty 30, 5/8" x 3/4" Mach 10, E-Coder, R9001, Cuft to be used to replace outdated meters for \$8,550.00 and Qty 1, 4 FLG 20 LEN Ultra/MACH Standal ONE C/F, QTY 1, R900 v4 Enhanced – Wall, QTY 2 4" Red Rubber Full Face Gasket, QTY 2 8 bolts and nuts for new meter service for Marriott Hotel under construction, for \$3,693.00 from Rio Supply, Inc., 100 Allied Parkway, Sicklerville, NJ 08081 (609-410-5219), under Morris County Cooperative Pricing Council Co-Op Contract No. 47: for total amount not to exceed \$12,243.00 as per quote dated September 28, 2020.

DATE: July 8, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Borough Clerk

By: Thomas Mulligan, Mayor

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**RESOLUTION 122-21: AUTHORIZE EXECUTION OF AGREEMENT WITH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP THEREIN FOR THE PERIOD OF OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2026**

**WHEREAS**, the Morris County Cooperative Pricing Council ("MCCPC") was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of education, and other public bodies located in the County of Morris and adjoining counties; and

**WHEREAS**, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

**WHEREAS**, the Mayor and Council of the Borough of Rockaway desire to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency, to renew its membership in the MCCPC for the period of October 1, 2021 through September 30, 2026.

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

1. The Mayor and Council of the Borough of Rockaway do hereby authorize the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2021 pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for renewal of membership in the MCCPC for a five-year period from October 1, 2021 through September 30, 2026.
2. The Borough Clerk of the Borough of Rockaway is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC.
3. This Resolution shall take effect immediately upon final passage according to law.
4. All appropriate Borough of Rockaway officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

DATE: July 8, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Borough Clerk

BY: Thomas Mulligan, Mayor

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**RESOLUTION 123-21 REFUND TAX SALE CERTIFICATE (BLOCK 81.04, LOT 1)**

**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 14, 2020 for 12 Sylvan Way, Block 81.04, Lot 1 in the amount of \$55,635.43 and premium in the amount of \$92,000.00 to Cesar Sanchez, P.O. Box 5021, Philadelphia, PA 19111-5021.

DATE: July 8, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Borough Clerk

BY: Thomas Mulligan, Mayor

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**RESOLUTION 124-21 REFUND TAX SALE CERTIFICATE (BLOCK 13, LOT 1)**

**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 140 Maple Avenue, Block 13, Lot 1 in the amount of \$35,914.58 and premium in the amount of \$22,000.00 to Park Finance II LLC, P.O. Box 109, Cedar Knolls, N.J. 07927.

DATE: July 8, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Borough Clerk

BY: Thomas Mulligan, Mayor

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**RESOLUTION 125-21: RESOLUTION OF THE GOVERNING BODY OF THE BOROUGH OF ROCKAWAY ENDORSING THE BOROUGH'S ROUND 3 HOUSING ELEMENT AND FAIR SHARE PLAN**

**WHEREAS**, on July 6, 2021, the Land Use Board of the Borough of Rockaway, County of Morris, State of New Jersey, adopted its Housing Element and Fair Share Plan ("Fair Share Plan"); and

**WHEREAS**, the Fair Share Plan address the Borough's Mount Laurel obligations as delineated in the court-approved Settlement Agreement between the Borough of Fair Share Housing Center, executed on or around September 4, 2020 and amended June 30, 2021; and

**WHEREAS**, the Borough of Rockaway remains committed to comply with its constitutional Mount Laurel obligations by voluntarily providing its "Fair Share" of affordable housing.

**NOW THEREFORE BE IT RESOLVED**, that the Council of the Borough of Rockaway, County of Morris, State of New Jersey, hereby endorses the Fair Share Plan as adopted by the Borough of Rockaway Land Use Board on July 6, 2021; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council of the Borough of Rockaway, pursuant to provisions of N.J.S.A. 52:27D-301 et seq. hereby authorize and direct their professionals to immediately file the adopted and endorsed amended Fair Share Plan and all other relevant documents with the Court; and

**BE IT FURTHER RESOLVED**, that the Mayor and Council of the Borough of Rockaway hereby authorize and direct their professionals to take any and all actions reasonable and necessary to secure approval of the Borough's Fair Share Plan, to maintain the Borough's Immunity from any Mount Laurel lawsuits, and to secure a Final Round 3 Judgment of Compliance and Repose; and

