

**MAYOR & COUNCIL
REGULAR MEETING
JANUARY 23, 2020
7:30 p.m.**

The Regular Meeting of the Mayor and Council of the Borough of Rockaway, in the County of Morris, New Jersey, was held in the Community Center, 21-25 Union Street, Rockaway, N.J. with Mayor Thomas Mulligan presiding. Mayor Mulligan called the meeting to order at 7:30 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, a list of meeting dates annually, indicating that the meeting would take place at the Community Center at 7:30 p.m. on this date. Mayor Mulligan announced the location of the fire exits.

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.

APPOINTMENTS

Mayor Mulligan announced that he would like to appoint Danielle deRonde to the Parks and Recreation Advisory Committee.

Upon motion by Councilman Haynes, seconded by Councilman Hurley, and carried unanimously via voice vote to concur with Mayor Mulligan's appointment of Danielle deRonde to the Parks and Recreation Advisory Committee.

APPROVAL OF MINUTES

Upon motion by Councilman McDonald, seconded by Councilman Haynes, and carried unanimously upon voice vote, the minutes of the January 9, 2020 Regular Meeting.

CORRESPONDENCE

Mayor Mulligan read a letter from Julie McBride regarding damage done to a tree on her property by JCP&L and related costs she incurred. The matter was further discussed with Ms. McBride. Councilman Haynes will follow up with JCP&L.

On motion by Councilman McDonald, seconded by Councilman Haynes, and unanimously carried by voice vote to accept the correspondence.

COUNCIL/COMMITTEE COMMENTS

Councilman Haynes – Public Utility and Works Committee

Councilman Haynes reported that the Department of Public Works did a great job clearing the roads during the last snow storm. Due to a water main break on Swede Mine Road, a fire hydrant had to be removed and a replacement was installed. The 2020 recycling brochures will be mailed out shortly. There are no changes to recycling or curbside pickup schedules at this time.

Councilman Haynes and Mayor Mulligan attended the Business Owners Association meeting.

Councilman Haynes will be attending the Board of Education meeting later in the month.

Councilman Haynes requested a closed session for a personnel matter.

Councilman McDonald – Personnel Committee

Councilman McDonald reported that he will be attending the first Parks and Recreation meeting later in the month and is looking forward to see what projects are planned.

Councilman Greuter - Public Safety Committee

Councilman Greuter reported that Chief Pepperman attended a meeting of the New Jersey State Association of Chiefs of Police and Rockaway Borough will now be receiving 0.4 mg doses of Narcan.

Chief Pepperman will be reaching out to the Morris County Engineering Department regarding improvements in the area of Rockaway Liquors.

Councilman Hurley - Finance and License Committee

Councilman Hurley reported that the auditors are currently working on the 2019 audit process and the Chief Financial Officer is preparing the 2020 budget, with the first meeting set for February 1st.

Councilman Hurley provided updates on the Hoagland Avenue, Fox Dam, and Chestnut Terrace projects.

Councilman Hurley, along with the Administrator and outgoing Construction Official, interviewed two candidates for the Construction Official position.

Councilwoman Burnside - Fire Committee

Councilwoman Burnside met with the Chief Financial Officer and Library Treasurer to review 2019 figures; the Library ended up with a surplus of approximately \$8,200.00. The Library representatives will attend an upcoming budget meeting.

Councilwoman Burnside attended the Library Board Meeting and reported that the interior lighting system in the Library will be upgraded; all funding will come from their Capital Account.

Councilwoman Burnside reported that the January Board of Health meeting was cancelled due to illness. Governor Murphy banned the sale of flavored vaping products from being sold in the State of New Jersey effective in April of this year. The Health Officer will have to enforce this ban. The flu is at a heightened level in New Jersey and as a reminder, it is not too late to get a flu shot.

Councilwoman Burnside reported that the Healthy Communities Grant that was applied for last fall was not awarded to the Borough.

Council President Smith - Ordinance Committee

Council President Smith reported that the Ordinance Committee will be meeting soon.

ATTORNEY'S REPORT

The Attorney reported that he, the Borough Engineer, and the Borough Appraiser met with Dr. Willson and his attorney for the formal on-site portion of the appraisal.

MAYOR'S REPORT

Mayor Mulligan reported that he met with the Administrator, Borough Planner, Zoning Officer, and Land Use Board Secretary to discuss the current Land Use process and establish processes and roles going forward.

Mayor Mulligan requested a closed session for contract negotiations.

ADMINISTRATOR'S REPORT

The Administrator reported that the Ordinance Committee will be meeting on February 3rd at 3:00 pm and recommended choosing three ordinances to begin with.

The new website has been rolled out. Once the basic information is set and all requirements are met, the Administrator suggested approaching local businesses about including their information on the website.

RESOLUTIONS (CONSENT AGENDA ITEMS)

Upon motion by Councilman McDonald, seconded by Councilman Haynes, and carried unanimously upon call of the roll, the following resolutions were adopted:

RESOLUTION 31-20: EXECUTE INTERLOCAL SERVICE AGREEMENT WITH THE BOROUGH OF WHARTON (QPA)

WHEREAS, the Borough of Rockaway and the Borough of Wharton wish to enter into an Interlocal Service Agreement with respect to the appointment of a Qualified Purchasing Agent; and

WHEREAS, municipalities are permitted to enter into such agreements pursuant to the Interlocal Services Act, N.J.S.A. 40:8A-1 et seq.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, in the County of Morris, State of New Jersey, that the Mayor and Borough Clerk are hereby authorized to execute an Interlocal Service Agreement between the Borough of Rockaway and the Borough of Wharton with regard to the appointment of a Qualified Purchasing Agent commencing January 1, 2020 and terminating December 31, 2020.

