

**MAYOR & COUNCIL  
REGULAR MEETING  
OCTOBER 22, 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.

PRESENTATION/DISCUSSION

Matt Jessup from McManimon, Scotland & Baumann and Cathy Mantell from Nisivoccia discussed refunding outstanding Borough of Rockaway bonds to fund water utility improvements.

APPROVAL OF MINUTES

Upon motion by Councilman Haynes, seconded by Councilman Hurley, and carried unanimously upon voice vote, the minutes of the September 10, 2020 Regular Meeting were approved.

COUNCIL/COMMITTEE COMMENTS

Councilman McDonald - Personnel Committee

*Recreation* – Councilman McDonald reported that the Recreation Director is analyzing the telephone lines at various facilities and identifying those lines that are no longer needed.

*Downtown Development* – Councilman McDonald reported that Recreation Director Rob O’Connor, Councilwoman Burnside, Councilman Haynes and himself have begun compiling information for upcoming meetings.

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 various projects various upcoming projects, including the Department of Public Works Garage.

Councilman Hurley reported that the Borough of Rockaway will be applying for a grant which will possibly reimburse some COVID-19 expenses.

Councilman Haynes – Public Utility and Works Committee

*Department of Public Works* – Councilman Haynes reported all recreation fields are being maintained for fall sports. The Department of Public Works has had several resignations; applications are currently being reviewed. The water meter exchange is coming to an end; it took a little longer to complete due to COVID-19. The Borough also received an estimate for the removal of the bamboo along the river ranging from \$100,000 - \$200,000.

Councilman Greuter - Public Safety Committee

*Police Department* – Councilman Greuter reported that the Police made 9 arrests since October 1, 2020.

Councilwoman Burnside - Fire Committee

*Library* – Councilwoman Burnside reported, Library Director Edna Puleo, is retiring on December 1, 2020 after 24 years of service.

*Board of Health* – Councilwoman Burnside attended the Board of Health meeting on October 13, 2020. There have been 8 new cases of COVID-19 bringing the total for the Borough of Rockaway to 122 cases.

*Fire Department* – In September, the Fire Department responded to 16 calls, had two training exercises and logged 180 volunteer hours.

Council President Smith - Ordinance Committee

No report.

ATTORNEY'S REPORT

The Attorney spoke about the Property Maintenance Ordinance; he will need direction and the general approach wanted from the Mayor and Council.

MAYOR'S REPORT

Mayor Mulligan reported that RPM has filed a lawsuit against the Borough of Rockaway regarding the Land Use Board's decision regarding Affordable Housing.

Mayor Mulligan requested a closed session for possible litigation.

ADMINISTRATOR'S REPORT

The Administrator reported that due to the new regulations the Community Center is too small to hold our Mayor & Council Meetings. Unfortunately, the church is also unavailable.

CLERK'S REPORT

The Acting Borough Clerk provided an update on the upcoming election; information can be found on Facebook and the Borough Website.

RESOLUTIONS (CONSENT AGENDA ITEMS)

**RESOLUTION 151-20: GRANT EXTENDED LEAVE OF ABSENCE (DPW LABORER)**

**WHEREAS**, Frank Rodimer is unable to perform his duties as DPW Laborer from March 30, 2020 through and including September 21, 2020 (estimated date).

**WHEREAS**, Frank Rodimer was granted leave a of absence August 13, 2020, an extension is needed to November 4, 2020. Frank Rodimer is scheduled to return to work on November 5, 2020.

**WHEREAS**, Section 61-80.A of the Code of the Borough of Rockaway provides that employees may be granted a personal leave of absence for up to six months and may be extended up to an additional 6 months by resolution of the Mayor and Council if the leave does not cause undue operational disruption.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Rockaway, County of Morris, that Frank Rodimer has shown good cause and is hereby granted a paid/unpaid temporary leave of absence from March 30, 2020 through and including November 4, 2020 per Section 61-80. A of the Code of the Borough of Rockaway.

DATE: OCTOBER 22, 2020

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

**RESOLUTION 152-20: RESIGNATION OF JAY LEONARD**

**WHEREAS**, The Borough of Rockaway has received a letter of resignation from Jay Leonard stating from his position as DPW laborer to be effective October 9, 2020; and,

**WHEREAS**, the Mayor and Council expresses its appreciation of the work performed by Mr. Leonard 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.

