

**MAYOR AND COUNCIL
REGULAR MEETING
AUGUST 13, 2020
7:00 PM**

AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF MINUTES: Regular Meeting June 25, 2020
 Regular Meeting July 9, 2020
 Special Meeting July 21, 2020
4. COUNCIL REPORTS
5. REPORT OF ATTORNEY
6. REPORT OF MAYOR
7. REPORT OF ADMINISTRATOR
8. REPORT OF CLERK
9. CONSENT AGENDA: Resolutions
 - #117-20 Authorize Change Order No. 1 (Recreation – Smith Field Fencing)
 - #118-20 Award PSA (Fox Lake Dam – Hunter Research)
 - #119-20 Award PSA (Fox Lake Dam – Melick Tully)
 - #120-20 Request Approval for Support of Dover and Rockaway Rail Realignment Project
 - #121-20 Award Contract (Herrick Drive Water Main Improvements, Section One)
 - #122-20 Approve Employee Carryover of Five Vacation Days
 - #123-20 Grant Leave of Absence (DPW Worker)
 - #124-20 Approve Participation in a Safe and Secure Communities Program
 - #125-20 Award Contract (Office Supplies)
 - #126-20 Award Contract (Ice Control)
 - #127-20 Approve 2020-2021 Alcoholic Beverage Control License (Lusardi Liquors)
 - #128-20 Authorize Right-of-Way Agreement with Planet Networks
10. ORDINANCES: Adoption
 - #11-20 \$630,000/\$598,500 Supplemental Bond Ordinance (Fox Lake Dam)
 - #12-20 Authorize Long Term Tax Exemption Agreement (Block 73, Lot 65)
11. MEETING OPEN TO THE PUBLIC
12. CLOSED SESSION
13. ADJOURNMENT

RESOLUTION 117-20: AUTHORIZE CHANGE ORDER NO. 1 (RECREATION – SMITH FIELD FENCING)

WHEREAS, on June 25, 2020, a contract for the installation of fencing at Smith Field was awarded to Hopatcong Fence Co., 105 Marne Road, Hopatcong, NJ 07843 (201-400-3575); and

WHEREAS, additional work is necessary due to the need to weld and install extensions on the existing 10' high fence; and

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 \$550.00 to the contract awarded to Hopatcong Fence Co., Marne Road, Hopatcong, NJ 07843 (201-400-3575), in the amount not to exceed \$18,500.00 for the purchase and installation of fencing at Smith Field, thereby increasing the cost of this contract to \$19,050.00.

RESOLUTION 118-20: AWARD PROFESSIONAL AGREEMENT (FOX LAKE DAM – HUNTER RESEARCH)

WHEREAS, there exists a need for professional services for providing archaeological monitoring services for Fox Lake Dam; and

WHEREAS, said needs or certain specified professional services are to be rendered or performed by a person or persons authorized by law to practice a recognized profession whose practice is regulated by law within the meaning of N.J.S.A. 40A:11-2, et seq. as amended; and

WHEREAS, the performance of said professional services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal base of specialized training and study; as distinguished from general academic instruction or apprenticeship and training; and

WHEREAS, said professional services cannot reasonably be described by written specifications; and

WHEREAS, the Borough of Rockaway has a need to acquire said professional services as a contract without public advertising pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the services to be performed are "Professional Services" as defined in N.J.S.A. 40A:11-5(1)(a)(i) and therefore excepted from the Local Public Contracts Law requirements for competitive bidding; and

WHEREAS, a Certificate of Availability of Funds has been filed by the Borough of Rockaway Chief Financial Officer.

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

1. That the Borough of Rockaway, in accordance with the Local Public Contracts Law, hereby authorizes and approves the award of a professional services contract to Hunter Research, 120 West State Street, Trenton NJ, 08608 (609-695-0122), per proposal dated March 4, 2020, to provide archaeological monitoring services for the Fox Lake Dam Rehabilitation Project. The primary goal of this monitoring activity is to document the fabric of the dam and to identify evidence of earlier structures within the area of the proposed work. If such evidence is encountered, Hunter Research will coordinate with the Borough of Rockaway and the NJHPO to evaluate and document these remains and provide for their appropriate treatment, at a cost not to exceed \$25,000.00, based on an estimated duration of field work of one month; contract copies are on file in the Office of the Clerk and are incorporated herein by reference. Said contract is hereby ratified and confirmed, and upon passage of this Resolution, the Mayor and Borough Clerk be and the same are hereby authorized to enter into said contract.
2. That this Contract is awarded without competitive bidding as a professional services contract under the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) because such service is a recognized profession licensed and regulated by law.

