

**MAYOR AND COUNCIL
REGULAR MEETING
 MARCH 25, 2021
 6:30 PM**

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.

CALL TO ORDER

Council Member	Present	Absent
Councilman Greuter	X	
Councilman Haynes	X	
Councilman Hurley	X	
Councilman McDonald	X	
Councilman Smith	X	
Council President Burnside	X	

Borough Administrator Patricia Reiche and Borough Attorney Joseph J. Bell, Esq., were also present.

Everyone present participated in the salute to the flag.

APPROVAL OF MINUTES

Regular Meeting August 13, 2020
 Emergency Meeting November 9, 2021

Moved	Seconded	Voice Vote	
Councilman Greuter	Councilman Hurley	In favor: X	Against:

COUNCIL REPORTS

Councilman Haynes – Public Utility and Works Committee

Downtown Development – Councilman Haynes requested a motion for the Borough Planner, Topology, move forward with a preliminary investigation.

Moved: Councilman Hurley		Seconded: Council President Burnside			
Council Member	Yes	No	Abstain	Recuse	Absent
Councilman Greuter			X		
Councilman Haynes	X				
Councilman Hurley	X				
Councilman McDonald	X				
Councilman Smith	X				
Council President Burnside	X				

Department of Public Works – Councilman Haynes reported that Department of Public Works is continuing to transition from Winter to Spring, including patching potholes and spreading new clay at the fields. All DPW participated in No Tolerance training and the Jet Vac truck.

Councilman Haynes and Administrator Reiche provided an update on the amended plans for the DPW Garage project and associated costs.

Board of Education – Councilman Haynes reported that the Board of Education is in the process of interviewing candidates and is close to selecting a new Superintendent.

Councilman Smith - Ordinance Committee

Councilman Smith reported that the Ordinance Committee is continuing to work on updating the property maintenance code.

Councilman Greuter – Public Safety Committee

Councilman Greuter reported that the speed sign is currently on Beach Street.

Mayor Mulligan noted that complaints have been received regarding speeding on West Longview and Crestwood.

Councilman Hurley - Finance and License Committee

Councilman Hurley reported that the budget will be adopted at the next meeting and the auditor will be present.

Councilman Hurley reported that he attended the East Main Street Bridge public session and the concerns brought forward by residents included access, alternative routes, the historical view, and dredging, which is not part of the scope of the work of this project.

Councilman Hurley reported that the Historical Committee welcomed two new members.

Councilman McDonald - Personnel Committee

Parks and Recreation – Councilman McDonald reported that fields are being prepped for Spring sports. Quotes are currently being solicited for new sand for the beach.

Council President Burnside – Fire Committee

Board of Health – Council President Burnside provided an update on COVID, as well as access to the vaccine.

Fire Department – Councilman Burnside reported that the Fire Department has requested permission to take a truck and several members to the funeral of Firefighter Jared Lloyd.

REPORT OF ATTORNEY

The Attorney reported that tax appeals are ongoing.

REPORT OF MAYOR

Mayor Mulligan reported that he had tours of both Lincoln and Thomas Jefferson Schools, highlighting the work that has been completed recently.

Mayor Mulligan discussed the Goose Control presentation at a recent meeting and a proposal received for same. Rockaway Township has approved the discussed treatment and agreed to split the cost.

REPORT OF ADMINISTRATOR

Administrator Reiche reported that the Borough Engineer recommended altering the upcoming Church Street Water Main Replacement to include Academy Street as well, prior to Morris County paving Academy Street.

Administrator Reiche requested a closed session for possible litigation and personnel.

REPORT OF CLERK

The Acting Clerk reported that nominating petitions are due April 15th. Financial Disclosure Statements must be completed by April 30th, but cannot be accessed April 6th.

CONSENT AGENDA

RESOLUTION 58-21: AWARD PROFESSIONAL SERVICES CONTRACT (STORMWATER MANAGEMENT SERVICES)

WHEREAS, there exists needs for certain specified professional services to ensure the Borough of Rockaway, as an existing permittee, is in compliance with the new State of New Jersey Department of Environmental Protection Tier A Municipal Stormwater General Permit requirement; 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 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, Stormwater Compliance Solutions, 180 Main Street, P.O. Box 572, Chester, NJ 07930 (908-879-1145) submitted a proposal for engineering services to maintain compliance with Stormwater Management requirements; 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 Borough of Rockaway, in accordance with the Local Public Contracts Law, hereby authorizes and approves the award of a professional service contract to ensure the Borough of Rockaway, as an existing permittee, is in compliance with the new State of New Jersey Department of Environmental Protection Tier A Municipal Stormwater General Permit requirements for January 1, 2021 through December 31, 2021 to Stormwater Compliance Solutions, 180 Main Street, P.O. Box 572, Chester, NJ 07930 (908-879-1145). Contract copies are on file in the Office of the Clerk and are incorporated herein by reference and its terms and conditions stated in the proposal. 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 not to exceed \$10,050.00.

DATE: March 25, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 59-21: AWARD CONTRACT (DPW – DUMP TRUCK WITH ASSOCIATED EQUIPMENT)

WHEREAS, there exists a need to obtain a single axle dump truck with accessories for the Department of Public Works; and

WHEREAS, the Everest Equipment Sourcewell contract #080818-EEQ maturity date 10-29-22 includes the purchase and installation of a dump body, central hydraulics, snow plow and hitch, tailgate spreader and accessories from Reed Systems 17 Edwards Place, Ellenville NY 12428; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that it does hereby authorize the purchase of a dump body, central hydraulics, snow plow and hitch, tailgate spreader and accessories from Reed Systems 17 Edwards Place, Ellenville NY 12428 for use by the Department of Public Works, under the Everest Equipment Sourcewell contract #080818-EEQ in the amount not to exceed \$189,985.00.

DATE: March 25, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 60-21: AWARD CONTRACT (TURF MANAGEMENT OF RECREATION FIELDS)

WHEREAS, there exists a need for Turf Management of Recreation Fields; and

WHEREAS, a diligent attempt to obtain several quotes was made by the Director of Public Works, with the lowest response being received from Farmside Landscape and Design, 12 Kuperus Lane, Wantage, NJ 07461 (973-875-7200); and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11) states that a contract that is below the bid threshold may be awarded without public bidding; and

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

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement in an amount not to exceed \$13,875.00 with Farmside Landscape and Design, 12 Kuperus Lane, Wantage, NJ 07461 (973-875-7200) for Turf Management of Recreation Fields for a one-year period beginning January 1, 2021 and ending December 31, 2021.
2. A copy of this resolution and of the subject agreement shall be made available for inspection in the office of the Borough Clerk.

DATE: March 25, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 61-21: AUTHORIZE CHANGE ORDER NO. 1 (ELYCROFT AVENUE ROAD & DRAINAGE IMPROVEMENT PROJECT)

WHEREAS, on March 11, 2020, a contract for the Elycroft Avenue Road and Drainage Improvement Project was awarded to Your Way Construction, Inc., 404 Coit Street, Irvington, NJ 07111; and

WHEREAS, in accordance with the supplementary specifications of said contract, the following represents the final change order, and adjusts the estimated quantities to final quantities:

Description	Increase/Decrease	Unit Price	Amount
Hot Mix Asphalt Pavement Repair 6" Thick	10.00	\$31.20	\$312.00
Hot Mix Asphalt 9.5M64 Surface Coarse 2" Thick	29.03	\$104.60	\$3,036.54
9" x 18" Concrete Curb	3.00	\$38.70	\$116.10
12" RCP, Class V	29.00	\$74.70	\$2,166.30
Modified B-Inlet	1.00	\$2,500.00	\$2,500.00
Traffic Directors, Flaggers	(160.00)	\$0.01	(\$1.60)
Excavation, Test Pit	(5.00)	\$0.01	(\$0.05)
Excavation, Unclassified	(20.00)	\$1.00	(\$20.00)
Dense Graded Aggregate, Variable Thickness	(20.00)	\$1.00	(\$20.00)

Hot Mix Asphalt 9.5M64 Leveling Course	(25.00)	\$104.50	(\$2,612.50)
Total Change			\$5,476.79

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 \$5,476.79 to the contract awarded to Your Way Construction, Inc., 404 Coit Street, Irvington, NJ 07111, in the amount not to exceed \$5,476.79 for the adjustment from estimated quantities to final quantities, thereby increasing the cost of this contract to \$147,726.52.

DATE: March 25, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

Moved: Councilman Greuter		Seconded: Council President Burnside			
Council Member	Yes	No	Abstain	Recuse	Absent
Councilman Greuter	X				
Councilman Haynes	X				
Councilman Hurley	X				
Councilman McDonald	X				
Councilman Smith	X				
Council President Burnside	X				

MEETING OPEN TO THE PUBLIC

Mayor Mulligan opened the meeting to the public.

Joyce Freiermuth, 99 East Flagge Street - Inquired about the DPW Garage and the possible need for the project to come back before the Land Use Board. Ms. Freiermuth also inquired about the DPW consultant.

Sarah Concannon, 80 Hemlock Road – Requested that the \$180 fee charged for an emergency call out for a leaking water meter be waived. Ms. Concannon mentioned that she was not aware of the fee and the duty man was not able to repair the meter at the time of the emergency call out. Mayor Mulligan let Ms. Concannon know that the matter would be looked into.

Bonnie Hook, 23 Jackson Avenue - Inquired about the East Main Street Bridge project. Mayor Mulligan clarified that the project is in the very early stages. Councilman Smith also clarified that the project is a county project and encouraged residents to fill out the survey currently available online.

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

CLOSED SESSION

RESOLUTION 62-21: 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:

Contract Negotiations

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 11, 2021

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

Moved	Seconded	Voice Vote	
Councilman Smith	Councilman Hurley	In favor: X	Against:

Mayor and Council went into closed session at 7:44 p.m. and resumed the public meeting at 7:49 p.m.

Councilman Smith made a motion to create the position Confidential Assistant to the Chief of Police, with a salary range between \$40,000 and \$60,000.

Moved: Councilman Smith		Seconded: Council President Burnside			
Council Member	Yes	No	Abstain	Recuse	Absent
Councilman Greuter		X			
Councilman Haynes	X				
Councilman Hurley	X				
Councilman McDonald	X				
Councilman Smith	X				
Council President Burnside	X				

ADJOURNMENT

Moved	Seconded	Voice Vote		Time
Councilman Greuter	Councilman Hurley	In favor: X	Against:	

 Kimberly Cuspilich, Acting Borough Clerk

Date approved: July 8, 2021