DATE: October 22, 2020

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

**RESOLUTION 153-20: REQUEST APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJSA 40A:4-87 (SAFE AND SECURE COMMUNITIES PROGRAM)**

**WHEREAS**, NJSA 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 was not determined at the time of the adoption of the budget; and

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

**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 2020 in the sum of \$14,703.50, which is now available from Safe and Secure Communities Program in the amount of \$14,703.50.

**BE IT FURTHER RESOLVED** that the like sum of \$14,703.50 is hereby appropriated under the caption Safe and Secure Communities Program; and

**BE IT FURTHER RESOLVED** that the above is the result of additional funds in the amount of \$14,703.50, bringing the total budgeted amount to \$29,407.00 for the Safe and Secure Communities Program.

DATE: October 22, 2020

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

**RESOLUTION 154-20: APPLICANT'S RESOLUTION LOCAL GOVERNMENT EMERGENCY FUND (CRF) GRANT**

**WHEREAS**, as the public health emergency associated with the COVID-19 pandemic continues, the most significant negative financial impacts faced by county and municipal governments throughout New Jersey result from extreme economic contraction, deficits in tax and fee revenues, and extraordinary increases in public safety and health and human services expenditures; and

**WHEREAS**, severe fiscal stress limits the ability of counties and municipalities to maintain essential services and take the steps necessary to fight COVID-19; and

**WHEREAS**, without substantial federal assistance, residential taxpayers would absorb the primary impact of meeting these extraordinary needs and closing any associated operating deficits; and

**WHEREAS**, the Department of Community Affairs (“DCA”), through the Division of Local Government Services (“DLGS” or “Division”), has been deemed the lead agency for the distribution of the Local Government Emergency Fund (the “LGEF” or “Program”), provided through an allocation of the State of New Jersey’s CARES Act Coronavirus Relief Fund (CRF Funds); and

**WHEREAS**, counties and municipalities excluded from the federal government’s direct CRF allocation plan, as well as those counties and municipalities that are currently the most impacted by COVID-19 in comparison to their available resources, are eligible for LGEF funds pursuant to a maximum distribution determined by formula; and

**WHEREAS**, a total of \$60 million is currently being made available under the Program, with a potential \$60 million more to be allocated; and

**WHEREAS**, LGEF Grants exist to support costs incurred as part of a local unit’s response to COVID-19.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Rockaway, that the Borough of Rockaway will apply for a LGEF Grant in the amount of \$83,645.00.

DATE: October 22, 2020

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

By: Thomas Mulligan, Mayor

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

**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.

DATE: October 22, 2020

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

By: Thomas Mulligan, Mayor

### CERTIFICATION FOR AVAILABILITY OF FUNDS

I, Patricia Reiche, CFO/Treasurer, of the Borough of Rockaway, in the County of Morris, New Jersey, do hereby certify that funds in the amount not to exceed \$17,569.63 are available for the purpose of authorizing Change Order No. 1 to the contract awarded on August 8, 2019 for the furnishing of goods or services to the following entity:

Ferriero Engineering, Inc., 180 Main Street, Chester, NJ 07930 (908-879-6209),  
For the purpose of: The Chestnut Terrace Bridge Water Main Relocation,  
The funds are available in Water Capital Fund  
Budget Line Item#: 06-216-55-816-020

DATE: November 12, 2020

BY: Patricia Reiche, CFO/Treasurer

### RESOLUTION 156-20 ESTABLISHING RULES OF CONDUCT AND DECORUM FOR PUBLIC MEETINGS

**WHEREAS**, a majority of Americans believe that our society is increasingly uncivil and this problem is particularly acute and particularly detrimental on a national, state and local political arena as work threatens government's ability to function democratically and effectively; and

**WHEREAS**, across the nation many groups have adopted policies and rules to enhance civility and decorum in public meetings; and

**WHEREAS**, in keeping with this national trend, many municipalities have adopted policies to promote civility and maintain decorum at local public meetings; and

**WHEREAS**, in defining characteristics of the Borough of Rockaway includes its commitment to the democratic process, individual rights of expression, robust debate and tolerance for disparate views; and

**WHEREAS**, the Borough of Rockaway, its Mayor and Council as well as its Boards, Commissions and other public bodies all convene public meetings to address controversial issues that engender passionate and often conflicting opinions; and

**WHEREAS**, an atmosphere of instability and disrespect at these meetings can stifle participation and debate, threaten the quality of decisions and undermine the local democratic process; and

**WHEREAS**, adopting rules of decorum applicable to all public meetings will ensure that civic engagement and local democracy continue to flourish in the Borough of Rockaway.

