

**MAYOR & COUNCIL  
REGULAR MEETING  
NOVEMBER 12, 2020  
6:30 p.m.**

The Regular Meeting of the Mayor and Council of the Borough of Rockaway, in the County of Morris, New Jersey, was held remotely with Mayor Thomas Mulligan presiding. Mayor Mulligan called the meeting to order at 6:30 p.m.

Mayor Mulligan read the following statement: In accordance with Section 5 of the Open Public Meetings Act, Chapter 231, Public Laws, 1975, be advised that notice of this meeting was made by posting on the Bulletin Board, Town Hall, and sending to the officially designated newspapers, indicating that the meeting would take place as a telephonic meeting only at 6:30 p.m. on this date.

Councilmembers Present

Melissa Burnside  
Russell Greuter  
Thomas Haynes  
James Hurley  
Patrick McDonald  
Robert Smith - Council President

Councilmembers Absent

Borough Attorney Joseph J. Bell, IV., Esq., was also present.

Everyone present participated in the salute to the flag.

APPROVAL OF MINUTES

Upon motion by Councilman Greuter, seconded by Council President Smith, and carried unanimously upon voice vote, the minutes of the September 24, 2020 Regular Meeting were approved.

COUNCIL/COMMITTEE COMMENTS

Councilman McDonald - Personnel Committee

*Personnel* – Councilman McDonald reported that two new Department of Works Laborers will be starting during the next few weeks.

*Recreation* – Councilman McDonald reported that the Recreation Director is continuing to monitor progress at Park Lake and address questions and concerns as they arise, fall sports have been completed, winter sports are on hold for now, and the 2021 Recreation budget has been submitted to the CFO.

Councilman Hurley - Finance and License Committee

*Payment of Bills* - Upon motion by Councilman Hurley, seconded by Councilwoman Burnside, and carried unanimously upon voice vote, that the bills presented to the Borough of Rockaway for payment by the Borough, as evidenced by proper vouchers, be referred to the Committee or unit contracting for same, and, when endorsed by them and approved by appropriate action of Council, that they are to be paid.

Councilman Hurley provided an update on the Community Development Block Grant process.

Councilman Haynes – Public Utility and Works Committee

*Department of Public Works* – Councilman Haynes reported that street sweeping and leaf pickup continue, facilities are being winterized and preparation for winter events has begun. All bids were rejected on the DPW Garage project as they significantly exceeded the cost estimate.

*Board of Education* – Councilman Haynes provided an update on the construction at Lincoln School.

Councilman Greuter - Public Safety Committee

*Police Department* – Councilman Greuter reported that the Police Department was recently recognized for helping a resident remain drug free.

Councilwoman Burnside - Fire Committee

*Board of Health* – Councilwoman Burnside provided an update on COVID-19.

*Fire Department* – Councilwoman Burnside reported that the Fire Department will be attending a drill at Picatinny Arsenal on the 18<sup>th</sup>, mutual aid will be covering. A letter of resignation from Glen ?? was accepted. During the month of October, the Fire Department logged 226 hours of volunteer time (98 hours of emergency response, 108 of training).

Council President Smith - Ordinance Committee

Council President Smith reported that the Ordinance Committee met recently, progress was made on several ordinances, and a proposed sidewalk ordinance has been distributed for review by Mayor and Council.

ATTORNEY'S REPORT

The Attorney reported that he has continued to be involved with Fox Lake Dam and various projects.

MAYOR'S REPORT

Mayor Mulligan provided an update on the RPM lawsuit against the Borough of Rockaway.

ADMINISTRATOR'S REPORT

The Administrator reported that the Borough received a score of 20.5 on the Best Practices Inventory; a score of 16 is necessary to earn maximum aid from the State.

CLERK'S REPORT

The Acting Borough Clerk provided an update on the preliminary election results.