3. That the Mayor and Council of the Borough of Rockaway, New Jersey hereby authorize and direct the execution of the aforesaid contracts for the period commencing on the date set forth therein.
4. That an executed copy of the Contract and a copy of this resolution shall be filed in the Office of the Borough Clerk and be available there for inspection in accordance with law.
5. That this resolution shall take effect immediately.

RESOLUTION 108-20: APPROPRIATE ENGINEERING COSTS (LAKESIDE DRIVE ROAD IMPROVEMENT PROJECT)

WHEREAS, the Superintendent, Department of Public Works, and the Borough Engineer have determined that certain repairs, including minor driveway apron reconstruction, curb repair, drainage structure reconstruction and inlet upgrades roadway base repair, milling, resurfacing and restriping of Lakeside Drive, are necessary; and

WHEREAS, the Borough received NJDOT Local Aid funding in the amount of \$325,000.00 for the project; and

WHEREAS, the Borough Engineer submitted a proposal dated January 14, 2020 identifying the engineering and services that are anticipated for the Lakeside Drive Road Improvement Project, including topographic survey and basemap preparation, conceptual layout of realigned intersection, new right-of-way and temporary grading easements, basic design services, bidding and award services, contract management and coordination services, construction stakeout, and full-time construction inspection services to maintain compliance with the design plans and specifications to complete the project; 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 for the Lakeside Drive Road Improvement Project, including basemap preparation, basic design services, bidding and award services, contract management and coordination services, and full-time construction inspection services to maintain compliance with the design plans and specifications to complete the project shall not exceed \$78,000.00.

RESOLUTION 109-20: APPROPRIATE ENGINEERING COSTS (UNION STREET CANAL PHASE II)

WHEREAS, there exists a need for the removal of silt and debris buildup along a section of the old canal located east of Union Street within Borough owned property (Block 14, Lot 24) and the reconstruction of the existing drainage pipe headwall; and

WHEREAS, the Borough Engineer has submitted a proposal dated January 31, 2019 and revised December 20, 2019 for the engineering services associated with the NJDEP Permitting Pre-Application Meeting, NJDEP Permitting Application, Construction Ready Documents, Bidding and Award, and Contract Management and Construction Inspection; 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 removal of silt and debris buildup along a section of the old canal located east of Union Street within Borough owned property (Block 14, Lot 24) and the reconstruction of the existing drainage pipe headwall, including: NJDEP Permitting Pre-Application Meeting, NJDEP Permitting Application, Construction Ready Documents, Bidding and Award, and Contract Management and Construction Inspection, is not to exceed \$45,000.00.

RESOLUTION 119-20: AWARD PSA (FOX LAKE DAM – MELLICK-TULLY AND ASSOCIATES, P.C.)

WHEREAS, there exists a need for professional services of a specialized engineer to provide construction observation and testing of the earthwork activities at Fox Lake Dam; and

WHEREAS, said needs or certain specified professional services are to be rendered or performed by a person or persons authorized by law to practice a recognized profession whose practice is regulated by law within the meaning of N.J.S.A. 40A:11-2, et seq. as amended; and

WHEREAS, the performance of said professional services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal base of specialized training and study; as distinguished from general academic instruction or apprenticeship and training; and

WHEREAS, said professional services cannot reasonably be described by written specifications; and

WHEREAS, the Borough of Rockaway has a need to acquire said professional services as a contract without public advertising pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the services to be performed are "Professional Services" as defined in N.J.S.A. 40A:11-5(1)(a)(i) and therefore excepted from the Local Public Contracts Law requirements for competitive bidding; and

WHEREAS, a Certificate of Availability of Funds has been filed by the Borough of Rockaway Chief Financial Officer.