**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. General. Any person may address the Mayor and Council of the Borough of Rockaway on any subject of interest to the Borough of Rockaway at a public meeting.
2. Manner of Addressing the Mayor and Council.
  - a. No person shall be permitted to address the Council without first being recognized by the Mayor or such member of the Council designated to preside over the meeting in the absence of the Mayor.
  - b. Upon recognition, each person wishing to address the Council shall state, for the record in an audible tone, their name and address, the subject they wish to discuss and, if applicable, the person or persons they are representing.
    - i. Those physically present in the meetings chambers shall promptly leave the seating area and come up to the podium or area designated when addressing the Council.
    - ii. In the event of a public meeting that is held telephonically and/or remotely or in which members of the public may elect to participate in-person or by telephone or remote option, public comments may be submitted in advance of the meeting

by email or written letter to the Borough Clerk. Any comments submitted in advance of the meeting must be received by the Borough Clerk no later than 10:00 a.m. on the date of the meeting in order to be read into the record at the time of the meeting. All public comments properly received in advance of the meeting will be read aloud into the record during the portion of the meeting reserved for public comment and addressed in the normal course.

- c. All comments, questions and remarks shall be addressed to the Council generally and shall not be addressed to the Mayor or member of the Council individually, or any Borough employee, without permission of the Mayor or Council member presiding over the meeting and, if applicable, the Council member to be addressed.
  - d. No person, other than the Mayor, members of the Council and the person having the floor shall be permitted to enter into any discussion without permission of the Mayor or member of the Council presiding over the meeting in the absence of the Mayor.
  - e. All public comments, questions and remarks, whether made in-person, telephonically, remotely or submitted in writing in advance of the meeting, shall be limited to three (3) minutes.
    - i. In order to expedite discussion and to avoid repetitious presentations, whenever any group of persons is to address the Council on the same subject, the Mayor or Members of the Council presiding over the meeting, may request that a spokesperson be chosen by the group to address the Council; and, if additional matters are to be presented by any other members of the same group, to limit the number of persons addressing the Council.
    - ii. The same time limitation shall apply to the reading of any public comments submitted in advance of the meeting, which shall be read from the beginning, until such time as the time limit is reached. As with in-person public comments, duplicative written comments may be passed over, but will nonetheless be noted for the record with the content summarized.
    - iii. comments that are duplicative
  - f. After a motion has been made to close the public hearing on any ordinance or the public comment portion of the meeting, no member of the public shall be permitted to address the Council from the audience on any matter under consideration without first securing permission to do so.
3. Decorum
- a. Any member of the public making comments, or acting in a manner, that is disruptive the orderly conduct of any meeting shall be called to order by the Mayor or Council member presiding over the meeting. Disruptive comments and actions shall include sustained inappropriate statements and behaviors, such as, but not necessarily limited to, profanity, threats, slanderous comments, yelling, shouting, whistling, feet stamping, intentional or repeated interruptions and other actions which disrupt, disturb, obstruct or interfere with the orderly conduct of any meeting.
  - b. If, upon being called to order, such person continues disrupt the meeting, the Mayor or Council member presiding over the meeting may order the person to leave the meeting. If such person refuses to remove themselves from the meeting, the Mayor or Council member presiding over the meeting may have the person removed by the police.
  - c. In the event such person is participating in the meeting telephonically or remotely, the Mayor or Council members presiding over the meeting may direct the Borough Clerk or appropriate staff to mute or continue muting the disruptive member of the public and warn that continued disruption may result in their being prevented from speaking during the portions of the meeting open to public comments or removed from the telephonic or remote meeting. A member of the public who continues to be disruptive after being called to order may be muted while other members of the public are allowed to proceed with their questions and comments. If time permits, the disruptive individual will be allowed

to speak after all other members of the public have been given the opportunity to make comment. Should the person remain disruptive, the individual may be muted or kept on mute for the remainder of the public meeting, or removed from the public meeting.