**BE IT FURTHER RESOLVED**, that, upon, seeking approval of its Fair Share Plan, all known interested parties shall receive notice of the Borough's actions and requests; and

**BE IT FURTHER RESOLVED**, that notice of the Borough's application for approval of its Fair Share Plan shall be published in a newspaper of regional circulation and the Borough shall otherwise provide all the notice which the Court deems appropriate as it determines whether the Fair Share Plan satisfies the Borough's affordable housing responsibilities under applicable laws and consistent with Settlement Agreement between the Borough and Fair Share Housing Center. Said notice shall give the public sufficient time to review the Borough's Fair Share Plan and offer any comments that the individual or entity may deem appropriate; and

**BE IT FURTHER RESOLVED**, that the Borough of Rockaway reserves the right to amend the Fair Share Plan, should that become necessary.

DATE: July 8, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Borough Clerk

BY: Thomas Mulligan, Mayor

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**RESOLUTION 126-21: REFUND OF ROAD OPENING PERFORMANCE BOND (135 PHILLIP DRIVE)**

**WHEREAS**, on April 30, 2021, Harrington Construction Co, 50 Parker Road, Chester, New Jersey 07930 (908) 879- 7500, paid a Performance Bond totaling \$1500.00, for a Road Opening Permit at 135 Phillip Drive, Rockaway, NJ 07866; 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 \$1500.00, representing the performance bond to Harrington Construction Co, 50 Parker Road, Chester, New Jersey 07930 (908) 879- 7500.

DATE: July 8, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Borough Clerk

BY: Thomas Mulligan, Mayor

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**RESOLUTION 127-21: REFUND OF ROAD OPENING ESCROW DEPOSIT (135 PHILLIP DRIVE)**

**WHEREAS**, on April 30, 2021, Harrington Construction Co, 50 Parker Road, Chester, New Jersey 07930 (908) 879- 7500, posted the required escrow deposit of \$500.00, for a Road Opening Permit at 135 Phillip Drive, Rockaway, NJ 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 Harrington Construction is sufficient to cover the Borough's costs and that \$370.00 is owed to Harrington Construction; 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 \$370.00 representing the escrow balance associated with 135 Phillip Drive to Harrington Construction Co, 50 Parker Road, Chester, New Jersey 07930 (908) 879- 7500.

DATE: July 8, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Borough Clerk

BY: Thomas Mulligan, Mayor

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**RESOLUTION 128-21: AWARD CONTRACT (POLICE - HVAC UNIT)**

**WHEREAS**, there exists a need to replace the HVAC Unit at Police Headquarters; and

**WHEREAS**, a diligent attempt to obtain several quotes was made by the Director of Public Works, with the lowest responsive bid being received from Air Group, 1 Prince Road, Whippany, NJ 07981 (800) 545-1020; 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, to authorize the purchase of a HVAC unit from Air Group, 1 Prince Road, Whippany, NJ 07981 (800) 545-1020 in an amount not to exceed \$17,450.00 as per quote received March 31, 2021.

DATE: July 8, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Borough Clerk

BY: Thomas Mulligan, Mayor

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**RESOLUTION 129-21: REQUEST APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION N.J.S.A. 40A:4-87 (BODY-WORN CAMERAS) AND AUTHORIZE THE PARTICIPATION AND ACCEPTANCE OF SFY21 BODY-WORN CAMERA GRANT PROGRAM**

**WHEREAS**, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount, and

**WHEREAS**, the Borough of Rockaway has received notice of an award of \$34,646.00 from the State of New Jersey Department of Law and Public Safety, Office of the Attorney General, Body-Worn Grant Program, Award Number 21-BWC-380, with a match of \$0.00, and wishes to amend its 2021 Budget to include this amount as a revenue, and

**WHEREAS**, the Borough of Rockaway has reviewed the accompanying Award Contract and General Conditions and authorizes the acceptance of same, and

**WHEREAS**, the Grant is to be used for the purchase of body-worn cameras, equipment needed to operate them and towards the cost of storing BWC footage;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Rockaway, in the County of Morris, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$34,646.00, which is now available from the Body-Worn Camera Grant in the amount of \$34,646.00.

**BE IT FURTHER RESOLVED**, that the like sum of \$34,646.00 is hereby appropriated under the caption Body-Worn Camera Grant.

DATE: July 8, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Borough Clerk

BY: Thomas Mulligan, Mayor