

## TOWNSHIP OF ROCKAWAY COUNCIL – FEBRUARY 27, 2018

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The Regular Meeting of the Township Council of the Township of Rockaway was held on Thursday, February 27, 2018 in the Municipal Building 65 Mt. Hope Road, Township of Rockaway, County of Morris, State of New Jersey commencing at 7:30 p.m.

Council President Jedynek led those present in the Salute to the American Flag.

Council President Jedynek called for a Moment of Silence to remember the Service and Sacrifices of the Armed Service Members who Protect our Nation and the First Responders who Protect our Neighborhoods and also the Officer and his family who was just shot.

Acting Clerk Marcy Gianattasio stated that “this meeting was advertised in the Daily Record, the official newspaper for the Township of Rockaway on January 8, 2018. The Citizen and the Star Ledger were notified in writing. Notice was posted on the official bulletin board of Rockaway Township.”

Council President Jedynek read the Township Code 2-5.15.

### **Township Code 2-5.15 Decorum**

**While the Council is in session, the members shall preserve order and decorum. The Council President at his/her discretion shall direct the Chief of Police or such other person in the Police Department as he may designate to be the Sergeant of Arms at the Council meeting. The sergeant at Arms shall employ reasonable means to maintain the proper order and decorum consistent with accepted standards**

**Present:** Council Member Quinn, Council Member Friedlander, Council Member Puzio, Council Member Palumbo, Council Member Smith, Council Member Sackett, Council Member Kelley, Vice President Abrahamsen and President Jedynek

**Present from Administration :** Mayor Dachisen, Attorney Iacofano, Mr. Brewer, Mrs. Seger, Mrs. Palmieri, Mr. Lutz, Mr. Tabbot and Chief McParland

### **2018 Municipal Budget :**

A motion was made by President Jedynek to reduce the Council President’s salary From \$7236.00 to \$0 and was seconded by Vice President Abrahamsen

Roll call was taken.

Yah Votes – 9

Nah Votes – 0

Motion was carried.

A motion was made by President Jedynek to reduce Council Vice President Abrahamsen’s salary to the 2016 budget level (\$5018.00) and was seconded by Council Member Smith.

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Roll call was taken.  
Yah Votes – 9  
Nah Votes – 0  
Motion was carried.

A motion was made by President Jedynek to reduce the Council Member's and Mayor's salaries to the 2017 budget levels and seconded by Council Member Friedlander.

Roll call was taken.  
Yah Votes – 9  
Nah Votes – 0  
Motion was carried.

### **OPEN TO THE PUBLIC (Agenda Items Only):**

Dave Press, 71 Oakland Ave – for \$4.00 a household stop the vandictiveness. Leave the Mayor and Council Member Quinn alone.

Bob Conlon, 6 Reservoir Pl – he would like to rescind his motion in the letter sent by the Citizen's Recreation Committee. He said Council Member Sackett apologized to the Citizen's Recreation Committee and they would like to rescind his termination.

Vincent LaIacona, 909 Green Pond Rd – he spoke about Ordinance O-18-04 and Scotch Plains. He explained that Scotch Plains switched benefits for all of their employees to a different company and took away benefits from Part-Time employees. He thinks saving the Township money is a good thing.

Mike Antonelli, 9 Timberbrook Rd – as far as Ordinance O-18-04 he would like the Council to ask the Township Attorney for his legal advise and legal opinion in this Ordinance.

Patrick Egan, 59 Lenox Rd – he spoke about the Health Benefits for Council Member Quinn and the Mayor. He would rather pay \$4.00 per household than the Legal Fees associated with taking the Benefits away.

April Kuryluk, 33 Mt. Hope Rd – she voted for change in Rockaway Township. She feels there is time to rethink how we do things. Property taxes are high but housing costs are lower. She feels we need to listen to the Township Attorney's advise.

Lisa Salberg, 10 Bergen Hill – she would like to know how many legal opinions the Council has received on Odinance O-18-04 and why didn't a certain person recuse themselves from the vote.

Doug and Patti Glaeser, 221 Old Beach Rd – he feels no one else with a part-time job has received Health Benefits. He says we have to start saving somewhere and every penny helps.

Joy Weinreich, 7 N. Brookside Dr – she is the Vice President of the Library Board of Trustees, she wants to thank Council Member Kelley who has given his whole salary to the library.

Brian Wittig, 18 N. Lake Shore Dr – he respects the whole Council. He wants the Council to vote yes on Ordinance O-18-04. He thinks this is a good step in reducing Taxes. Also, because part-time workers do not get Health Benefits.

Jacki Baeder, 129 Richard Mine Rd – she wants to know why there were Budget reductions made at this meeting when there are a lot of Budget meetings coming up. She feels 2 Council Members should be recusing themselves from voting.

Pat Degnan, 88 Valley View Dr – she wants to know why the Council is trying to pass the same Ordinance when more than one attorney said it was illegal. She also does not know why the Council would want to work for the Township for nothing.