ORDINANCES, Public Hearing & Adoption

ORDINANCE NO. 15-20, Public Hearing & Adoption

On motion by Councilman Hurley and seconded by Council President Smith, to offer the following ordinance as read by title on second reading:

**ORDINANCE NO. 15-20**

**REFUNDING BOND ORDINANCE OF THE BOROUGH OF ROCKAWAY, IN THE COUNTY OF MORRIS, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF CERTAIN GENERAL OBLIGATION WATER/SEWER UTILITY BONDS ISSUED TO THE MORRIS COUNTY IMPROVEMENT AUTHORITY, APPROPRIATING \$1,270,000 THEREFOR AND AUTHORIZING THE ISSUANCE BY THE BOROUGH OF REFUNDING BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$1,270,000 FOR FINANCING THE COST THEREOF.**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ROCKAWAY, IN THE COUNTY OF MORRIS, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:**

**Section 1.** The Borough of Rockaway, in the County of Morris, New Jersey (the "Borough"), is hereby authorized to refund all or a portion of the Borough's \$1,200,000 outstanding principal amount of General Obligation Water/Sewer Utility Bonds, Series 2011, dated August 30, 2011 and issued to the Morris County Improvement Authority in the original aggregate principal amount of \$5,180,000, which amounts mature on August 15 in each of the years 2022 through 2029, inclusive, and 2036 (collectively, the "Refunded Bonds"), and which are subject to redemption on or after August 15, 2021 at the option of the Borough at a redemption price of 100% of the principal amount of the Refunded Bonds to be redeemed, plus accrued interest thereon to the date fixed for redemption.

**Section 2.** In order to finance the cost of the purpose described in Section 1 hereof and the costs of issuance associated therewith, negotiable refunding bonds are hereby authorized to be issued in one or more series in the aggregate principal amount not exceeding \$1,270,000 (the "Refunding Bonds") pursuant to the Local Bond Law of the State of New Jersey (the "Local Bond Law").

**Section 3.** An aggregate amount not exceeding \$50,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of Refunding Bonds authorized herein.

**Section 4.** The Borough desires to provide for the refunding of all or a portion of the principal amount of the Refunded Bonds outstanding and the interest and redemption premium, if any, thereon in order to provide for savings in debt service as a result of lower interest rates in the bond market.

**Section 5.** The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough is increased by the authorization of the Refunding Bonds provided in this refunding bond ordinance by \$1,270,000 and that \$1,200,000, representing the principal amount of the Refunded Bonds, will be deductible from gross debt. The obligations authorized herein will be within all debt limitations prescribed by law.

**Section 6.** A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption.

**Section 7.** This refunding bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this refunding bond ordinance as finally adopted, which consent will be so endorsed in accordance with N.J.A.C. 5:30-2.5.

DATE: November 12, 2020

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

By: Thomas Mulligan, Mayor

Mayor Mulligan opened the meeting to the public.

There being no comments, Mayor Mulligan closed the public hearing.

The above-mentioned ordinance was adopted by the following roll call:

Ayes: Councilwoman Burnside, Councilman Greuter, Councilman Haynes, Councilman Hurley,  
Councilman McDonald, Council President Smith  
Nays: None  
Abstain: None

#### ORDINANCES, Introduction

#### ORDINANCE NO. 16-20, Introduction

Council President Smith moved that this ordinance be taken up and passed on first reading and that the Borough Clerk be authorized to have the ordinance published in accordance with the law in *The Citizen* and the *Daily Record* for hearing and final passage on December 10, 2020.

**ORDINANCE NO. 16-20**

**ORDINANCE OF THE BOROUGH OF ROCKAWAY  
MAYOR AND COUNCIL  
AMENDING CHAPTER 241, VEHICLES AND TRAFFIC,  
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

Said motion was seconded by Councilman Hurley and passed as follows upon call of the roll:

Ayes: Councilwoman Burnside, Councilman Greuter, Councilman Haynes, Councilman Hurley,  
Councilman McDonald, Council President Smith  
Nays: None  
Abstain: None

RESOLUTIONS (CONSENT AGENDA ITEMS)

**RESOLUTION 165-20: APPROVE ABC PERSON-TO-PERSON LICENSE TRANSFER (TAVERN ON THE ROCKS)**

**WHEREAS**, an application has been filed for a person to person transfer of JJNS Enterprises, Inc Retail Consumption License #1434-33-002-010 hereto issued to Dellavalle Holdings, LLC for premises located at 9 Wall Street, Rockaway, NJ 07866; and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

**WHEREAS**, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed premises.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Rockaway does hereby approve, effective November 12, 2020, the transfer of the aforesaid JJNS Enterprises, Inc Retail Consumption License to Dellavalle Holdings LLC, and does hereby direct the Borough Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Dellavalle Holdings LLC, effective November 12, 2020."