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

6. That the Borough of Rockaway, in accordance with the Local Public Contracts Law, hereby authorizes and approves the award of a professional services contract to Melick-Tully and Associates, P.C., 117 Canal Rd., South Bound Brook, NJ 08880 (732-356-3400), per proposal dated April 7, 2020, to provide geotechnical engineering services during the period the Fox Lake Dam is rehabilitated, including furnishing the services of a representative of MTA who would be present at the site on an as-requested basis to observe the requested earthwork construction activities. They would observe the subgrade soils exposed after stripping of topsoil and/or other objectionable material to evaluate their suitability to support new fill materials. Remedial treatment would be recommended, as deemed appropriate, for areas of inadequate subgrade soils that are identified. Prior to the start of fill replacement, they would perform laboratory compaction and gradation analyses on samples of the proposed fill materials to confirm they meet the project specification requirements. The results of these tests would be used as a guide in judging the effectiveness of the compaction operations during construction, at a cost not to exceed \$30,080.00, based on an estimated duration of field work of one month; contract copies are on file in the Office of the Clerk and are incorporated herein by reference. Said contract is hereby ratified and confirmed, and upon passage of this Resolution, the Mayor and Borough Clerk be and the same are hereby authorized to enter into said contract.
7. That this Contract is awarded without competitive bidding as a professional services contract under the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) because such service is a recognized profession licensed and regulated by law.
8. That the Mayor and Council of the Borough of Rockaway, New Jersey hereby authorize and direct the execution of the aforesaid contracts for the period commencing on the date set forth therein.
9. That an executed copy of the Contract and a copy of this resolution shall be filed in the Office of the Borough Clerk and be available there for inspection in accordance with law.
10. That this resolution shall take effect immediately.

RESOLUTION 120-20: REQUEST APPROVAL FOR SUPPORT OF THE NORTH JERSEY TRANSPORTATION PLANNING AUTHORITY FREIGHT CONCEPT DEVELOPMENT STUDY DOVER AND ROCKAWAY RAILROAD REALIGNMENT PROJECT MORRIS COUNTY, NEW JERSEY

WHEREAS, the North Jersey Transportation Planning Authority (NJTPA) has developed the Freight Concept Development Program to identify and study freight needs throughout the northern New Jersey region; and

WHEREAS, the NJTPA, in coordination with Morris County, has identified reducing conflicts between the Dover & Rockaway Railroad (D&R) freight line and vehicular and pedestrian traffic at ungated at-grade rail crossings in downtown Dover as a need to optimize freight movement and improve safety; and

WHEREAS, there are active freight rail customers at the end of the D&R in Rockaway Township that must continue to receive rail service eliminating the option to take the entire D&R out of service to address the study purpose and need; and

WHEREAS, the project area includes Borough of Rockaway, Town of Dover, Township of Denville, Rockaway Township and Township of Randolph; and

WHEREAS, the NJTPA and Morris County met with local officials to discuss the issue, held public meetings, and hosted a website to gain public input from residents and stakeholders; and

WHEREAS, after extensive study and development of multiple realignment alternatives to address the study purpose and need, the alignment that connects to the NJ TRANSIT Morristown Line east of Rockaway Road, using the former rail right of way moving north, and looping east around the edge of the McWilliams Forge property before connecting back to the D&R (referred to as Alternative 4) was identified as the most effective solution and was selected as the Preliminary Preferred Alternative; and

WHEREAS, the study team informed Borough of Rockaway local officials of the Preliminary Preferred Alternative on Wednesday, February 19, 2020;

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Rockaway formally supports the Preliminary Preferred Alternative in the Dover and Rockaway Railroad Realignment Project study, and the pursuit of public funding to complete this project.

RESOLUTION 121-20: AWARD CONTRACT (HERRICK DRIVE WATER MAIN IMPROVEMENTS, SECTION ONE)

WHEREAS, on July 23, 2020 the Borough Clerk received eight (8) bid proposals for Herrick Drive Water Main Improvements Section 1:

Reivax Contracting Corp 68 Finderne Avenue Bridgewater, NJ 08807 \$248,435.00	Jo-Med Contracting Corp. 300 South Street Elizabeth, NJ 07206 \$302,015.10	M.S.P. Construction Corp. 126 Walnut Street Newark, NJ 07105 \$355,558.00
ADG Contracting Corp. 386 South Street, Suite 169 Newark, NJ 07105 \$378,450.10	Montana Construction Corp 80 Contant Avenue Lodi, NJ 07644 \$399,340.00	Sanitary Construction Co. 116 Fairfield Road Fairfield, NJ 07004 \$407,958.51
Colonnelli Brothers, Inc. 409 South River Street Hackensack, NJ 07601 \$545,063.00	Two Brothers Contracting 11 Vreeland Avenue Totowa, NJ 07512 \$625,475.05	

WHEREAS, the apparent low bidder was Reivax Contracting Corp. 68 Finderne Avenue, Bridgewater, NJ 08807, with a bid in the amount of \$248,435.00; and

WHEREAS, the contract is being awarded through a fair and open process, pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, a Certification for Availability of Funds has been filed by the Borough of Rockaway Chief Financial Officer.

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement in an amount not to exceed \$248,435.00 with Reivax Contracting Corp, 68 Finderne Avenue, Bridgewater, NJ 08807 for Herrick Drive Water Main Improvements, Section 1.
 2. A copy of this resolution and the subject agreement shall be made available for inspection in the office of the Borough Clerk.
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RESOLUTION 122-20: APPROVE CARRY OVER OF FIVE VACATION DAYS ONE TIME ONLY

WHEREAS, the Borough of Rockaway Employee Handbook specifies that all vacation time must be used in the current year and that accrued but unused vacation time will be forfeited, and;

WHEREAS, due to reduced staffing in response to the pandemic, it was difficult for employees to utilize vacation time for a period of several months, and;

WHEREAS, the governing body desires to allow employees additional time to use accrued vacation time, on a one time only basis.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey hereby authorize employees of the Borough to carry over a maximum of five vacation days from calendar year 2020 to calendar year 2021. Any days carried over must be used by June 30, 2021.

RESOLUTION 123-20: GRANT LEAVE OF ABSENCE (DPW LABORER)

WHEREAS, Frank Rodimer is unable to perform his duties as DPW Laborer from March 30, 2020 through and including XXXXX; and

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 XXXXX per Section 61-80.A of the Code of the Borough of Rockaway.

RESOLUTION 124-20: APPROVE PARTICIPATION WITH THE STATE OF NEW JERSEY IN A SAFE AND SECURE COMMUNITIES PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY

WHEREAS, the Borough of Rockaway wishes to apply for funding of approximately \$29,407.00 with a match of \$148,548.85 for an approximate project total cost of \$177,955.85 for a project under the State of New Jersey Safe and Secure Communities Program (Grant #20-1434) for Subaward period June 13, 2020 to June 12, 2021; and

WHEREAS, the Mayor and Council have reviewed the accompanying application and have approved said request; and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and Borough of Rockaway for the purpose described in the application.

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

1. As a matter of public policy the Borough of Rockaway wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
 2. The Borough of Rockaway is authorized to accept the Subaward (Grant #20-1434); and
 3. The Borough of Rockaway is accepting the specific grant of funds for the New Jersey Safe and Secure Communities Program.
 4. The Attorney General will receive funds on behalf of the applicant.
 5. The Division of Criminal Justice shall be responsible for the receipt and review of the application for said funds.
 6. The Division of Criminal Justice shall initiate allocations to each applicant as authorized.
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RESOLUTION 125-20: AUTHORIZE PURCHASE (OFFICE SUPPLIES)

WHEREAS, there exists a need to obtain office supplies for the various departments of the Borough of Rockaway; and

WHEREAS, a Morris County Co-Op Contract No. 16 exists for the purchase of office supplies from the following company:

The Office Concepts Group, Inc.
301 Greenwood Avenue
Midland Park, NJ 07432
(201-445-6555)

WHEREAS, a New Jersey State Contract exists for the purchase of office supplies from the following company:

Contract # T0052/0000003
W.B. Mason Company, Inc.
21 Commerce Drive
Cranbury, NJ 08512
(800-242-5892)

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 office supplies for use by the various departments of the Borough of Rockaway from the aforesaid vendors, under Morris County Co-Op Contract No. 16 and New Jersey State Contract No. T0052/88839, not to exceed the amount of \$44,350.00.