**ORDINANCES TO ADOPT:**

**A. (O-18-04) ORDINANCE AMENDING CHAPTER 2, SECTION 2-3.4 COMPENSATION; SECTION 2-4.2 COMPENSATION; AND SECTION 2-4.3 ADDITIONAL COMPENSATION OF COUNCIL PRESIDENT OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROCKAWAY TO PROHIBIT PART TIME ELECTED OFFICIALS FROM RECEIVING HEALTH BENEFITS FROM THE TOWNSHIP**

**WHEREAS**, the Township Council has deemed it necessary to amend the language of Chapter 2 Sections 2-3.4, 2-4.2, and 2-4.3 to prohibit the part-time elected officials of the Township of Rockaway from receiving health benefits from the Township.

**WHEREAS**, the legislative intent of this ordinance is to bring the Township of Rockaway into compliance with state law regarding elected officials' health benefits eligibility derived by virtue of holding elected office. It is not the intent of this ordinance to affect health benefits eligibility derived by any means other than by virtue of holding elected office.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of Rockaway, County of Morris and State of New Jersey as follows:

**Section 2-3.4 is hereby amended to read as follows:**

The compensation of the Mayor shall be provided in the salary ordinance, to be paid monthly. As permitted under applicable law, the Mayor shall not be entitled to receive health benefits from the Township.

**Section 2-4.2 is hereby amended to read as follows:**

The compensation of each member of the Council shall be provided for by ordinance and shall be paid monthly. As permitted under applicable law, members of the Council shall not be entitled to receive health benefits from the Township.

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**Section 2-4.3 is hereby amended to read as follows:**

The President of the Council, by reason of his additional duties, shall receive an additional sum to be provided for by ordinance, which sum to be paid monthly. As permitted under applicable law, the President of the Council shall not be entitled to receive health benefits from the Township.

All ordinances, resolutions and regulations, or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency.

If any section, paragraph, article, subdivision, clause or provision of this Ordinance shall be judged invalid, such adjudication shall apply only to the section, paragraph, article, subdivision, clause or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

This Ordinance shall take effect upon final passage and approval in accordance with law.

## **CERTIFICATION**

**I HEREBY CERTIFY** that the foregoing is a true and accurate copy of an Ordinance introduced by the Township Council of the Township of Rockaway at a duly convened Meeting held on \_\_\_\_\_, and adopted at a duly convened meeting held on \_\_\_\_\_.

Date:

\_\_\_\_\_  
**Acting Township Clerk**

\_\_\_\_\_  
Michael Dachisen, Mayor

A motion was made by President Jedynek to adopt Ordinance O-18-04 for final reading and was seconded by Vice President Abrahamsen.

THERE WAS NO PUBLIC COMMENT ON THIS ORDINANCE.

Roll Call Was Taken.

Yah Votes – 5

Nah Votes – 2 (Friedlander, Puzio)

Abstain – 2 (Quinn, Sackett)

Motion is carried.

**B. (O-18-06) ORDINANCE ESTABLISHING REQUIREMENTS FOR  
INDEPENDENT RECREATION ORGANIZATIONS TO RECEIVE FUNDING  
FROM THE TOWNSHIP OF ROCKAWAY**

**WHEREAS**, it is a priority of the Township of Rockaway to support recreational opportunities for the community; and

**WHEREAS**, it is the desire of the Township of Rockaway to provide such opportunities in a fair, equitable and responsible manner; and

**WHEREAS**, the Township Council has deemed it necessary to increase transparency, accountability, and reporting with regard to how funding is allocated for recreational activities within the township.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of Rockaway, County of Morris and State of New Jersey as follows:

**PROVISIONS OF THE ORDINANCE TO READ AS FOLLOWS:**

- a. All independent recreation organizations who receive funding from the Township of Rockaway shall annually enter into a mutually executed agreement in order to be eligible to receive said funding.
- b. An independent recreation organization that is eligible to receive funding shall be defined as:
  - i. A sports or recreation organization that does not operate under the Township of Rockaway's tax identification number, and
  - ii. A sports or recreation organization that is based in the Township of Rockaway, and/or
  - iii. A sports or recreation organization that provides sports or recreational opportunities to a majority of Township of Rockaway residents, and/or
  - iv. A sports or recreation organization that provides sports or recreational opportunities on behalf of, or at the request of, the Township of Rockaway.
- c. The mutually executed agreement between the Township of Rockaway and the independent recreation program shall include but not be limited to the following:
  - i. The annual submission of the recreation organization's by-laws and list of officers.