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**RESOLUTION 166-20: AUTHORIZE REFUND OF ZONING APPLICATION FEES**

**WHEREAS**, on October 3, 2019, Juan Amaya, 31 Pine Street, Rockaway, NJ 07866 paid a Zoning Application fee totaling \$100.00; and

**WHEREAS**, the Borough Zoning Officer determined that a Zoning Application was not necessary; and

**WHEREAS**, Juan Amaya has requested, in writing, a refund of the Zoning Application fee; and

**WHEREAS**, the Zoning Officer has recommended the refund of said fee; 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 \$100.00, representing the Zoning Application fee to Juan Amaya, 31 Pine Street, Rockaway, NJ 07866.

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**RESOLUTION 167-20: RELEASE ESCROW DEPOSIT FOR THE WALL STREET RETAINING WALL (49-51 WALL STREET)**

**WHEREAS**, Homeless Solutions, 3 Wing Drive Suite 245, Cedar Knolls, NJ 07927, posted the required escrow deposit for 49-51 Wall Street, 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 \$360.50 is owed to Homeless Solutions; 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 \$360.50 representing the escrow balance associated with the Wall Street Retaining Wall to Homeless Solutions 3 Wing Drive Suite 245, Cedar Knolls, N.J. 07927.

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**RESOLUTION 168-20: AWARD CONTRACT (DPW – CONVERT DUMP TRUCK TO SPREADER TRUCK)**

**WHEREAS**, there exists a need to convert a Dump Truck to a Spreader Truck; and

**WHEREAS**, a diligent attempt to obtain several quotes was made by the Assistant Superintendent, Department of Public Works, with the lowest responsive quote being received from Tony Sanchez P.O. Box 649, Stanhope, NJ 07874 (973-398-3398); 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, that it does hereby authorize the replacement of the dump truck body for a spreader truck body from Tony Sanchez P.O. Box 649, Stanhope, NJ 07874 (973-398-3398) in the amount not to exceed \$28,845.00.

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**RESOLUTION 169-20: AUTHORIZE CHANGE ORDER NO. 1 AWARD PROFESSIONAL SERVICE CONTRACT (CHESTNUT TERRACE BRIDGE WATER MAIN RELOCATION) \*\*REPLACES RESOLUTION 155-20\*\***

**WHEREAS**, on August 8, 2019 a contract for the Award Professional Service Contract (Chestnut Terrace Bridge Water Main Relocation) was awarded to Ferriero Engineering, Inc., 180 Main Street, Chester, NJ 07930 (908-879-6209) in an amount not to exceed \$17,000.00; and

**WHEREAS**, additional supervision was needed to ensure the proper materials used on the project and the duration of the project far exceeded the estimated time frame of the project.

**WHEREAS**, the procedures for this change order are in compliance with N.J.A.C. 5:34-48 of the regulations governing Local Public Contracts; 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 Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, hereby authorize and approve the execution of Change Order No. 1 in an amount not to exceed \$17,569.63 to the contract awarded to Ferriero Engineering, Inc., 180 Main Street, Chester, NJ 07930 (908-879-6209), in the amount not to exceed \$17,000.00 for the professional services of a specialized engineer in connection with necessary Chestnut Terrace Bridge Water Main Relocation, thereby increasing the cost of this contract to \$34,569.63.

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**RESOLUTION 170-20: AWARD CONTRACT (DPW – WATER METERS 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 1) 5/8"x3/4" T-10 C/I 302 E-Coder R900i Enhanced, Inside, C/F, (QTY 1) T-10 C/I 302 E-Coder R900i C/F, (QTY 1) 1.5" Mach 10, E-Coder R900i, CUFT, (QTY 1) 2" MACH 10, E Coder R900i, CUFT, (QTY 1) 3 TRU/FLO W/T – 10 E Coder R900i PIT C/F Strainer 3 Complete Bronze or (QTY 1) 3" MACH 10 12"LL, E Coder R900i, CF, (QTY 1) 4 TRU/FLO W/T-10 E-Coder R900i PIT C/F Strainer 4 Complete Bronze or (QTY 1) 4" MACH 10 E-Coder R900i, CF, 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 \$16,390.00 as per quote dated September 28, 2020.

