

**MAYOR & COUNCIL
REGULAR MEETING
MARCH 26, 2020
6:00 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 6:00 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 6:00 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.

COUNCIL/COMMITTEE COMMENTS

Councilman Haynes – Public Utility and Works Committee

Department of Public Works – Due to COVID-19, the Department of Public Works employees will be working a staggered schedule as a precaution. The Recycling Center will remain closed until further notice and the construction dumpster will be postponed, however, curbside pickups will not be affected.

Board of Education – Councilman Haynes reported that the Board of Education held their regularly scheduled meeting virtually and is moving ahead with plans for renovations.

Councilman McDonald – Personnel Committee

Councilman McDonald reported that the Recreation Director is working on signage and coordinating on other outdoor projects with the Department of Public Works.

Closed session requested to discuss personnel.

Councilman Hurley - Finance and License Committee

Councilman Hurley reported that the adoption of the budget may need to be postponed due to changes in advertising requirements related to COVID-19. The 2019 audit is in progress.

Councilman Greuter - Ordinance Committee

No report.

Councilwoman Burnside - Fire Committee

Library - Councilwoman Burnside reported that the Library is closed and employees are not on-site. Residents who do not currently have a library card may obtain a temporary one at mainlib.org which will allow them to access e-books, magazines, etc.

Health Department – Councilwoman Burnside reported that the Borough has lost its first resident to COVID-19; the seventy-two-year-old had been living in assisted living facility outside of Rockaway Borough.

Garden Club – Pansies were planted this week. The Garden Club members have taken over responsibility for the garden at Police Station and would like to meet with the Department of Public Works and Police Chief to discuss future plans for the garden at a later date.

Council President Smith - Ordinance Committee

No report.

ATTORNEY'S REPORT

No report.

MAYOR'S REPORT

Mayor Mulligan reported that he has met with the Department of Public Works and Town Hall employees several times. All will be working staggered schedules and Town Hall is closed to the public.

PERC has suspended all negotiations due to COVID-19; negotiations are progressing with the White-Collar Union without representation during this recess.

ADMINISTRATOR'S REPORT

The Democratic and Republican County Committee elections have been cancelled for 2020 and terms due to expire this year have been extended for one year.

RESOLUTIONS (CONSENT AGENDA ITEMS)

Resolution 60-20 was pulled for separate discussion and tabled until further notice.

Upon motion by Councilman Haynes, seconded by Councilman Hurley and carried unanimously upon call of the roll, Resolutions 57-20, 58-20, and 59-20, were adopted.

RESOLUTION 57-20: REQUEST APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR TREE REPLACEMENT RESERVE, PURSUANT TO N.J.S.A 40A: 4-39

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:4-39 permits municipalities to establish a Tree Replacement Reserve to be used for any purpose replacing trees removed due to development by the local unit after current budget appropriations for that purpose have been expended.

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 requests permission of the Director of the Division of Local Government Services to pay expenditures for Tree Replacement purposes created in accordance with the provisions as per N.J.S.A. 40A: 4-39; and
2. The Borough Clerk of the Borough of Rockaway is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

DATE: March 26, 2020

BOROUGH OF ROCKAWAY

ATTEST: Patricia L. Bussow, Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 58-20: AWARD CONTRACT (ELYCROFT AVENUE ROAD IMPROVEMENTS & DRAINAGE IMPROVEMENT PROJECT)

WHEREAS, on March 11, 2020 the Borough Clerk received seven (7) bid proposals for Elycroft Avenue Road & Drainage Improvement Project:

Your Way Construction, Inc.
404 Coit Street
Irvington, NJ 07111
\$142,249.73

Top Line Construction, Corp.
22 Fifth Street
Somerville, NJ 08876
\$165,583.58

Mark Paving Co., Inc.
77 Cutters Dock Road
Woodbridge, NJ 07095
\$170,556.50

AJM Contractors, Inc.
300 Kuller Road
Clifton, NJ 07011
\$179,553.00

ADG Contracting Corp.
386 South Street, Suite 169
Newark, NJ 07105
\$236,315.00

Salmon Brothers, Inc.
PO Box 67
Netcong, NJ 07857
\$264,215.00

Messercola Excavating Co., Inc.
549 East Third Street
Plainfield, NJ 07060
\$1,769,015.90

WHEREAS, the apparent low bidder was Your Way Construction, Inc., 404 Coit Street, Irvington, NJ 07111, with a bid in the amount of \$142,249.73; 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 \$142,249.73 with Your Way Construction, Inc., 404 Coit Street, Irvington, NJ 07111, for Elycroft Avenue Road & Drainage Improvement Project.
2. A copy of this resolution and the subject agreement shall be made available for inspection in the office of the Borough Clerk.

DATE: March 26, 2020

BOROUGH OF ROCKAWAY

ATTEST: Patricia L. Bussow, Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 59-20: REFUND YEAR 2020 TAX OVERPAYMENT (BLOCK 46, LOT 10)

BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway to refund the Year 2020 tax overpayment in the amount of \$2,161.60 to Michael Kennedy, 61 Academy Street, Rockaway, NJ 07866.

DATE: March 26, 2020

BOROUGH OF ROCKAWAY

ATTEST: Patricia L. Bussow, Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 60-20: RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A NJDOT GRANT APPLICATION TO BE FILED JOINTLY WITH THE TOWNSHIP OF DENVILLE SEEKING FULL FUNDING FOR THE INSTALLATION OF SIDEWALKS AND CURBS ON FRANKLIN AVENUE BETWEEN KNOLLS DRIVE AND ROUTE 46

WHEREAS, pedestrians, specifically high school age students, regularly walk along the narrow shoulder on Franklin Avenue, which has limited sight distance between Knolls Drive and Route 46 before, during and after the school day; and

WHEREAS, the Township of Denville and the Borough of Rockaway are working collaboratively to seek grant funding from the NJDOT Local Aid Infrastructure Fund (formerly Discretionary Aid) to pay for 100% of the costs associated with the installation of sidewalks and curbs along the aforementioned section of Franklin Avenue in order to protect and enhance the safety of pedestrians and school children who regularly walk along that stretch of roadway.

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 execute the grant application to seek full funding for the installation of sidewalks and curbs on Franklin Avenue between Knolls Drive and Route 46.

DATE: March 26, 2020

BOROUGH OF ROCKAWAY

ATTEST: Patricia L. Bussow, Borough Clerk

BY: Thomas Mulligan, Mayor

PUBLIC PORTION

Mayor Mulligan opened the meeting to the public.

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 61-20: 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: March 26, 2020

BOROUGH OF ROCKAWAY

ATTEST: Patricia L. Bussow, Borough Clerk

BY: Thomas Mulligan, Mayor

Mayor and Council went into closed session at 6:29 p.m. and resumed the public meeting at 7:01 p.m.

ADJOURNMENT

The meeting adjourned at 7:02 p.m.

Approved: As Submitted

Patricia L. Bussow, Borough Clerk

Date: May 14, 2020