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- ii. The annual submission of the recreation organization's articles of incorporation, along with proof from the State of New Jersey of the corporation's active status; and any corresponding submissions to the United States Internal Revenue Service that are required by law, e.g. Form 990.
  - iii. The annual submission of a budget no less than thirty (30) days prior to the initiation of the sports organization's fiscal year.
  - iv. The annual submission of a profit & loss or other financial statement articulating the independent recreation organization's prior year's receipts and expenditures, including any residual funds on hand, not later than sixty (60) days from the conclusion of the sports organization's fiscal year. An audit, completed by a licensed and accredited accounting firm may be submitted to satisfy this requirement.
  - v. The requirement that all procurement activity, utilizing funds from the Township of Rockaway shall be undertaken through the Township of Rockaway's established procurement system, in compliance with existing policy, rule and law. Requests for the processing of requisitions shall be submitted to the Department of Recreation.
  - vi. All submissions shall be made to the Department of Recreation, 65 Mount Hope Road, Rockaway, NJ 07866.
- d. To the extent there is a conflict between this ordinance and the by-laws of any independent program, which may receive funding from the Township of Rockaway under the auspices of this ordinance, the language of this ordinance shall govern.

All ordinances, resolutions and regulations, or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency.

If any section, paragraph, article, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, article, subdivision, clause or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

This Ordinance shall take effect upon final passage and approval in accordance with law.

### **CERTIFICATION**

## TOWNSHIP OF ROCKAWAY COUNCIL – FEBRUARY 27, 2018

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**I HEREBY CERTIFY** that the foregoing is a true and accurate copy of an Ordinance introduced by the Township Council of the Township of Rockaway at a duly convened Meeting held on February 13, 2018, and adopted at a duly convened meeting held on \_\_\_\_\_.

Date:

\_\_\_\_\_  
**Acting Township Clerk**

\_\_\_\_\_  
Michael Dachisen, Mayor

A motion was made by President Jedynek to send Ordinance O-18-06 to the Citizen's Recreation Committee for review and this was seconded by Vice President Abrahamsen.

**THERE WAS NO PUBLIC COMMENT ON THIS ORDINANCE.**

Roll Call Was Taken.

Yah Votes – 8

Nah Votes – 1 (Sackett)

Motion was carried.

### **ORDINANCE TO INTRODUCE:**

(O-18-07) AN ORDINANCE AUTHORIZING THE ACQUISITION OF A PERPETUAL 30 FT. WIDE DRAINAGE LINE ACCESS EASEMENT RESPECTING REAL PROPERTY DESIGNATED AS LOT 34 in Block 10202 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF ROCKAWAY WHICH IS MORE COMMONLY KNOWN AS 5 CARREL STREET

A motion was made by Council Member Palumbo to introduce Ordinance O-18-07 at first reading and this was seconded by Council Member Friedlander.

Roll Call Was Taken.

Yah Votes – 9

Nah Votes – 0

Motion was carried.

### **CONSENT AGENDA:**

**RESOLUTIONS:**

- A. ([R-18-50](#)) REDEMPTION OF TAX LIEN C#16-0067
- B. ([R-18-51](#)) APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE SAFE CORRIDORS HIGHWAY PROGRAM TRAFFIC SAFETY PROJECT
- C. ([R-18-52](#)) REDEMPTION OF TAX TITLE LIEN C#17-0017
- D. ([R-18-53](#)) REDEMPTION OF TAX TITLE LIEN C#16-0039
- E. ([R-18-54](#)) 2017 TAX COURT JUDGEMENT REFUND FOR 400 COMMONS WAY
- F. ([R-18-55](#)) REDEMPTION OF TAX TITLE LIEN C#17-0020
- G. ([R-18-56](#)) REDEMPTION OF TAX TITLE LIEN C#16-0012
- H. ([R-18-57](#)) REDEMPTION OF TAX TITLE LIEN C#17-0023
- I. ([R-18-60](#)) AUTHORIZING AND APPROVING A CERTAIN SOIL DISTURBANCE PERMIT FOR JCP&L WITH RESPECT TO REAL PROPERTY DESIGNATED ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF ROCKAWAY AS BLOCK 10202, LOTS 34, 35 & 36 AND BEING MORE COMMONLY KNOWN AS 5 CARREL ST
- J. ([R-18-61](#)) AUTHORIZING THE EXECUTION OF AN AMENDMENT TO A DEVELOPER'S AGREEMENT DATED JANUARY 25, 2000 CONCERNING THE CONTINUING DEVELOPMENT AND ENVIRONMENTAL COMPLIANCE BEING CONDUCTED BY JERSEY CENTRAL POWER AND LIGHT COMPANY, LLC ON REAL PROPERTY IDENTIFIED AS BLOCK 10202, LOTS 34, 34 & 36 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF ROCKAWAY, NEW JERSEY MORE COMMONLY KNOWN AS 5 CARREL STREET

**FIREFIGHTERS: BRIAN O 'NEILL**  
**JUNIOR FIREMEN 'S AUXILIARY: RAJVI PATEL**

A motion was made by Council Member Smith to approve all items in the Consent Agenda and this was seconded by Council Member Puzio.

Roll Call Was Taken.  
Yah Votes - 9  
Nah Votes 0  
Motion was carried.