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**RESOLUTION 171-20: AWARD CONTRACT (FIRE DEPT – QUICK DISCONNECT REGULATORS)**

**WHEREAS**, there exists a need to Convert Customer SCOTT Air Pak 50, NFPA 2002 Edition, to Quick Disconnect Regulators for the Fire Department; and

**WHEREAS**, the New Jersey State Contract TO790 contract includes the purchase of Quick Disconnect Regulators from New Jersey Fire Equipment Company 119-131 Route 22 East, Green Brook, NJ 08812 (732-968-2121); 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 Paks equipped with Heads Up Display (QTY 23) SCOTT #200016-01 Hose w/HUD & Plug Disc – NJSC, (QTY 23) SCOTT #200017-01 Hose Socket Assembly – NJSC, (QTY 23) Installation of above equipment, including Bench Test/Service Check/Posi-Check Flow Test/Computer Report, Paks without Heads Up Display (QTY 2) SCOTT #804337-01 Hose/Plug Assembly - NJSC, (QTY 2) SCOTT #804335-04 Hose/Socket Assembly - NJSC, (Qty 2) Installation of equipment as per above, New Jersey State Contract T0790/17-FLEET-00819/Vendor ID V00000570: for total amount not to exceed \$16,390.00 as per quote dated September 28, 2020.

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**RESOLUTION 172-20: APPROPRIATE ENGINEERING COSTS (CHURCH STREET WATER MAIN IMPROVEMENT PROJECT)**

**WHEREAS**, the Superintendent, Department of Public Works, and the Borough Engineer have determined the need to replace the water main on Church Street from Halsey Ave to Wall Street; and

**WHEREAS**, the Borough Engineer has submitted a proposal dated November 18, 2020 for the engineering services associated with Church Street Water Main Improvement Project, including Topographic and Location Study, Basic Design Services, Bidding and Award Services, Contract Management and Coordination Services, Printing and Mailing Services, Construction Inspection Services, Construction Inspection Services, and Coordination with Morris County; 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 engineering costs to Paul W. Ferriero, Ferriero Engineering, Inc., 180 Main Street, P.O. Box 571, Chester, NJ 07930 for the Church Street Water Main Improvement Project, including Topographic and Location Study, Basic Design Services, Bidding and Award Services, Contract Management and Coordination Services, Printing and Mailing Services, Construction Inspection Services, Construction Inspection Services, and Coordination with Morris County, shall not exceed \$75,000.00.

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**RESOLUTION 173-20: REJECT ALL BIDS SUBMITTED FOR INSULATED POST FRAME STEEL GARAGE**

**WHEREAS**, the Borough of Rockaway has solicited bids in connection for an Insulated Post Frame Steel Garage project; and

**WHEREAS**, five (5) sealed bids were received and opened on October 28, 2020, in accordance with the advertised date for acceptance of bids from the following companies:

AB Contracting, LLC  
10 Theodore Street  
Wharton, NJ 07885  
\$411,850.00

Walkill Group, Inc.  
3505 Route 94, Suite 1A  
Hamburg, NJ 07419  
\$414,512.00

Dutchman Contracting, LLC  
378 North Ridge Road  
Reinholds, PA 17569  
\$481,329.00

MBT Contracting, LLC  
63 Beaver Brook Road, Suite 104C  
Lincoln Park, NJ 07035  
\$485,832.50

Howard Storer, LLC  
3 Estler Lane  
Boonton, NJ 07005  
\$41,857,000.00

**WHEREAS**, all of the bids submitted exceeded the Borough Engineer's estimate and the budget for this project; and

**WHEREAS**, the Local Public Contracts Law, specifically N.J.S.A. §40A:11-13.2 authorizes a municipality to reject all bids; and

**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 Council hereby reject all bids submitted in connection with the Insulated Post Frame Steel Garage project.
2. The Acting Borough Clerk is hereby directed to return to the Bidders, all bid security tendered to the Borough by said Bidders, together with a copy of this Resolution.
3. The Acting Borough Clerk be and is hereby authorized and directed to readvertise, as required by law, in The Daily Record and The Citizen, officially designated newspapers circulated in said Borough, an Invitation to Bidders for sealed proposals to be received by the Acting Borough Clerk of the Borough of Rockaway in the County of Morris, New Jersey for the Insulated Post Frame Steel Garage project. Sealed proposals will be opened and read in public at Borough Hall, 1 East main Street, Rockaway, New Jersey at a date to be determined by the Acting Borough Clerk.

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**RESOLUTION 174-20: APPOINT EDWARD LYONS AS CROSSING GUARD**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Rockaway, County of Morris and State of New Jersey, that Edward Lyons is hereby appointed to the position of Crossing Guard and is hereby employed by the Borough of Rockaway at salary within the salary ordinance, effective Friday, November 13, 2020.