RESOLUTION 126-20: AWARD CONTRACT (ICE CONTROL)

WHEREAS, there exists a need to obtain ice control materials for the Department of Public Works; and

WHEREAS, a Morris County Co-Op Contract No. 3 exists for the purchase of rock salt and calcium chloride from the following companies:

Atlantic Salt, Inc.
134 Middle Street, Suite 210
Lowell, MA 01852
(718-816-7200)

Morton Salt, Inc.
444 West Lake Street, Suite 3000
Chicago, IL 60606
(312-807-2859)

Peckham Materials Corporation
763 Schoharie Turnpike
Athens, NY 12015
(518-945-1120, Ext. 200)

Reed Systems, LTD
PO Box 209
Ellenville, NY 12428
(845-647-3660)

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 ice control materials for use by the Department of Public Works from the aforesaid vendors, under Morris County Co-Op Contract No. 3, not to exceed the amount of \$90,000.00.

RESOLUTION 127-20: APPROVE 2020-2021 ALCOHOL BEVERAGE CONTROL LICENSE

WHEREAS, the following named applicants have duly filed applications for the Class "C" Retail licenses known as Plenary Retail Consumption Licenses, for the period from July 1, 2020 to June 30, 2021:

<u>LICENSE NUMBER</u>	<u>NAME</u>	<u>PLACE OF BUSINESS</u>
1434-44-008-004	Lusardi Liquors Inc. t/a Rockaway Wines & Liquors	73 West Main Street Rockaway, NJ 07866

and;

WHEREAS, the Director of the Division of Alcoholic Beverage Control has caused to be advertised in a newspaper in each County, a General Notice of Intention to apply for said Licenses.

NOW, THEREFORE, BE IT RESOLVED that the Licenses under Class "C" Retail Licenses, known as Plenary Retail Consumption Licenses, be and the same are hereby granted as to each of the above named applicants.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the License under Class "C" Retail Licenses, known as Plenary Retail Distribution Licenses, be and the same is granted to the above named applicant.

RESOLUTION 128-20: AUTHORIZE BOROUGH OF ROCKAWAY TO ENTER INTO A RIGHT-OF-WAY AGREEMENT WITH PLANET NETWORKS, INC., FOR USE OF THE BOROUGH'S RIGHTS-OF-WAY FOR TELECOMMUNICATIONS SERVICES

WHEREAS, Planet Networks, Inc. ("Planet Networks"), was approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State of New Jersey by Order of Approval in Docket No. TE19020198 on May 28, 2019 and intends to provide telecommunication services in accordance with that Order and the rules and regulations of the Federal Communications Commission and the New Jersey Board of Public Utilities; and

WHEREAS, pursuant to such authority granted by the New Jersey Board of Public Utilities, Planet Networks may locate, place, attach, install, operate and maintain facilities within Public Rights-of-Way for purposes of providing telecommunications services; and

WHEREAS, Planet Networks has petitioned the Borough of Rockaway for consent to use the public Rights-of-Way to place its telecommunication facilities, consisting of fiber optic cabling, aerially on existing and new utility poles and/or in underground conduit in the Rights-of-Way within the Borough for the purpose of providing telecommunications services; and

WHEREAS, Planet Networks has or will enter into agreements with the utility companies for the use of their poles; and

WHEREAS, N.J.S.A. 54:30A-124(a) provides that "[n]o municipal[ity] ... may impose any fees, taxes, levies or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against telecommunications companies", but "may impose reasonable fees for actual services made by any municipal ... agency;" and

WHEREAS, it is in the best interests of the Borough and its citizenry to promote competition in the telecommunications market, and to grant its consent to Planet Networks to occupy said Rights-of-Way within the Borough for this purpose; and

WHEREAS, the Borough is empowered, and has agreed, to enter into a Rights-Of-Way Agreement with Planet Networks, pursuant to N.J.S.A. 48:17-10 through N.J.S.A. 48:17-12, which Agreement sets forth the terms and conditions under which the Parties agree to the use of the Rights-of-Way within the Borough.

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, Council President and/or Borough Administrator shall be and are hereby authorized and empowered to enter into and execute a Rights-of-Ways Agreement with Planet Networks, Inc., on behalf of the Borough for the non-exclusive use of the Rights-of-Way within the Borough and to undertake any and all such acts as may be necessary to effectuate the terms of the same.