**RESOLUTION # R-18-50**

**REDEMPTION OF TAX TITLE LIEN C#16-0067**

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**WHEREAS**, the Tax Collector's Office has received payment for redemption of **Tax Title Lien #16-0067** on **Block: 40701 Lot: 131** known as: **707 GREEN POND RD.** in the name of: **TF6 JERSEY HOLDINGS LLC.**

**WHEREAS**, reimbursements are now required to be made to the following Lien Holder,  
**US BANK CUST FOR PC6, LLC**  
**STERLING**  
**50 SOUTH 16<sup>TH</sup> ST., SUITE 2050**  
**PHILADELPHIA, PA 19102**

From Tax Lien Redemption Account, Lien, Penalty, Interest and Costs:

**TAX TITLE LIEN:   \$ 11,672.15**  
**PREMIUM:           \$   300.00**

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Rockaway, County of Morris, State of New Jersey that the Township Treasurer is authorized to prepare a check in the amount of: **\$ 11,972.15** made payable to:

**"ABOVE LIEN HOLDER"**

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded to the Township Treasurer.

**I HEREBY CERTIFY** the above to be a true copy of a Resolution adopted by the Township Council of the Township of Rockaway at a duly convened Meeting held on **FEBRUARY 27, 2018.**

\_\_\_\_\_  
ACTING MUNICIPAL CLERK

**Township of Rockaway**  
**Resolution # R-18-51**

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Safe Corridors Highway Program Traffic Safety Project.

**NOW, THEREFORE, BE IT RESOLVED** that Council of the Township of Rockaway formally approves the grant application for the above stated project.

**BE IT FURTHER RESOLVED** that the Mayor and Acting Clerk are hereby authorized to submit an electronic grant application identified as HSF-2017-

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Rockaway Township-00028 to the New Jersey Department of Transportation on behalf of Township of Rockaway.

BE IT FURTHER RESOLVED that Mayor and Acting Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Rockaway and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council  
On this 27<sup>th</sup> day of February, 2018

\_\_\_\_\_  
Acting Clerk

My signature and the Acting Clerk's seal serve to acknowledge the above Resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL \_\_\_\_\_  
Acting Clerk Mayor

## **RESOLUTION # R-18-52**

### **REDEMPTION OF TAX TITLE LIEN C#17-0017**

**WHEREAS**, the Tax Collector's Office has received payment for redemption of **Tax Title Lien #17-0017** on **Block: 20903 Lot: 044** known as: **9 N LAKE SHORE DR.** in the name of: **LEWIS.**

**WHEREAS**, reimbursements are now required to be made to the following Lien Holder,  
**US BANK CUST BV002 TRST & CRDTRS**  
**50 SOUTH 16<sup>TH</sup> STREET, SUITE 205**  
**PHILADELPHIA, PA 19102-2513**

From Tax Lien Redemption Account, Lien, Penalty, Interest and Costs:

**TAX TITLE LIEN: \$ 3,114.15**  
**PREMIUM: \$ 2,600.00**

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**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Rockaway, County of Morris, State of New Jersey that the Township Treasurer is authorized to prepare a check in the amount of: **\$ 5,714.15** made payable to:

**"ABOVE LIEN HOLDER"**

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded to the Township Treasurer.

**I HEREBY CERTIFY** the above to be a true copy of a Resolution adopted by the Township Council of the Township of Rockaway at a duly convened Meeting held on **FEBRUARY 27, 2018**.

\_\_\_\_\_  
ACTING MUNICIPAL CLERK

## **RESOLUTION # R-18-53**

### **REDEMPTION OF TAX TITLE LIEN C#16-0039**

**WHEREAS**, the Tax Collector's Office has received payment for redemption of **Tax Title Lien #16-0039** on **Block: 21301 Lot: 192** known as: **11 IOWA AVE.** in the name of: **WILMINGTON SAVINGS FUNDS SOCIETY FSB.**

**WHEREAS**, reimbursements are now required to be made to the following Lien Holder,  
**US BANK CUST BV002 TRST & CRDTRS**  
**50 SOUTH 16<sup>TH</sup> STREET, SUITE 205**  
**PHILADELPHIA, PA 19102-2513**

From Tax Lien Redemption Account, Lien, Penalty, Interest and Costs:

**TAX TITLE LIEN:   \$ 3,164.31**  
**PREMIUM:           \$ 1,800.00**

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Rockaway, County of Morris, State of New Jersey that the Township Treasurer is authorized to prepare a check in the amount of: **\$ 4,964.31** made payable to:

**"ABOVE LIEN HOLDER"**

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded to the Township Treasurer.

**I HEREBY CERTIFY** the above to be a true copy of a Resolution adopted by the Township Council of the Township of Rockaway at a duly convened Meeting held on **February 27, 2018**.