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**RESOLUTION 175-20: AUTHORIZE THE EXECUTION OF A WATER STUDY AGREEMENT**

**WHEREAS**, the Chief Financial Officer and Borough Auditor have determined that a study of the Water Utility Operating Fund for the years ending December 31, 2021 through December 31, 2024 is necessary in order to determine the need for a rate change and to review the rate structure to determine if any changes are recommended; and

**WHEREAS**, Nisivoccia, LLP has submitted a proposal dated October 15, 2020 to prepare a projection of revenue, expenditures, and fund balance for the Water Utility Operating Fund for the years ending December 31, 2021 through December 31, 2024 in an amount not to exceed \$12,500.00; 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 be authorized to sign said proposal authorizing Nisivoccia, LLP to conduct a study of the Water Utility Operating Fund for the years ending December 31, 2021 through December 31, 2024 in an amount not to exceed \$12,500.00.

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**RESOLUTION 176-20: DETERMINING THE FORM AND OTHER DETAILS AND PROVIDING FOR THE DETERMINATION OF OTHER TERMS OF A NOT TO EXCEED \$1,270,000 WATER UTILITY REFUNDING BOND, OF THE BOROUGH OF ROCKAWAY, IN THE COUNTY OF MORRIS, NEW JERSEY, AND PROVIDING FOR ITS SALE TO THE MORRIS COUNTY IMPROVEMENT AUTHORITY.**

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ROCKAWAY, IN THE COUNTY OF MORRIS, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The Borough of Rockaway, in the County of Morris, New Jersey (the "Borough") hereby authorizes the sale and issuance of a not to exceed \$1,270,000 Water Utility Refunding Bond, Series 2020 (the "Bond"), as more fully described in the refunding bond ordinance finally adopted by the Borough pursuant to the Local Bond Law on November 12, 2020, and entitled, "Refunding Bond Ordinance of the Borough of Rockaway, in the County of Morris, New Jersey, Providing for the Refunding of All or a Portion of Certain General Obligation Water/Sewer Utility Bonds Issued to the Morris County Improvement Authority, Appropriating \$1,270,000 Therefor and Authorizing the Issuance by the Borough of Refunding Bonds in the Aggregate Principal Amount of Not Exceeding \$1,270,000 for Financing the Cost Thereof", such Bond to be issued in one or more series and designated "Water Utility Refunding Bond, Series 20\_\_" (with such series designation to reflect the year of issuance of the Bond).

Section 2. The Bond is hereby authorized to be sold to the Morris County Improvement Authority (the "Authority") at a purchase price determined by the parameters set forth below:

- (a) the aggregate principal amount of the Bond shall not exceed \$1,270,000;
- (b) the net present value savings of the Refunded Bonds is at least three (3.00%) percent;
- (c) the debt service schedule for the Bond shall be structured such that no annual debt service payment is more than it was under the debt service schedule for the Refunded Bonds;
- (d) The final maturity of the Bond does not extend past the budget year in which such final maturity of the Refunded Bond was originally scheduled to mature;
- (e) The debt service savings are substantially level across the life of the refunding.

Section 3. The Bond is hereby authorized to be sold and issued to the Authority in accordance with the terms of a bond purchase agreement to be entered into by and between the Authority and the Borough (the "Bond Purchase Agreement"). The Bond may be issued in one or more series. The purchase price for the Bond shall be as set forth in the Bond Purchase Agreement. The Mayor and the Chief Financial Officer are each hereby authorized and directed, without further authorization, to



enter into and execute the Bond Purchase Agreement on behalf of the Borough in the form satisfactory to McManimon, Scotland & Baumann, LLC, bond counsel to the Borough ("Bond Counsel"), upon terms consistent with the parameters set forth in this resolution. Upon execution of the Bond Purchase Agreement, the signature of the Mayor or the Chief Financial Officer shall be conclusively presumed to evidence any necessary approvals for the sale and issuance of the Bond. If the Chief Financial Officer, after consultation with the Authority and Bond Counsel, determines that the above parameters cannot be satisfied in the present market, the Bond shall not be sold until such time as said parameters may be amended, in whole or in part, or a sale on different terms is otherwise approved by resolution of this Borough Council.

