

BOROUGH OF ROSELAND  
NEW JERSEY

NOVEMBER 16, 2018  
PUBLIC MEETING ROOM  
140 EAGLE ROCK AVENUE  
11:45 AM OPEN SESSION

EMERGENCY MEETING MINUTES

The November 16, 2018 Emergency Meeting of the Roseland Mayor and Council was called to order at 11:50 AM by Mayor Duthie. Due to the emergent nature of the matter on the agenda, adequate notice of the meeting was not provided in accordance with the Open Public Meeting Act. Pursuant to N.J.S.A. 10:4-10.b., adequate notice was not provided because:

- 1) Nature and importance of urgency: Site conditions discovered during the current water main replacement project require a change order which requires prior governing body approval; and
- 2) Nature of the substantial harm to the public interest likely to result from a delay in the holding of the meeting: A delay in approving the change order will result in potential freezing of uncovered water mains, and residents not connected to the new water main may be without water for an extended period; and
- 3) The meeting will be limited to discussion of and acting on the proposed change order; and
- 4) Notice of the meeting was provided to the official newspapers on November 15, 2018, posted on the Borough's website, and posted on the public bulletin board in the municipal building as soon as the meeting was scheduled, approximately 24 hours prior to the emergency meeting.
- 5) The need for the meeting could not reasonably have been foreseen at a time when adequate notice could have been provided, because the conditions were discovered during an active construction project.

IN ATTENDANCE:

John Duthie, Mayor  
David Jacobs, Councilman  
Richard N. Leonard, Councilman  
Michelle Tolli, Council President

ABSENT:

Christopher Bardi, Councilman  
Peter M. Smith, Councilman  
Thomas Tsilionis, Councilman

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ALSO IN ATTENDANCE: Maureen Chumacas, Borough Administrator  
Jock H. Watkins, Borough Clerk

ON CONFERENCE CALL: Ethan Jesse Sheffet, Borough Attorney  
Stephanie Cuthbert, Remington Vernick Engineers

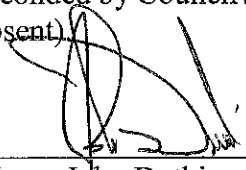
Mayor Duthie called for a motion to approve the emergency meeting. Councilman Jacobs made a motion to approve holding an emergency meeting. The motion was seconded by Council President Tolli and approved by a unanimous 3-0 roll call vote of members present, with Mr. Jacobs, Mr. Leonard, and Mrs. Tolli all voting in the affirmative.

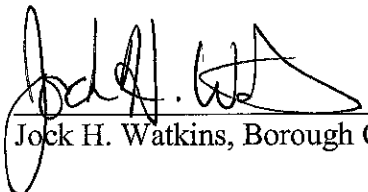
Engineer Cuthbert explained that the purpose of the meeting was to approve Change Order #1 in the amount of \$24,753.44 to the contract with Matina & Son, Inc., for the 2018 Water Utility Improvements. This change order increases the total amount of the contract from \$475,000.00 to a new total of \$499,753.44.

Ms. Cuthbert explained to Council that one reason for the change order is that water mains are usually buried four feet below the surface, but the 12" main in Davenport Avenue is nine feet below the surface. This will require additional excavation and also requires higher safety precautions including the use of special boxes to prevent trench collapse. Ms. Cuthbert also noted that the Department of Public Works located five more service connections than specified that will need to be connected to the new water main. This will require additional excavation, installation work, and materials than specified.

At the conclusion of the discussion, Councilman Leonard made a motion to approve Resolution No. 328-2018 approving Change Order #1 in the amount of \$24,753.44 to the contract with Matina & Son, Inc. for the 2018 Water Utility Improvements project. The motion was seconded by Councilwoman Tolli and approved by a 3-0 roll call vote, with Mr. Jacobs, Mr. Leonard, and Mrs. Tolli all voting in the affirmative.

Councilman Jacobs made a motion to close the meeting at 12:01 PM. The motion was seconded by Councilwoman Tolli and approved by a 3-0 voice vote (Bardi, Smith, and Tsilionis absent).

  
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Mayor John Duthie

  
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Jock H. Watkins, Borough Clerk

Approved: December 4, 2018

**ROLL CALL**

Aye: Bardi, Leonard, Tolli  
Nay: None  
Abstain: None  
Absent: Jacobs, Smith, Tsilionis