\_\_\_\_\_  
ACTING MUNICIPAL CLERK

**RESOLUTION # R-18-54**

**2017 TAX COURT JUDGMENT REFUND FOR  
400 COMMONS WAY**

**WHEREAS**, pursuant to **N.J.S.A. 54:3-27.2**, in the event that a taxpayer is successful in an appeal from an assessment of real property, the prospective taxing district shall refund any excess taxes paid within 60 days of the date of final judgment.

**WHEREAS**, the Tax Collector's office has received a Tax Court Judgment on **BLOCK 22401 LOT 003.08 also known as 400 COMMONS WAY** in the name of **BAKER PROP LIMITED PARTNERSHIP**.

**WHEREAS**, Tax Court Judgment (Docket #004314-2017) entered on 2/1/18 reduced the assessed value of the property for tax year 2017 from 7,500,000 to 7,100,000 which resulted in a tax credit of **\$12,488.00** to be refunded.

**WHEREAS**, a refund for the total amount of **\$12, 488.00 is due and payable to:**  
**GARIPPA, LOTZ & GIANNUARIO**  
**BAKER PROP LIMITED PARTNERSHIP**  
**66 PARK STREET**  
**MONTCLAIR, NJ 07042**

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Rockaway, County of Morris, State of New Jersey that the Township Treasurer is authorized to refund the above owner and the tax collector to adjust her records accordingly.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be Forwarded to the Township Treasurer and the Tax Assessor.

**I HEREBY CERTIFY** the above to be a true copy of a Resolution adopted by the Township Council of the Township of Rockaway at a duly convened Meeting held on **FEBRUARY 27, 2018**.

\_\_\_\_\_  
Acting Municipal Clerk

**RESOLUTION # R-18-55**

**REDEMPTION OF TAX TITLE LIEN C#17-0020**

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**WHEREAS**, the Tax Collector's Office has received payment for redemption of **Tax Title Lien #17-0020** on **Block: 21003 Lot: 017** known as: **47 CHEROKEE AVE.** in the name of: **KANYA.**

**WHEREAS**, reimbursements are now required to be made to the following Lien Holder,  
**TFS CUST FOR FIG CAP INV NJ13**  
**PO BOX 54472**  
**NEW ORLEANS, LA 70154**

From Tax Lien Redemption Account, Lien, Penalty, Interest and Costs:

**TAX TITLE LIEN:     \$ 405.62**  
**PREMIUM:            \$1,000.00**

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Rockaway, County of Morris, State of New Jersey that the Township Treasurer is authorized to prepare a check in the amount of: **\$ 1,405.62** made payable to:

**"ABOVE LIEN HOLDER"**

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded to the Township Treasurer.

**I HEREBY CERTIFY** the above to be a true copy of a Resolution adopted by the Township Council of the Township of Rockaway at a duly convened Meeting held on **FEBRUARY 27, 2018.**

\_\_\_\_\_  
ACTING MUNICIPAL CLERK

**RESOLUTION # R-18-56**

**REDEMPTION OF TAX TITLE LIEN C#16-0012**

**WHEREAS**, the Tax Collector's Office has received payment for redemption of **Tax Title Lien #16-0012** on **Block: 11103 Lot: 002** known as: **10 FLEETWOOD DR.** in the name of: **LAU.**

**WHEREAS**, reimbursements are now required to be made to the following Lien Holder,  
**FWDSL & ASSOCIATES**  
**17 W. CLIFF ST.**  
**SOMERVILLE, NJ 08876**

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From Tax Lien Redemption Account, Lien, Penalty, Interest and Costs:

**TAX TITLE LIEN:   \$ 1,085.92**  
**PREMIUM:           \$ 1,500.00**

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Rockaway, County of Morris, State of New Jersey that the Township Treasurer is authorized to prepare a check in the amount of: **\$ 2,585.92** made payable to:

**"ABOVE LIEN HOLDER"**

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded to the Township Treasurer.

**I HEREBY CERTIFY** the above to be a true copy of a Resolution adopted by the Township Council of the Township of Rockaway at a duly convened Meeting held on **February 27, 2018**.

\_\_\_\_\_  
ACTING MUNICIPAL CLERK

**RESOLUTION # R-18-57**

**REDEMPTION OF TAX TITLE LIEN C#17-0023**

**WHEREAS**, the Tax Collector's Office has received payment for redemption of **Tax Title Lien #17-0023** on **Block: 21301 Lot: 055** known as: **39 SHAWNEE AVE.** in the name of: **SABADELL UNITED.**

**WHEREAS**, reimbursements are now required to be made to the following Lien Holder,

**CHRISTIANA TRUST AS CUSTODIAN  
GSRAN-Z, LLC DEPOSIT ACCOUNT  
P.O. BOX 71276  
PHILADELPHIA, PA 19176-6276**

From Tax Lien Redemption Account, Lien, Penalty, Interest and Costs:

**TAX TITLE LIEN:   \$ 21,963.99**  
**PREMIUM:           \$ 52,100.00**

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Rockaway, County of Morris, State of New Jersey that the Township Treasurer is authorized to prepare a check in the amount of: **\$ 74,063.99** made payable to:

**"ABOVE LIEN HOLDER"**

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**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded to the Township Treasurer.

**I HEREBY CERTIFY** the above to be a true copy of a Resolution adopted by the Township Council of the Township of Rockaway at a duly convened Meeting held on **FEBRUARY 27, 2018**.

\_\_\_\_\_  
ACTING MUNICIPAL CLERK

## RESOLUTION R-18-60

**AUTHORIZING AND APPROVING A CERTAIN SOIL DISTURBANCE PERMIT FOR JCP&L WITH RESPECT TO REAL PROPERTY DESIGNATED ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF ROCKAWAY AS BLOCK 10202 LOTS 34, 35 & 36 AND BEING MORE COMMONLY KNOWN AS**

**5 CARREL STREET**

**WHEREAS**, Jersey Central Power & Light Company a New Jersey Limited Liability Company, with an address of 300 Madison Avenue, Morristown, N.J. (hereinafter “JCP&L”) has applied for a soil disturbance permit, respecting the real property designated on the Official Tax Map of the Township of Rockaway (hereinafter “Township”) as Block 10202, Lots 34, 35, & 36 (hereinafter “property”); and

**WHEREAS**, JCP&L has made a presentation to the Township Planning Board in a Community Information Session (the minutes for which are submitted herewith and made a part hereof by reference) advising that JCP&L is required to perform environmental clean-up activities on the property.

**WHEREAS**, JCP&L produced experts to testify before the Planning Board to identify the methods it will pursue for site remediation work that will include the construction of a subterranean wall to contain and treat impacted groundwater; and

**WHEREAS**, the soil disturbance application was filed for the purpose of securing a permit authorizing the disturbance of 1,574 cubic yards of soil which is to be removed from the property and taken to a location outside of the boundaries of the Township; and

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**WHEREAS**, the soil disturbance is required to effectuate the environmental cleanup; and

**WHEREAS**, the applicant is required to post a bond to guarantee the implementation of proper excavation and soil erosion control measures in accordance with the Township Engineer's Cost Estimate dated February 15, 2018, which is submitted herewith and made a part hereof by reference; and

**WHEREAS**, the applicant is also required to pay the necessary fees in compliance with Chapter XX, Soil Protection, of the Revised General Ordinances of the Township of Rockaway; and

**WHEREAS**, the Township Engineer has reviewed the soil disturbance application of the applicant and has recommended that the application be granted subject to compliance with the Soil Protection Ordinance, Zoning Board of Adjustment Resolution, other applicable Law and Regulations, and such conditions as are contained below.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Rockaway, County of Morris, and State of New Jersey, they being the Governing Body thereof as follows:

1. The application of JCP&L, for a soil disturbance permit to disturb and remove soil and deposit it on and/or remove it from the property designated as Block 10202, Lots 34, 35, & 36 of the Township's Official Tax Map is hereby approved and authorized.

2. The Township Council has reviewed and accepted the application and the recommendations of the Township Engineer to approve the subject soil disturbance permit, which recommendation has resulted from the Engineer's consideration of soil erosion of water and wind, drainage, soil fertility, lateral support slopes, grades of abutting streets and lands and land values and uses and related factors pursuant to Subsections 20-1.6 and 20-1.7 of the Soil Protection Ordinance. And, the Council finds that the permit may be granted without compromising the public health, safety, and general welfare if the following conditions are met:

A. The Applicant shall comply with each and every condition of the Developer's Agreement dated January 25, 2000 between the Township of Rockaway and NJNG Company and with each and every condition of an Amended Developer's Agreement which is being authorized by this Council simultaneously herewith as well as with the provisions of applicable law and/or ordinance.

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B. The Applicant shall deposit with the Township a performance guarantee in the total amount of Four Hundred Twenty Four Thousand Eight Hundred Dollars and Zero Cents (\$424,800.00) at least ten percent in the form of cash with the remaining amount in a form satisfactory to the Township Attorney.

C. The Applicant is required to pay the necessary application fee of \$500.00 and a Permit Fee of \$393.50 in compliance with Chapter XX, Soil Protection, of the Revised General Ordinances of the Township of Rockaway.

D. JCP&L shall conduct all hazardous waste removal activity on the property in strict compliance with the representations JCP&L made to the Planning Board.

E. The Applicant must coordinate the excavation and removal of soil from the site so as not to interfere with vehicular traffic.

F. Applicant must repair any damage to public or private property resulting from the soil disturbance activities.

G. This Resolution shall take effect immediately.

### CERTIFICATION

I, Marcy Gianattasio, acting Township Clerk of the Township of Rockaway hereby certify the foregoing to be a true copy of a Resolution adopted by the Township Council of the Township of Rockaway at a duly convened meeting held on February 27, 2018.