Section 4. (a) The Bond is being issued to refund all or a portion of the Borough's \$1,200,000 outstanding principal amount of General Obligation Water/Sewer Utility Bonds, Series 2011, dated August 30, 2011 and issued to the Authority in the original aggregate principal amount of \$5,180,000, which amounts mature on August 15 in each of the years 2022 through 2029, inclusive, and 2036 (collectively, the "Refunded Bonds"), and which are subject to redemption on or after August 15, 2021 at the option of the Borough at a redemption price of 100% of the principal amount of the Refunded Bonds to be redeemed, plus accrued interest thereon to the date fixed for redemption.

(b) The Bond shall be dated and shall bear interest at the interest rates per annum as the Chief Financial Officer shall determine.

(c) The Bond shall be numbered and have such prefix as determined necessary by the Chief Financial Officer or as required by the Bond Purchase Agreement, and shall be sold and issued with such serial maturities or with such term bond maturities payable from mandatory sinking fund payments made by the Borough as determined in the Bond Purchase Agreement.

(d) The Bond shall mature in the years 2022 through 2036, or such other years as may be determined by the Chief Financial Officer, and in the principal amounts as may be determined by the Chief Financial Officer and shall bear interest on the dates as may be determined by the Chief Financial Officer.

(e) The Bond shall be sold at such price or prices as the Chief Financial Officer shall determine.

(f) The Bond may be subject to redemption prior to their stated maturities as determined by the Chief Financial Officer.

(g) Both principal of and interest on the Bond will be payable in lawful moneys of the United States of America. Each certificate will be registered in the name of the "Morris County Improvement Authority" unless otherwise specified in the Bond Purchase Agreement.

(h) Any other details that may need to be determined in connection with the sale and issuance of the Bond shall be determined by the Chief Financial Officer.

Section 5. The Bond shall be substantially in the following form with such additions, deletions and omissions as may be necessary for the Borough to conform the Bond to the requirements of the Bond Purchase Agreement:

[Remainder of page intentionally left blank. Form of Bond begins on next page.]

[FORM OF BOND]

REGISTERED  
NUMBER WUR-1

REGISTERED  
\$ \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF NEW JERSEY  
COUNTY OF MORRIS

BOROUGH OF ROCKAWAY

WATER UTILITY REFUNDING BOND  
SERIES 20\_\_

DATE OF ORIGINAL ISSUE:  
\_\_\_\_\_, 20\_\_

BOROUGH OF ROCKAWAY, IN THE COUNTY OF MORRIS, NEW JERSEY (the "Borough"), hereby acknowledges itself indebted and for value received promises to pay to:

**MORRIS COUNTY IMPROVEMENT AUTHORITY (the "Authority"),**  
**c/o \_\_\_\_\_ (the "Trustee")**

the principal sums on the dates and in the amounts set forth on **Schedule A** attached hereto and made a part hereof and to pay interest on such sum from the DATE OF ORIGINAL ISSUE of this bond until payment in full at the interest rates per annum and in the amounts shown on **Schedule A** attached hereto and made a part hereof. Interest is payable to the Authority at the corporate trust office of the Trustee on each \_\_\_\_\_ and \_\_\_\_\_ prior to each \_\_\_\_\_ and \_\_\_\_\_, respectively, commencing \_\_\_\_\_, 20\_\_, in an amount equal to the interest accruing to each \_\_\_\_\_ and \_\_\_\_\_. This bond as to principal will be payable on \_\_\_\_\_ at the corporate trust office of the Trustee.

This bond is one of an authorized issue of bonds issued pursuant to the Local Bond Law of the State of New Jersey, a bond ordinance of the Borough finally adopted on November 12, 2020, and entitled, "Refunding Bond Ordinance of the Borough of Rockaway, in the County of Morris, New Jersey, Providing for the Refunding of All or a Portion of Certain General Obligation Water/Sewer Utility Bonds Issued to the Morris County Improvement Authority, Appropriating \$1,270,000 Therefor and Authorizing the Issuance by the Borough of Refunding Bonds in the Aggregate Principal Amount of Not Exceeding \$1,270,000 for Financing the Cost Thereof", in all respects duly approved and published as required by law, and a resolution duly adopted by the Borough on November 12, 2020.

The full faith and credit of the Borough are hereby irrevocably pledged for the punctual payment of the principal of and interest on this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed, and that the issue of bonds of which this is one, together with all other indebtedness of the Borough, is within every debt and other limit prescribed by such Constitution or statutes.