DATE: January 23, 2020

BOROUGH OF ROCKAWAY

ATTEST: Patricia L. Bussow, Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 32-20: AWARD CONTRACT (HOAGLAND AVENUE ROAD IMPROVEMENTS)

WHEREAS, on January 15, 2020 the Borough Clerk received nine (9) bid proposals for Hoagland Avenue Road Improvements:

American Asphalt & Milling Serv. 96 Midland Avenue Kearny, NJ 07032 \$232,345.90	AJM Contractors, Inc. 300 Keller Road Clifton, NJ 07011 \$234,109.00	Esposito Construction 253 Main Street, Suite 385 Matawan, NJ 07747 \$234,816.87
4 Clean-Up, Inc. PO Box 5098 North Bergen, NJ 07047 \$235,540.00	Zuccaro, Inc. 248 Alberta Drive Saddle Brook, NJ 07663 \$245,957.00	Top Line Construction, Corp. 22 Fifth Street Somerville, NJ 08876 \$253,046.12
Mark Paving Co., Inc. 77 Cutters Dock Road Woodbridge, NJ 07095 \$257,484.40	Crossroads Paving, Co. 386 South Street, Suite 169 Newark, NJ 07105 \$284,255.00	Black Rock Enterprises, LLC 1316 Englishtown Road Old Bridge, NJ 08857 \$298,566.00

WHEREAS, the apparent low bidder was American Asphalt and Milling Services LLC, 96 Midland Avenue, Kearny, New Jersey 07032, with a bid in the amount of \$232,345.90; and

WHEREAS, upon review of the bids it was determined that American Asphalt did not name a licensed electrical contractor or subcontractor, such failure constituting a fatal nonwaivable defect requiring rejection of the bid pursuant to the Local Public Contracts Law; and

WHEREAS, by reason of the aforementioned defect, AJM Contractors, Inc., 300 Keller Road, Clifton, New Jersey 07011, with a bid in the amount of \$234,109.00, has been determined to be the next lowest responsible bidder; 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 \$234,109.00 with AJM Contractors, Inc., 300 Keller Road, Clifton, New Jersey 07011, for Hoagland Avenue Road Improvements.
2. A copy of this resolution and the subject agreement shall be made available for inspection in the office of the Borough Clerk.

DATE: January 23, 2020

BOROUGH OF ROCKAWAY

ATTEST: Patricia L. Bussow, 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 \$234,109.00 are available for the purpose of awarding a contract for the furnishing of goods or services to the following entity:

AJM Contractors, Inc., 300 Keller Road, Clifton, New Jersey 07011

For the purpose of: Hoagland Avenue Road Improvements

The funds are available in

Budget Line Item#:

DATE: January 23, 2020

BY: Patricia Reiche, CFO/Treasurer

PUBLIC PORTION

Mayor Mulligan opened the meeting to the public.

Kathy Haake, 74 Rockaway Avenue, contacted the property owner from West Main Street regarding submitting an Open Space Grant, but has not yet heard back. Ms. Haake also scheduled a meeting with the Morris County Open Space Coordinator.

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

CLOSED SESSION

Upon motion by Councilwoman Burnside, seconded by Council President Smith, and adopted unanimously upon call of the roll (or voice vote), the following resolution was adopted:

RESOLUTION 33-20: CLOSE MEETING TO THE PUBLIC

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the Public from a meeting under certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances do exist;

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:
 - Pending or Anticipated Litigation, Contract Negotiation, or Matters Falling Within Attorney-Client Privilege
 - Personnel (matter involving employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion, or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that the matter or matters be discussed at a public meeting)
 - Confidential Per Express Provision of Federal Law or State Statute
 - Release of Information Would Impair Right to Receive Federal Funds
 - Disclosure of Information Would Constitute Unwarranted Invasion of Individual Privacy
 - PBA Collective Bargaining Agreement Negotiations
 - Teamsters Collective Bargaining Agreement Negotiations
 - Purchase, Lease, or Acquisition of Real Property with Public Funds, or Investment of Public Funds
 - Tactics or Techniques to Protect Safety and Property of Public
 - Deliberations May Result in Imposition of Specific Civil Penalty
3. The minutes of the discussion shall be made public as soon as the matters under discussion are no longer of a confidential or sensitive nature.
4. This resolution shall take effect immediately.

DATE: January 23, 2020

BOROUGH OF ROCKAWAY

ATTEST: Patricia L. Bussow, Borough Clerk

BY: Thomas Mulligan, Mayor

Mayor and Council went into closed session at 8:05 p.m. and resumed the public meeting at 8:39 p.m.

ADJOURNMENT

The meeting adjourned at 8:40 p.m.

Approved: As Submitted

Patricia L. Bussow, Borough Clerk

Date: February 13, 2020