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Marcy Gianattasio, Acting Township Clerk

### RESOLUTION NO. R-18-61

**AUTHORIZING THE EXECUTION OF AN AMENDMENT TO A DEVELOPER'S AGREEMENT DATED JANUARY 25, 2000 CONCERNING THE CONTINUING DEVELOPMENT AND ENVIRONMENTAL COMPLIANCE BEING CONDUCTED BY**

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### **JERSEY CENTRAL POWER AND LIGHT COMPANY, LLC ON REAL PROPERTY IDENTIFIED AS BLOCK 10202, LOTS 34, 35, & 36 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF ROCKAWAY, NEW JERSEY MORE COMMONLY KNOWN AS 5 CARREL STREET**

**WHEREAS**, Jersey Central Power and Light Company, LLC (JCP&L) located at 300 Madison Avenue, Morristown, NJ 07962 (Developer), is the successor in interest to New Jersey Natural Gas Company (NJNG), concerning the ownership of real property identified as Lot 34 in Block 10202 (Property) on the Official Tax Map of the Township of Rockaway (Township);

**WHEREAS**, there exists a Developer's Agreement dated January 25, 2000 that was entered into by NJNG and the Township which requires the completion of certain requirements by the current Property owner, JCP&L; and

**WHEREAS**, JCP&L has made a presentation to the Township Planning Board in a Community Information Session (the minutes for which are submitted herewith and made a part hereof by reference) advising that JCP&L is required by the N.J. Department of Environmental Protection to perform environmental remediation activities the scope of which requires environmental remediation and soil disturbance activity to be conducted on Lots 35 and 36 in Block 10202;

**WHEREAS**, JCP&L produced experts to testify before the Planning Board to identify the methods it will pursue for site remediation work that will include the construction of a subterranean wall to contain and treat impacted groundwater; and

**WHEREAS**, in order to ensure JCP&L's completion of its obligations to the Township concerning the January 25, 2000 Developer's Agreement and compliance with its obligations in connection with the environmental cleanup aforesaid, it has become necessary to require JCP&L to enter into an Amended Developer's Agreement

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with the Township; and

**WHEREAS**, the Amended Developer's Agreement is intended to specifically define the remaining obligations of JCP&L to the Township concerning its completion of the development and concerning its environmental cleanup of the Property; and,

**WHEREAS**, there has been prepared an Amended Developer's Agreement by and between the Developer and the Township dated \_\_\_\_\_, 2018; and

**WHEREAS**, the Township desires to authorize the execution of the Amended Developer's Agreement subsequent to its execution by the Developer.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Rockaway, County of Morris, State of New Jersey, they being the Governing Body thereof as follows:

1. All the terms and conditions of a certain Amended Developer's Agreement dated \_\_\_\_\_, 2018 by and between the Township of Rockaway and the Developer are hereby approved, ratified and confirmed by the Township of Rockaway.

2. The Mayor and Clerk are hereby authorized to execute said Developer's Agreement subsequent to the execution by the Developer and together with other appropriate officers and employees of the Township are hereby authorized to take all steps necessary to effectuate the purposes of this Resolution.

3. The Township hereby authorizes and approves any non-substantive modifications to the Developer's Agreement as may be recommended and approved by the Township Engineer and Township Attorney prior to execution.

4. This Resolution shall take effect immediately.

### CERTIFICATION

## TOWNSHIP OF ROCKAWAY COUNCIL – FEBRUARY 27, 2018

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I, Marcy Gianattasio, Acting Township Clerk of the Township of Rockaway hereby certify the foregoing to be a true copy of a Resolution adopted by the Township Council of the Township of Rockaway at a duly convened meeting held on February 27, 2018.

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Marcy Gianattasio, Acting Township Clerk

### **NEW BUSINESS:**

Board OF Health Requirement – Peter Tabbot, Health Officer

Peter Tabbot, Rockaway Township’s Health Officer spoke to the Council about a performance evaluation from the NJ Department of Health he received on June 7, 2017. In the report NJDOH cited the absence of recognised Borad of Health in Rockaway Township. Mr Tabbot explained the 3 options the Council has to establish and maintain a Board of Health. The 3 options are the Governing Body as the Board of Health, an Autonmous Board of Health or an Advisory Board of Health. He asked that the Council make a decision of how they want to proceed. The Council will consider the information and make a decision by the March 13, 2018 meeting.

### **REPORTS:**

**Council Member Quinn:** He is waiting to hear about the program with the Board of Education for the school buses to get paid advertisements.

**Council Member Friedlander:** He commended the Library Youth Service Report, they do a great job.

**Council Member Puzio:** He has nothing to report.

**Council Member Palumbo:** He has nothing to Report.

**Council Member Smith:** She wants to thank Engineering and Administration for their action on a complaint that she received.

**Council Member Sackett:** He is looking forward to the Budget Meetings. He spoke about an Easter Event coming up. Happy Purim to everyone.

**Council Member Kelley:** He spoke about the expired Shared Service Agreement with the School. He asked about the equipment that was being used at the School, Rockaway Township refurbished some of the equipment that was used. Because of the warm weather the Lake Telemark Winter Fest didn’t take place and there is still a collection of trees that he would like to bring to the recycling center. He is trying to dedicate his salary to Building Blocks of Children at the Library.

**Council Vice President Abrahamsen:** She had nothing to report.

**President Jedynek:** He said there will be a Rockaway Chamber meeting on March 9<sup>th</sup> at the Atlantic Health Pavilion in the Mall. Happy Purim to everyone.

**Mayor Dachisen:** He told the Council that Rockaway received a \$290,000 Grant for Phase 3 of Taylor Street. He commented on Ordinance O-18-04 and the fact that 3 different attorneys gave Legal advice. Taking the Health Benefits is not illegal. The Budget that was received is phenomenal.

**Attorney Iacofano:** He wants to report on Ordinance O-18-04 the various forms of the Ordinance do not change the legality of the ordinance. The Council does not have the ability to change State Law. He respects the way Council Member Sackett had Ordinance O-18-06 drafted. Also feels

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Council Member Kelley should not have voted on Ordinance O-18-04, he should have recused himself, and by Council Member Kelley voting is a serious misstep.

A motion was made by President Jedynak to direct the Township Attorney to provide a list of Litigation by March 9, 2018 and this was seconded by Vice President Abrahamsen.

Roll Call Was Taken.

Yah Votes – 5

Nah Votes – 4 (Quinn, Friedlander, Puzio, Sackett)

Motion was carried.

**Mr. Brewer:** He answered a question on the increase in insurance costs over the last 5 years. In 2013 \$7,625,472 and in 2018 \$ 8,156,500, this is a 7% increase or \$ 531,028.

**Mrs. Seger:** She had nothing to report.

**Mr. Lutz:** He spoke to the County Clerk and there is a 90 day appeal process for FEMA Flood Maps, by May 15, 2018. All appeals should go through the Municipality and we will support the public any way we can.

**Mrs. Palmieri:** No Report.

**Mr. Tabbot:** He told the Council about a Block Grant that has been applied for through American with Disabilities Act for upgrades to the Community Center. This is a \$75,000 Grant and will hear more about it hopefully after May 4<sup>th</sup>. He wants to thank his co-workers for their help with this Grant.

**Chief McParland:** He reported about walking through the schools during the day and also walking through during night hours. He also reported that the State received paperwork for the refund for 2 generators that were installed, one at the Senior Center which we should get a refund of \$50,000 and one of the Sewer Generators which we should be getting a refund of \$140,000.

### OPEN TO THE PUBLIC:

Dave Press, 71 Oakland Ave - He wants to know why the Council can add things to the agenda but the Township Attorney can't speak too long.

Lisa Salberg, 10 Bergen Hill - She would like the Council to review all the funds the Council has spent on legal issues bought on by the Council. She wants the Council to look at Robert's Rules about letting public speak. She feels if the Council should go through the right channels and speak to the Environmental Commission about dredging a lake.

Mike Antonelli, 129 Richard Mine Rd - He would like to know what action the Council is taking with the conflict of interest and the Council appointment to the Planning Board. He would like to know how one Council Member can get lifetime benefits without having 25 years of service with the Township.

Jacki Baeder, 129 Richard Mine Rd - She would like to know why only certain questions by the public get answered. She feels certain personal information should not be on the website.

Brian Wittig, 18 N. Lake Shore Dr - He has looked at the budget spreadsheets on the website and they are hard to understand. He said there is not a totals page. He asked questions about the budget.

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Pat Degman, 88 Valley View - She asked if addresses could be added to items on the Consent Agenda. She would like to commend Mr. Sackett for the way he handled the Ordinance he presented.

Nick Willnorth, 270 Mt. Hope - He is very concerned that the Council wants to put armed guards in the schools. He feels there is enough gun violence and adding more guns is not the solution.

Roe Chabala, 81 Cayuga Ave - She is speaking on behalf of the Board of Education. She would like to invite everyone to A Board of Education Public Forum to meet the candidates on March 14<sup>th</sup> at Copeland at 7:00pm.

Vincent Lalacona, 909 Green Pond Rd - He has lived in Rockaway a little over a year. He asks for transparency with the Budget and he asks to look like creative ways to show transparency. He feels if you want to give Benefits to people go about it with an Ordinance. He feels Mr. Iacofano is very hostile to the Council. He feels the Township Attorney should not be part of the Benefits lawsuit.

Patrick Egan, 59 Lenox Rd - He feels there should be time for everyone to address the Council. He was concerned that Council Member Puzio was ignored when asking for a legal opinion from the Township Attorney. He feels when the Mayor was personally attacked is when the gavel should have come out.

No further business to attend to this meeting, a motion was made by President Jedynak and seconded by Vice President Abrahamsen to adjourn this meeting at 9:28 p.m. All members were in favor.

Respectfully submitted,

Marcy Gianattasio  
Acting Township Clerk