IN WITNESS WHEREOF, the BOROUGH OF ROCKAWAY has caused this bond to be executed in its name by the manual or facsimile signature of its Mayor and its Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed, this bond and the seal to be attested by the manual signature of its Borough Clerk, and this bond to be dated the DATE OF ORIGINAL ISSUE as specified above.

BOROUGH OF ROCKAWAY

[SEAL]

By: \_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
Borough Clerk

By: \_\_\_\_\_  
Chief Financial Officer

[End of Form of Bond]

Section 6. The Bond shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under the official seal (or facsimile thereof) affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Borough Clerk.

Section 7. The Bond shall have printed thereon a copy of the written opinion with respect to the Bond that is to be rendered by the law firm of McManimon, Scotland & Baumann, LLC, complete except for omission of its date. The Borough Clerk is hereby authorized and directed to file a signed duplicate of such written opinion in the Borough Clerk's office. Alternatively, the Bond may be accompanied by the signed legal opinion or a copy thereof.

Section 8. The law firm of McManimon, Scotland & Baumann, LLC is hereby authorized to arrange for the printing of the Bond. The proper officials of the Borough are hereby authorized and directed to execute the Bond and to deliver the Bond to the Authority upon receipt of payment therefor, including accrued interest from their date to the date of delivery, if any.

Section 9. The Chief Financial Officer is also authorized to pay the costs of issuance at or after the time of closing to the various participants regarding the sale and issuance of the Bond. In the alternative, the Authority is hereby authorized to pay such costs of issuance on behalf of the Borough.

Section 10. The Mayor, the Chief Financial Officer and any other appropriate representatives of the Borough are hereby authorized to take all steps necessary to provide for the issuance of the Bond, including preparing and executing all such agreements, documents, certificates and other instruments, on behalf of the Borough and to take all steps necessary or desirable to effectuate the transactions contemplated hereby.

Section 11. The Mayor and the Chief Financial Officer are hereby authorized and directed to prepare any financial statements, demographic information or operating data required by the Authority for inclusion in the Authority's Preliminary and Final Official Statements.

Section 12. The Mayor and the Chief Financial Officer are each hereby authorized and directed, without further authorization, to enter into and execute a continuing disclosure agreement or such other agreement as may be required by the Authority for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time, in a form satisfactory to Bond Counsel.

Section 13. This resolution shall take effect immediately.

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**RESOLUTION 177-20: REFUND OF SOIL DISTURBANCE PERFORMANCE BOND (49 - 51 WALL STREET)**

**WHEREAS**, on March 12, 2020, Wall Street Condominium, c/o Revamp Property Services, 55 Madison Ave, Suite 400, Morristown, NJ 07960 paid a Performance Bond totaling \$500.00, for a Soil Disturbance Application; and

**WHEREAS**, upon review by Construction Official and the Zoning Officer, it was determined that all work was completed as necessary; and

**WHEREAS**, the Construction Official and Zoning Officer 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 Wall Street Condominium c/o Revamp Property Services, 55 Madison Ave, Suite 400, Morristown, NJ 07960).

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**RESOLUTION 178-20: APPROVE TRANSFER OF FUNDS – CURRENT**

**WHEREAS**, due to unforeseen circumstances related to COVID-19, there appears to be inadequate funds in various 2020 budget appropriation accounts to meet the demands thereon; and

**WHEREAS**, there appears to be a surplus in various other accounts over and above the demand necessary for the 2020 expenditures.

**NOW, THEREFORE, BE IT RESOLVED** (not less than two-thirds of all the members thereof affirmative concurring) that in accordance with the provision of R.S. 40A:4-58, part of the surplus in the accounts heretofore mentioned be and same are hereby transferred to the accounts (excepting the appropriation for contingent expenses or deferred charges) mentioned as being insufficient, to meet the current demands, and

**BE IT FURTHER RESOLVED** that the Chief Finance Officer is hereby authorized and directed to make the following transfers:

<u>TO</u>	<u>ACCOUNT #</u>	<u>AMOUNT</u>
Municipal Clerk - OE	01-201-20-120-217	\$16,000.00
<u>FROM</u>	<u>ACCOUNT #</u>	<u>AMOUNT</u>
Land Use Board - OE	01-201-20-190-207	\$16,000.00

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**RESOLUTION 179-20: ISSUE 2020-2021 TAXICAB/LIVERY LICENSE TO OPERATE (BORO LIMO)**

**BE IT RESOLVED**, that a 2020-2021 Taxicab/Livery License to Operate be issued to the following; said application has been deemed to be complete and further approved by the Police Chief:

Boro Limousine  
120 Franklin Avenue  
Rockaway, NJ 07866

for the following vehicle:

Vehicle - 2016 Chevy Suburban - VIN 21GNSKHKC9GR236412, Vehicle Garaged On-Site

This license will be in effect from June 1, 2020 - May 31, 2021.