DATE: October 22, 2020

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

**RESOLUTION 157-20 AUTHORIZING AN INCREASE OF THE BID THRESHOLD TO \$44,000**

**WHEREAS**, pursuant to N.J.S.A. 52-34-7, the State Treasurer has adjusted the bid threshold for awarding contracts pursuant to the Local Public Contract Law and has given local contracting units the ability to increase the bid threshold up to \$44,000 with a Qualified Purchasing Agent; and

**WHEREAS**, the Borough has executed an interlocal service agreement with the Borough of Wharton with respect to the appointment of a Qualified Purchasing Agent.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey hereby increases its bid threshold to \$44,000.

DATE: October 22, 2020

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

**RESOLUTION 158-20 PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF GENERAL IMPROVEMENT BONDS, SERIES 2020, OF THE BOROUGH OF ROCKAWAY, IN THE COUNTY OF MORRIS, NEW JERSEY, INTO A SINGLE ISSUE OF BONDS AGGREGATING \$6,502,622 IN PRINCIPAL AMOUNT.**

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ROCKAWAY, IN THE COUNTY OF MORRIS, NEW JERSEY, AS FOLLOWS:

**PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:2-26(F), THE BONDS OF THE BOROUGH OF ROCKAWAY, IN THE COUNTY OF MORRIS, NEW JERSEY (THE "BOROUGH"), AUTHORIZED PURSUANT TO THE BOND ORDINANCES OF THE BOROUGH HERETOFORE ADOPTED AND DESCRIBED IN SECTION 2 HEREOF SHALL BE COMBINED INTO A SINGLE AND COMBINED ISSUE OF GENERAL IMPROVEMENT BONDS, SERIES 2020, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$6,502,622 (THE "BONDS").**

**THE PRINCIPAL AMOUNT OF BONDS AUTHORIZED BY EACH BOND ORDINANCE TO BE COMBINED INTO A SINGLE ISSUE AS ABOVE PROVIDED AND THE BOND ORDINANCES AUTHORIZING THE BONDS DESCRIBED BY REFERENCE TO THE NUMBER, THE IMPROVEMENT DESCRIPTION, THE DATE OF ADOPTION AND THE PERIOD OR AVERAGE PERIOD OF USEFULNESS DETERMINED IN EACH OF THE BOND ORDINANCES ARE RESPECTIVELY AS FOLLOWS:**

Principal Amount of Bonds	Bond Ordinance	Description of Improvement and Date of Adoption of Ordinance	Useful Life
\$545,210	#12-15	Various capital improvements, finally adopted July 9, 2015.	26.05 years
\$1,937,642	#14-16	Various capital improvements, finally adopted September 8, 2016.	17.99 years
\$746,643	#10-17	Various capital improvements, finally adopted June 22, 2017.	10.65 years
\$1,253,577	#6-18	Various capital improvements, finally adopted June 28, 2018.	12.94 years
\$751,300	#12-19	Various capital improvements, finally adopted July 11, 2019.	7.69 years
\$669,750	#06-20	Various capital improvements, finally adopted June 11, 2020.	12.80 years

Principal Amount of Bonds	Bond Ordinance	Description of Improvement and Date of Adoption of Ordinance	Useful Life
\$545,210	#12-15	Various capital improvements, finally adopted July 9, 2015.	26.05 years
\$1,937,642	#14-16	Various capital improvements, finally adopted September 8, 2016.	17.99 years
\$746,643	#10-17	Various capital improvements, finally adopted June 22, 2017.	10.65 years
\$598,500	#11-20	Fox Lake Dam repairs and improvements, finally adopted August 13, 2020.	15 years

**THE FOLLOWING MATTERS ARE HEREBY DETERMINED WITH RESPECT TO THE COMBINED ISSUE OF BONDS:**

The average period of usefulness, computed on the basis of the respective amounts of Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average period of usefulness therein determined, is not less than 14.84 years.

The Bonds of the combined issue shall be designated "General Improvement Bonds, Series 2020" and shall mature within the average period of usefulness herein determined.

The Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law applicable to the sale and issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

**THE FOLLOWING ADDITIONAL MATTERS ARE HEREBY DETERMINED, DECLARED, RECITED AND STATED:**

None of the Bonds described in Section 2 hereof have been sold or issued heretofore, and the several bond ordinances described in Section 2 have not been rescinded and now remain in full force and effect as authorizations for the respective amounts of Bonds set opposite the descriptions of the bond ordinances in Section 2.

The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and are all purposes for which no deduction may be taken in any annual or supplemental debt statement.

**THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.**

DATE: October 22, 2020

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

**RESOLUTION 159-20 DETERMINING THE FORM AND OTHER DETAILS AND PROVIDING FOR THE DETERMINATION OF OTHER TERMS OF NOT TO EXCEED \$10,620,162 GENERAL OBLIGATION BONDS, SERIES 2020, CONSISTING OF \$6,502,622 GENERAL IMPROVEMENT BONDS, SERIES 2020, AND \$4,117,540 WATER UTILITY BONDS, SERIES 2020, OF THE BOROUGH OF ROCKAWAY, IN THE COUNTY OF MORRIS, NEW JERSEY, AND PROVIDING FOR THEIR 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, AS FOLLOWS (not less than 2/3 of all members thereof affirmatively concurring):

Section 1. The General Improvement Bonds of the Borough of Rockaway, in the County of Morris, New Jersey (the "Borough"), referred to and described in a resolution of the Borough adopted on October 22, 2020, and entitled, "Resolution Providing for the Combination of Certain Issues of General Improvement Bonds, Series 2020, of the Borough of Rockaway, in the County of Morris, New Jersey, Into a Single Issue of Bonds Aggregating \$6,502,622 in Principal Amount" and in the bond ordinances referred to therein, each in all respects duly approved and published as required by law, shall be issued as "General Improvement Bonds, Series 2020" (the "General Improvement Bonds"), with such further designations as set forth in Section 6 hereof.

Section 2. The Water Utility Bonds of the Borough referred to and described in a resolution of the Borough adopted on October 22, 2020, and entitled, "Resolution Providing for the Combination of



Certain Issues of Water Utility Bonds, Series 2020, of the Borough of Rockaway, in the County of Morris, New Jersey, Into a Single Issue of Bonds Aggregating \$4,117,540 in Principal Amount" and in the bond ordinances referred to therein, each in all respects duly approved and published as required by law, shall be issued as "Water Utility Bonds, Series 2020" (the "Water Utility Bonds"; and together with the General Improvement Bonds, the "Bonds"), with such further designations as set forth in Section 6 hereof.

Section 3. The Bonds are hereby authorized to be sold to the Morris County Improvement Authority (the "Authority") at a purchase price determined by the parameters set forth below and otherwise consistent with the terms included in the application submitted by the Authority to the Local Finance Board in the Department of Community Affairs, State of New Jersey (the "Local Finance Board"), and approved by the Local Finance Board on October 14, 2020 (the "Application"):

- (a) the aggregate principal amount of the Bonds does not exceed \$10,620,162;
- (b) the true interest cost of the Bonds does not exceed an interest rate that would enable the Borough to issue the Bonds to the Authority and achieve the economic benefit (consisting of the AAA guaranty from the County of Morris, which is a higher credit rating than the current credit rating of the Borough) of financing through the Authority versus financing on its own;
- (c) the maturity structure or weighted average maturity for the Bonds is substantially similar to the structure submitted to and approved by the Local Finance Board with any adjustments recommended by the Authority's Underwriter or the Authority on the sale date designed to reduce the total costs of the borrowing of the Borough; and
- (d) all conditions described in the Application as submitted to the Local Finance Board for the sale of the Bonds are satisfied.

Section 4. The Bonds are 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 Bonds may be issued in one or more series. The purchase price for the Bonds 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 the 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 Bonds. If the Chief Financial Officer, after consultation with the Authority, determines that the above parameters cannot be satisfied in the present market, the Bonds 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 5. (a) The Bonds shall be dated and shall bear interest at the interest rates per annum as the Chief Financial Officer shall determine.

(b) The Bonds 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.

(c) The General Improvement Bonds shall mature in the years 2021 through 2034, 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.

(d) The Water Utility Bonds shall mature in the years 2021 through 2040, 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 Bonds shall be sold at such price or prices as the Chief Financial Officer shall determine.

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

(g) The General Improvement Bonds shall be fourteen in number, with one certificate being issued for each year of maturity, and shall be numbered GIB-1 to GIB-14, inclusive. The Water Utility Bonds shall be twenty in number, with one certificate being issued for each year of maturity, and shall be numbered WUB-1 to WUB-20, inclusive. Both principal of and interest on the Bonds 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 Bonds shall be determined by the Chief Financial Officer.

Section 6. The Bonds shall be substantially in the following form with such additions, deletions and omissions as may be necessary for the Borough to conform the Bonds to the requirements of the Bond Purchase Agreement:

[FORM OF BOND FOLLOWS]

REGISTERED

REGISTERED

NUMBER A. \_\_\_\_\_

\$ \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF NEW JERSEY  
COUNTY OF MORRIS

BOROUGH OF ROCKAWAY

B. \_\_\_\_\_

DATE OF ORIGINAL ISSUE:  
\_\_\_\_\_, 2020

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

**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.

C. \_\_\_\_\_

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.

DATE: October 22, 2020

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

**160-20 RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF WATER UTILITY BONDS, SERIES 2020, OF THE BOROUGH OF ROCKAWAY, IN THE COUNTY OF MORRIS, NEW JERSEY, INTO A SINGLE ISSUE OF BONDS AGGREGATING \$4,117,540 IN PRINCIPAL AMOUNT.**

**BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ROCKAWAY, IN THE COUNTY OF MORRIS, NEW JERSEY, AS FOLLOWS:**

Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the Bonds of the Borough of Rockaway, in the County of Morris, New Jersey (the "Borough"), authorized pursuant to the bond ordinances of the Borough heretofore adopted and described in Section 2 hereof shall be combined into a single and combined issue of Water Utility Bonds, Series 2020, in the aggregate principal amount of \$4,117,540 (the "Bonds").

The principal amount of Bonds authorized by each bond ordinance to be combined into a single issue as above provided and the bond ordinances authorizing the Bonds described by reference to the number, the improvement description, the date of adoption and the period or average period of usefulness determined in each of the bond ordinances are respectively as follows:

Principal Amount of Bonds	Bond Ordinance	Description of Improvement and Date of Adoption of Ordinance	Useful Life
\$108,094	#11-15	Various improvements to the water utility, finally adopted July 9, 2015.	21.50 years
\$639,239	#15-16	Various improvement to the water utility, finally adopted September 8, 2016.	19.10 Years
\$705,737	#09-17	Various improvements to the water utility, finally adopted June 22, 2017.	15 years
\$1,206,470	#07-18	Various improvements to the water utility, finally adopted June 28, 2018.	38.25 years
\$1,098,000	#11-19	Various improvements to the water utility, finally adopted July 11, 2019.	19.08 years
\$360,000	#07-20	Various improvements to the water utility, finally adopted June 11, 2020.	30 years

The following matters are hereby determined with respect to the combined issue of Bonds:

The average period of usefulness, computed on the basis of the respective amounts of Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average period of usefulness therein determined, is not less than 25.01 years.

The Bonds of the combined issue shall be designated "Water Utility Bonds, Series 2020" and shall mature within the average period of usefulness herein determined.

The Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law applicable to the sale and issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

The following additional matters are hereby determined, declared, recited and stated:

None of the Bonds described in Section 2 hereof have been sold or issued heretofore, and the several bond ordinances described in Section 2 have not been rescinded and now remain in full force and effect as authorizations for the respective amounts of Bonds set opposite the descriptions of the bond ordinances in Section 2.

The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and are all purposes for which no deduction may be taken in any annual or supplemental debt statement.

This resolution shall take effect immediately.

DATE: October 22, 2020

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

**RESOLUTION 161-20 AUTHORIZING THE ADOPTION OF THE 2020 MORRIS COUNTY, NEW JERSEY HAZARD MITIGATION PLAN UPDATE**

**WHEREAS**, all jurisdictions within Morris County have exposure to hazards that increase the risk to life, property, environment, and the County and local economy; and

**WHEREAS**; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

**WHEREAS**, the Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

**WHEREAS**; a coalition of Morris County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Morris County; and

**WHEREAS**, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

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

- 1) Adopts in its entirety, the 2020 Morris County Hazard Mitigation Plan Update (the "Plan") as the jurisdiction's Hazard Mitigation Plan and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.

DATE: October 22, 2020  
ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BOROUGH OF ROCKAWAY  
BY: Thomas Mulligan, Mayor

**RESOLUTION 162-20: RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A UTILITY ENGINEERING AND CONSTRUCTION AGREEMENT WITH THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION**

**WHEREAS**, the State of New Jersey is about to undertake the design and construction of Rt. 46, Main St./Woodstone Rd. (CR644) to Rt. 287, ITS located in Rockaway Borough, Denville Township, Mountain Lakes Borough, and Parsippany Troy-Hills Township, Morris County; and

**WHEREAS**, the project may require the construction of new, and/or the protection, relocation and/or adjustment of facilities of the existing water and sewer system which is owned and operated by the utility; and

**WHEREAS**, the State of New Jersey Department of Transportation is requesting that the Borough of Rockaway execute a proposed Utility Engineering and Construction Agreement UECA- 9- Rt 46, Main St to Rt. 287-148040 covering the understandings between the State of New Jersey Department of Transportation and the Borough of Rockaway for the verification, design, protection, and/or relocation of certain public works facilities in connection with the design and construction of the project; and

**WHEREAS**, the Superintendent of the Department of Public Works and the Borough Engineer have recommended signing the Agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey that the Mayor and Acting Borough Clerk be authorized to sign Utility Engineering and Construction Agreement UECA- 9- Rt 46, Main St to Rt. 287-148040.

DATE: October 22, 2020  
ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BOROUGH OF ROCKAWAY  
BY: Thomas Mulligan, Mayor

**RESOLUTION 163-20: AUTHORIZING THE ADMINISTRATOR TO EXECUTE A RIGHT OF ACCESS AGREEMENT WITH GZA**

**WHEREAS**, the Borough of Rockaway is the owner of the premises known and designated as Block 84, Lot 20 in Rockaway, New Jersey; and

**WHEREAS**, GZA, on behalf of Wyman-Gordon Company, is currently undertaking an environmental evaluation of the property known and designated as Block 84, Lot 7.01 on the Tax Map of the Borough of Rockaway, having a street address of 395 Franklin Avenue, Rockaway, New Jersey to address detected constituents in soil underground in accordance with the requirements of the New Jersey Department of Environmental Protection (“NJDEP”) and the Technical Requirements for Site remediation, N.J.A.C. 7:26D-1.1 (“Tech Regs”); and

**WHEREAS**, as part of the environmental evaluation and in order to comply with NJDEP’s Tech Regs, GZA needs access to the premises to conduct limited environmental testing.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey that the Borough Administrator be authorized to sign the Right of Access Agreement with GZA.

DATE: October 22, 2020

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

ORDINANCES, Public Hearing & Adoption

ORDINANCE NO. 14-20, Public Hearing & Adoption

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

**ORDINANCE 14-20**

**ORDINANCE REAPPROPRIATING \$500,000 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR WATER MAIN IMPROVEMENTS IN AND BY THE BOROUGH OF ROCKAWAY, IN THE COUNTY OF MORRIS, NEW JERSEY.**

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.** Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$500,000 of the proceeds of obligations originally made available pursuant to the following bond ordinances of the Borough of Rockaway, in the County of Morris, New Jersey (the “Borough”) are no longer necessary for the various purposes for which the obligations previously were authorized:

<u>Section/Ordinance Number</u>	<u>Improvement Description and Date of Adoption</u>	<u>Amount to be Reappropriated</u>
A portion of Section 3(a) of Bond Ordinance #07-18	The rehabilitation of wells, including all work and materials necessary therefor and incidental thereto, finally adopted June 28, 2018.	\$184,000
Section 3(a) of Bond Ordinance #11-19	The rehabilitation of wells, including all work and materials necessary therefor and incidental thereto, finally adopted July 11, 2019.	\$179,460
Section 3(a) of Bond Ordinance #07-20	The rehabilitation of wells, including all work and materials necessary therefor and incidental thereto, finally adopted June 11, 2020.	\$136,540
<b>Total:</b>		<b>\$500,000</b>

**SECTION 2.** The \$500,000 proceeds described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39 are hereby reappropriated to provide for water main improvements, including all work and materials necessary therefor and incidental thereto.

**SECTION 3.** The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

**SECTION 4.** This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

DATE: October 22, 2020

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

By: Thomas Mulligan, Mayor

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. 15-20, Introduction

Councilman Hurley 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 October 22, 2020.

**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.**

Said motion was seconded by Council President Smith 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

PUBLIC PORTION

Mayor Mulligan opened the meeting to the public.

*Bonnie Hook, 23 Jackson Avenue* – Requested further information regarding the bamboo removal quote, the Board of Health minutes, and the water rates.

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

ADJOURNMENT

The meeting adjourned at 7:41p.m.

Approved: As Submitted

Kimberly Cuspilich, Acting Borough Clerk

Date: December 21, 2020