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**RESOLUTION 180-20: ACCEPT THE RESIGNATION OF DPW WATER FOREMAN CHRISTOHPER BASILE**

**WHEREAS**, The Borough of Rockaway has received a letter of resignation from Christopher Basile stating his intention to retire from his position as DPW Water Foreman to be effective November 30, 2020; and,

**WHEREAS**, the Mayor and Council expresses its appreciation of the work performed by Mr. Basile during his time with the Borough of Rockaway; and,

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council accepts the resignation of Christopher Basile from the position listed above.

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**RESOLUTION 181-20: RESOLUTION APPOINTING SHANE O'BRIEN AS DPW LABORER**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Rockaway, County of Morris and State of New Jersey, that Shane O'Brien is hereby appointed to the position of DPW Laborer and is hereby employed by the Borough of Rockaway at salary within the salary ordinance, effective Monday, November 16, 2020.

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**RESOLUTION 182-20: RESOLUTION APPOINTING JAMES BRENNAN AS DPW LABORER**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Rockaway, County of Morris and State of New Jersey, that James Brennan is hereby appointed to the position of DPW Laborer and is hereby employed by the Borough of Rockaway at salary within the salary ordinance, effective Tuesday, December 1, 2020.

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**RESOLUTION: 183:20 RESCIND PREVIOUSLY AUTHORIZED CHANGE ORDER NO. 1 AND AUTHORIZE CHANGE ORDER NO. 2 (FOX LAKE DAM REHABILITATION)**

**WHEREAS**, on June 10, 2020, a contract for the Fox Lake Dam Rehabilitation was awarded to Hutton Construction, LLC, 41 Village Park Road, Cedar Grove, NJ 07009 (973-857-2501); and

**WHEREAS**, on September 3, 2020, Change Order No. 1 for the Fox Lake Dam Rehabilitation was authorized in the amount not to exceed \$205,000.00 for the mobilization and lake dredging and sediment disposal at Fox Lake Dam Rehabilitation, thereby increasing the cost of this contract to \$1,767,727.00; and

**WHEREAS**, due to an unforeseen change in the scope of work, the Borough Engineer has recommended rescinding Change Order No. 1;

**WHEREAS**, the following work is necessary; and

Item No. S1, Mobilization	Add item at \$15,000/LS x 1 LS	\$15,000.00
Item No. S2, Soil Testing Allowance	Add item at \$32,250/LS x 1 LS	\$32,250.00
Item No. S3, Lake Dredging and Clean Sediment Disposal for Off-Site Reuse	Add item at \$96.00/CY x 1,300 CY	\$124,800.00
Item No. S4, Lake Dredging and Clean Sediment Disposal at a Regulated Facility	Add item at \$128.00/CY x 128.7109 CY	\$16,475.00
Item No. S5, Lake Dredging and Regulated Sediment Disposal	Add item at \$178.00/CY x 92.5562 CY	\$16,475.00
<b>Total</b>		<b>\$205,000.00</b>

**WHEREAS**, the procedures for this change order are in compliance with N.J.A.C. 5:34-48 of the regulations governing Local Public Contracts; 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 Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, hereby authorize and approve the rescinding of Change Order No. 1 and the execution of Change Order No. 2 in an amount not to exceed \$205,000.00 to the contract awarded to Hutton Construction, LLC, 41 Village Park Road, Cedar Grove, NJ 07009 (973-857-2501), in the amount not to exceed \$205,000.00 for the mobilization and lake dredging and sediment disposal at Fox Lake Dam Rehabilitation, thereby increasing the cost of this contract to \$1,767,727.00.

PUBLIC PORTION

Mayor Mulligan opened the meeting to the public.

*Joyce Freiermuth, 99 East Flagge Street* – Requested further information regarding the current status of the high school and the no parking ordinance introduced during this meeting.

There being no further comments, Mayor Mulligan closed the meeting to the public.

ADJOURNMENT

The meeting adjourned at 7:10 p.m.

Approved:

Kimberly Cuspilich, Acting Borough Clerk

Date: