

ROCKAWAY TOWNSHIP COUNCIL – MARCH 26, 2019

The Regular Meeting of the Township Council of the Township of Rockaway was held on Tuesday, March 26, 2019 in the Council Chambers located within the Municipal Building, 65 Mt. Hope Road, Township of Rockaway, State of New Jersey commencing at 7:33p.m.

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

Council President Kelley 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.

Present: Council Members Quinn, Friedlander, Jedynak, Palumbo, Sackett, Jackson, Abrahamsen, Kelley

Present from Administration: Mayor Michael Puzio, Attorney John Iacofano, Ms. Patricia Seger, Mr. David Dyer, Ms. Lisa Palmieri, Ms. Allison Ferrante

Council President Kelley stated “this meeting was advertised in the Daily Record and the Star Ledger, the official newspapers for the Township of Rockaway on January 11, 2019. Notice was posted on the official bulletin board of Rockaway Township.”

Officer Matos was designated as the Sergeant of Arms.

President Kelley 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 of Arms shall employ reasonable means to maintain the proper order and decorum consistent with accepted standards.

APPROVAL OF MINUTES:

A. February 26, 2019 – Regular Meeting

B. February 26, 2019 – Closed Session

Motion was made by Council Member Palumbo, seconded by Council Member Jackson to approve the February 26, 2019 Regular Meeting and February 26, 2019 Closed Session Minutes.

Roll Call Was Taken.

February 26, 2019 – Regular Meeting:

Yah Votes: 8 (Quinn, Friedlander, Jedynak, Palumbo, Sackett, Jackson, Abrahamsen, Kelley)

Nah Votes: 0
Motion carries.

February 26, 2019 – Closed Session:

Yah Votes: 4 (Jedynak, Palumbo, Abrahamsen, Kelley)

Nah Votes: 0

Abstentions: 4 (Quinn, Friedlander, Sackett, Jackson)

There was discussion amongst the Council and Attorney Iacofano concerning abstentions.

Motion was made by Council Member Friedlander, seconded by Council Member Quinn to withdraw the motion to approve the February 26, 2019 Closed Session Minutes

Roll Call Was Taken.

Yah Votes: 6 (Quinn, Friedlander, Palumbo, Sackett, Jackson, Kelley)

Nah Votes: 2 (Jedynak, Abrahamsen)

Motion is carried.

There was discussion amongst the Council concerning a Court Order issued by Judge Minkowitz regarding Open Public Meetings Act violations, the reparative action that needs to take place, the possibility of the matter being reviewed by outside counsel, and what changes have already taken place to be in compliance.

OPEN TO THE PUBLIC:

Nancy Helbarg, 29 George St. – Ms. Helbarg spoke about being a teacher in the Rockaway Township Schools, and the necessity of having Police Officers in all our schools to protect the children of Rockaway Township.

John Schmidt, Gloucester City, NJ – Mr. Schmidt spoke about the litigation he has filed against the Township, questioned if the Council had the opportunity to read all of the court filings, and questioned if the Township would now take action to comply with the Open Public Meetings Act.

Pat Degnan, 88 Valley View Drive – Ms. Degnan raised concerns about a grammatical error in resolution R-19-61, her email address being provided to a Financial Review Board member and receiving unsolicited emails. Ms. Degnan stated that she was disappointed with how Township Officials were treated during the budget meetings.

Emily Kullman, 18 Lake Shore Drive – Ms. Kullman informed the public that she is a recruiter for the 2020 Census, explained that the Census Bureau is hiring for several positions, and stated that she could be contacted for more information.

Barry Silberger, 12 Lake Shore Drive – Mr. Silberger explained that he had sent his resume to Council President Kelley and Mayor Puzio to apply for the Technology Advisory Committee, and he was concerned that he received no response from either of them. Mr. Silberger raised concern about statements that were made at the last Council Meeting regarding Closed Session Minutes not being released and about cybersecurity matters being discussed publicly.

Jim Warters, 48 Seneca Avenue – Mr. Warters discussed Open Public Meetings Act deficiencies, Judge Minkowitz’s Order relating to Closed Sessions and the Council’s use of them. Mr. Warters also raised concerns about the Council cutting line items in the budget, and spoke about the statement made by Mayor Dachisen concerning the cuts made in the Police Department and for Peterson Field in 2018.

Katey Platts, 2 Valhalla Way – Ms. Platts spoke about the Order made by Judge Minkowitz concerning Closed Sessions and the statements and actions made by Council Members concerning the Mayor. Ms. Platts stated that the public wants the Council to start engaging in productive action, stop arguing and making accusations. Ms. Platts also raised concern about Rockaway Township being the only municipality in Morris County that doesn’t have Police Officers in all of their schools.

Pat Deo, Valley Road – Mr. Deo spoke about a report that was created by the New Jersey School Board Association, and encouraged the Council and Administration to review it. Mr. Deo also spoke about providing officers to all of the Township’s schools, and that the Township Code states that Robert’s Rules of Order doesn’t have any binding effect on the actions of the Council.

Kathy Kramer – Ms. Kramer spoke about the necessity of having Police Officers in all schools.

Carol Lucas, Stonybrook Road – Ms. Lucas stated that she agrees that it is important to have Police Officers in all schools and that the Township should work with the Board of Education to try and make that a possibility.

CONSENT AGENDA:
RESOLUTIONS

R-19-54 REDEMPTION OF TAX TITLE LIEN C#18-00019 AGAINST BLOCK 11402 LOT 2 KNOWN AS 32 RICHARD MINE RD.

R-19-55 REDEMPTION OF TAX TITLE LIEN C#18-00028 BLOCK 21002 LOT 23, KNOWN AS 3 COMANCHE AVE.

R-19-56 2018 TAX COURT JUDGMENT REFUND

R-19-57 REDEMPTION OF TAX TITLE LIEN C#18-00001 AGAINST BLOCK 10402 LOT 15 KNOWN AS 29 ROBERT STREET

R-19-58 2018 TAX COURT JUDGMENT REFUND

R-19-59 AMENDING RESOLUTION R-19-31 BY ADDING TO THAT RESOLUTION'S LIST OF AUTHORIZED VENDORS FOR THE PURCHASE OF CERTAIN GOODS AND SERVICES THROUGH THE USE OF STATE, COUNTY AND REGIONAL COOPERATIVE CONTRACTS FOR THE CALENDAR YEAR 2019

R-19-60 RESOLUTION AUTHORIZING THE TOWNSHIP OF ROCKAWAY TO APPLY FOR AND ACCEPT A SUBGRANT AWARD FOR THE FEDERAL FISCAL YEAR 2018 FROM THE DEPARTMENT OF EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM FUNDING

R-19-61 RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE PREVIOUSLY POSTED BY WASTE MANAGEMENT BY REASON OF THE COMPLETION OF ITS OBLIGATIONS PURSUANT TO A CERTAIN SERVICES CONTRACT SPANNING THE YEARS 2008 TO 2013

R-19-62 AUTHORIZING THE AWARD OF A CONTRACT TO BENECARD SERVICES, L.L.C. FOR THE TOWNSHIP'S PRESCRIPTION PLAN FOR THE PERIOD OF JUNE 1, 2019 THROUGH MAY 31, 2020

R-19-63 RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. 1 TO THE AGREEMENT FOR MARKETING OF RECYCLABLE MATERIALS

R-19-66 RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPROPRIATE GRANT APPLICATION BY THE TOWNSHIP OF ROCKAWAY TOWNSHIP TO THE MORRIS COUNTY HISTORIC PRESERVATION TRUST FUND FOR A 2019 GRANT FOR THE PRESERVATION OF THE FORD FAESCH-MANOR HOUSE c1772 OWNED BY THE TOWNSHIP OF ROCKAWAY

RESOLUTION # R-19-54

REDEMPTION OF TAX TITLE LIEN C#18-00019 AGAINST BLOCK 11402 LOT 2 KNOWN AS 32 RICHARD MINE RD.

WHEREAS, the Tax Collector's Office has received payment on February 15, 2019 from **Ocwen Loan Servicing** for redemption of **Tax Title Lien #18-00019** on **Block: 11402 Lot: 2** known as: **32 Richard Mine Rd.** in the name of: **Kaye**.

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

**CAZENOVIA CREEK FUNDING 11, LLC
PO BOX 54132
NEW ORLEANS, LA 70154**

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

TAX TITLE LIEN:	\$	1,735.46
PREMIUM:	\$	1,300.00
TOTAL :	\$	3,035.46

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: **\$ 3,035.46** made payable to:

" CAZENOVIA CREEK FUNDING 11, LLC "

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 **March 26, 2019**.

CHRISTINA CLIPPERTON
ACTING MUNICIPAL CLERK

RESOLUTION # R-19-55

**REDEMPTION OF TAX TITLE LIEN C#18-00028
BLOCK 21002 LOT 23, KNOWN AS 3 COMANCHE AVE.**

WHEREAS, the Tax Collector's Office has received payment on February 22, 2019 from the homeowner for redemption of **Tax Title Lien #18-00028** on **Block: 21002 Lot: 23** known as: **3 Comanche Ave.** in the name of: **Tapkas & Tabor LLC.**

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:	\$ 17,949.09
PREMIUM:	\$ 31,300.00
TOTAL:	\$ 49,249.09

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: **\$ 49,249.09** made payable to:

"CHRISTIANA TRUST AS CUSTODIAN GSRAN-Z, LLC DEPOSIT ACCOUNT"

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 **March 26, 2019**.

CHRISTINA CLIPPERTON
ACTING MUNICIPAL CLERK

RESOLUTION # R-19-56

2018 TAX COURT JUDGMENT REFUND

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 22103 LOT 9** also known as **16 Green Pond Rd.** which is occupied by JP Morgan Chase.

WHEREAS, Tax Court Judgment (Docket #005537-2018) entered on 3/4/19 reduced the assessed value of the property for tax year 2018 from 1,035,600 to 1,000,6000 which resulted in a tax credit of **\$1,014.64**,

WHEREAS, a refund for the total amount of **\$1,014.64** is due and payable to:
JANATA, LACAP & HAZEN LLP / JP MORGAN CHASE
CROSSROADS CORPORATE CENTER
1 INTERNATIONAL BLVD., STE 400 PMB#14
MAHWAH, NJ 07495

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.

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 **MARCH 26, 2019**.

Christina Clipperton
Acting Municipal Clerk

RESOLUTION # R-19-57

**REDEMPTION OF TAX TITLE LIEN C#18-00001
AGAINST BLOCK 10402 LOT 15
KNOWN AS 29 ROBERT STREET**

WHEREAS, the Tax Collector's Office has received payment on February 13, 2019 from WRI Property Management for redemption of **Tax Title Lien #18-00001** on **Block: 10402 Lot: 15** known as: **29 Robert St.** in the name of: **US Bank NA Trust.**

WHEREAS, reimbursements are now required to be made to the following Lien Holder,
**CAZENOVIA CREEK FUNDING 11, LLC
PO BOX 54132
NEW ORLEANS, LA 70154**

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

TAX TITLE LIEN:	\$	376.63
PREMIUM:	\$	800.00
TOTAL :	\$	1,176.63

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: **\$ 1,176.63** made payable to:

" CAZENOVIA CREEK FUNDING 11, LLC "

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 **March 26, 2019**.

CHRISTINA CLIPPERTON
ACTING MUNICIPAL CLERK

RESOLUTION # R-19-58

2018 TAX COURT JUDGMENT REFUND

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 40308 LOT 7** also known as **13 SHADYSIDE LANE**, in the name of **Ten Kate**.

WHEREAS, Tax Court Judgment (Docket #008656-2018) entered on 3/8/19 reduced the assessed value of the property for tax year 2018 from 236,700 to 205,000 which resulted in a tax credit of **\$918.98**,

WHEREAS, a refund for the total amount of **\$918.98 is due and payable to:**
MCKIRDY, RISKIN, OLSON, DELLAPPELL /
PETER & BEVERLY TEN KATE
PO BOX 2379, 136 SOUTH ST.
MORRISTOWN, NJ 07962-2379

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.

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
MARCH 26, 2019.

CHRISTINA CLIPPERTON
ACTING MUNICIPAL CLERK

RESOLUTION R-19-59

AMENDING RESOLUTION R-19-31 BY ADDING TO THAT RESOLUTION'S LIST OF AUTHORIZED VENDORS FOR THE PURCHASE OF CERTAIN GOODS AND SERVICES THROUGH THE USE OF STATE, COUNTY AND REGIONAL COOPERATIVE CONTRACTS FOR THE CALENDAR YEAR 2019

WHEREAS, the Local Public Contracts Law 40A:11-4 requires that every contract awarded by the contracting agent for the provision or performance of any goods or services, the cost of which in the aggregate exceeds the bid threshold, shall be awarded only by resolution of the governing body; and

WHEREAS, the State of New Jersey (State) and/or the Morris County Cooperative Pricing Council (MCCPC) and/or Somerset County Cooperative (SOCCP) and/or Educational Services Commission (ESCNJ) and/or Bergen County Cooperative Purchasing System (Bergen) and/or Union County (UCNJ) have awarded contracts to various vendors as lowest responsible, responsive bidders for State, County and Regional Cooperative Pricing contracts; and

WHEREAS, by the passage of Resolution R-19-31 the Township authorized the purchase of certain goods and services from vendors who had been awarded such contracts for the calendar year 2019; and

WHEREAS, pursuant to Resolution R-19-31 the Township expressed its desire to facilitate the purchase of goods and services for the purchase of items

which are regularly used in connection with the Township's provision of services to the residents; and

WHEREAS, the Township wishes to add the following Vendors to the list of Vendors set forth in R-19-31 for the goods and services identified hereby as follows:

Contract	Vendor name	Contract Number	Items to be Purchased
Somerset	Trugreen	CC-0110-17	Landscape chemical treatment
State	Various Vendors	81753	Carpeting, floor and install

CNJ	Weldon		Asphalt
ESCNJ	CDW-G, various vendors	18/19-03	Technology Supplies and Service
ESCNJ	Various	17/18	Clay

WHEREAS, the Township of Rockaway desires to authorize the purchase of such items through approved State and/or MCCPC, SOCCP, ESCNJ, UCNJ, contract vendors whether or not the cost of such items either individually or in the aggregate may exceed the prevailing bid threshold; and

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Rockaway, County of Morris, and State of New Jersey does hereby authorize the Mayor and/or Business Administrator or Assistant Business Administrator to authorize the purchase of the specified Items from the above listed State, ESCNJ, UCNJ, Somerset, or MCCOP, vendors as often as deemed necessary and reasonable to do so without necessity of a bid, but

only to the extent that such purchases do not exceed duly authorized budget appropriations for each category of purchases/expenditures.

CERTIFICATION

I, Christina Clipperton, 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 March 26, 2019.

Christina Clipperton
Acting Municipal Clerk

R-19-60

RESOLUTION AUTHORIZING THE TOWNSHIP OF ROCKAWAY TO APPLY FOR AND ACCEPT A SUBGRANT AWARD FOR THE FEDERAL FISCAL YEAR 2018 FROM THE DEPARTMENT OF EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM FUNDING

WHEREAS, the Township of Rockaway Office of Emergency Management has been awarded FFY18-EMPG-EMAA-1435, CFD #97.042, as part of the Emergency Management Performance Grant (EMPG) Program, Emergency Management Agency Assistance (EMAA) from the New Jersey State Police Office of Emergency Management. The Subgrant, consisting of a total amount of \$21,536.01 including \$10,000.00 Federal Award and \$11,536.01 local Matching Funds, is for the purpose of enhancing Rockaway Township's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies. The grant period is from July 1, 2018 to June 30, 2019; and

WHEREAS, the Rockaway Township Office of Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, has submitted an Application for Subgrant Award that has been required by the said New Jersey State Police Office of Emergency Management; and

WHEREAS, Local Matching Funds are required for the purpose of enhancing Rockaway Township's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

WHEREAS, the Application for Subgrant Award calls for a match in the amount of \$11,536.01 which the Rockaway Township Office of Emergency Management will adequately satisfy upon adoption of the 2019 Rockaway Township budget department salaries and wages and fringe benefits.

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

1. Rockaway Township hereby accepts the award of the FY18 Emergency Management Performance Grant Program Subgrant in the amount of \$10,000.00 of Federal Funds through the New Jersey State Police, Office of Emergency Management.

2. The Rockaway Township Administrator, the Rockaway Township Chief Financial Officer and the Rockaway Township Director of Emergency Management are authorized to sign the appropriate Subgrant award documents and are directed to take all steps necessary to effectuate the purposes of this Resolution.

3. Copies of this Resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management; the Rockaway Township Administrator, the Rockaway Township Chief Financial Officer; and the Rockaway Township Office of Emergency Management.

I, Christina Clipperton, Acting 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 March 26, 2019.

Christina Clipperton, Acting Clerk

RESOLUTION NO. R-19-61

RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE PREVIOUSLY POSTED BY WASTE MANAGEMENT BY REASON OF THE COMPLETION OF ITS OBLIGATIONS PURSUANT TO A CERTAIN SERVICES CONTRACT SPANNING THE YEARS 2008 TO 2013

WHEREAS, pursuant to a contract by and between the Township of Rockaway (hereinafter "Township") and Waste Management (hereinafter "Vendor") dated December 20, 2017 for the provision of bulk waste and recycling services from January 1, 2008 to December 31, 2013 the vendor supplied a Performance Bond #1024491 having an initial value of \$339,600.00, which value fluctuated annually in accordance with the relevant bid specifications; and

WHEREAS, the Township is still presently in possession of Bond #1024491 which has a current value of \$293,256.00; and

WHEREAS, as of December 31, 2013 Vendor completed all of its obligations pursuant to the contract aforesaid to provide bulk waste and recycling services to the Township; and

WHEREAS, the Vendor is therefore entitled pursuant to the relevant contract and bid specifications for the return of Bond

#1024491.

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

1. The release of performance guarantee bond #1024991 previously posted by the Vendor is hereby authorized.
2. The Mayor and Township Clerk together with all other appropriate officers and employees are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution.
3. This Resolution shall take effect immediately.

C E R T I F I C A T I O N

I, Christina Clipperton, Acting 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 March 26, 2019.

Christina Clipperton, Acting Township Clerk

RESOLUTION NO. R-19-62

AUTHORIZING THE AWARD OF A CONTRACT TO BENECARD SERVICES, L.L.C. FOR THE TOWNSHIP'S PRESCRIPTION PLAN FOR THE PERIOD OF JUNE 1, 2019 THROUGH MAY 31, 2020

WHEREAS, the Township of Rockaway ("Township") prescription plan is currently by Benecard through Bollinger Insurance located at 101 JFK Parkway, Short Hills, New Jersey ("Bollinger"); and

WHEREAS, the Township's current prescription plan expires on May 31, 2018; and

WHEREAS, Mark R. Edwards with the Financial Benefits Research Group, has solicited insurance companies for quotes for the Township's prescription plan for many years including for the period of June 1, 2018 through May 31, 2019; and

WHEREAS, Mr. Edwards has recommended the continuation of the current prescription plan from Benecard Services, L.L.C. as having the lowest rate for the Township, which will result in a 4% increase from the current plan's existing premium rates; and

WHEREAS, said contract for a Township health insurance prescription plan may be retained without competitive bidding pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(m) as an extraordinary unspecified service; and

WHEREAS, said contract has been kept on file and is available for public inspection.

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

1. The Township hereby authorizes the Business Administrator to enter into a contract with Benecard Services, L.L.C., 3131 Princeton Pike, Lawrenceville, NJ 08648 for the Township's prescription plan from June 1, 2019 through May 31, 2020 at a total cost of \$2,060,000.00, which represents 4.0% increase from the previous contract.

2. The contract is for insurance and is exempt from the bidding

requirements under the Local Public Contracts Law, N.J.S.A. 40A:11-5(1) (m).

3. The foregoing award is subject to receipt of a New Jersey Business Registration Certificate pursuant to N.J.S.A. 52:32-44.

4. The award is also subject to compliance with the Equal Employment Opportunity Requirements pursuant to N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27.

5. The Mayor and Township Clerk, together with all appropriate officers, employees, professionals and staff of the Township are hereby authorized and directed to take all steps necessary to effectuate the purposes of this Resolution.

6. It is hereby directed that Notice of Award of this Contract shall be published once in the official designated newspaper of the Township within ten (10) days of the date hereof.

7. This Resolution shall take effect immediately.

C E R T I F I C A T I O N

I, Christina Clipperton, 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 March 26, 2019.

Christina Clipperton, Acting Township Clerk

R-19-63
RESOLUTION AUTHORIZING THE MAYOR TO
EXECUTE AMENDMENT NO. 1 TO THE
AGREEMENT FOR MARKETING OF RECYCLABLE MATERIALS

WHEREAS, the provisions of the "New Jersey Statewide

Mandatory Source Separation and Recycling Act," (N.J.S.A. 13:IE-99.11 et al.) (the "Act"), require every municipality in this State to provide for the source separation and recycling of marketable materials generated from residential premises within its jurisdiction; and

WHEREAS, pursuant to the Act, the Municipality has adopted and enforces mandatory source separation and anti-scavenger ordinance(s) for Recyclable Materials;

WHEREAS, the MCMUA desires to assist municipalities in meeting their recycling goals pursuant to the Act by providing an outlet for disposal of Recyclable Materials;

WHEREAS, on January 25, 2016, the Authority entered into an agreement with FCR Morris, LLC (dba ReCommunity) ("FCR") for the marketing of Recyclable Materials ("FCR Contract"), effective January 25, 2016, which contract provides the Authority with certain rates for the Recyclable Materials delivered to FCR by the Authority; and

WHEREAS, the FCR Contract extends those rates to municipalities which execute contracts with the Authority ("Supplemental Municipal Contracts") pursuant to which the Municipality agrees to direct its Fiber Mix, and/or Container Mix and/or Single-Stream Recyclables to FCR as set forth in the FCR Contract; and

WHEREAS, pursuant to the Municipal and County Utilities Authority Law, N.J.S.A. 40:14B-1 et seq., the MCMUA may enter into a contract with a municipality for the provision of recycling services, and

WHEREAS, pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, (L.2007, c.63, s.2.) a Municipal Corporation and a County Utility Authority in the State of New Jersey are considered "Local Units." Local Units are encouraged and authorized to enter into agreements which promote the sharing and/or consolidation of services; and

WHEREAS, pursuant to N.J.S.A. 40A:65-4(a)(3)(b), any agreement entered into pursuant to this section shall be filed, for informational purposes, with the Division of Local Government

WHEREAS, Rockaway Township, a Municipal Corporation of the State of New Jersey, located at 65 Mt. Hope Road, Rockaway, in the County of Morris and State of New Jersey, ("Municipality") is an active participant in the recycling program and desires to comply with the terms and conditions of the amended agreement which is attached hereto and made a part hereof by reference.

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

1. The Mayor is hereby authorized to sign Amendment No. 1 to the Agreement for the Marketing of Recycling Materials which is submitted herewith and made a part hereof by reference.

2. This Resolution shall take effect as herein provided.

CERTIFICATION

I, Christina Clipperton, Acting 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 March 26, 2019.

Christina Clipperton, Acting Clerk

R-19-66

RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPROPRIATE GRANT APPLICATION BY THE TOWNSHIP OF ROCKAWAY TOWNSHIP TO THE MORRIS COUNTY HISTORIC PRESERVATION TRUST FUND FOR A 2019 GRANT FOR THE PRESERVATION OF THE FORD FAESCH-MANOR HOUSE c1772 OWNED BY THE TOWNSHIP OF ROCKAWAY

WHEREAS, the Township of Rockaway ("Township") is the owner in fee of the Ford- Faesch Manor House c. 1772, located at 629 Mount Hope Road in Rockaway Township; and

WHEREAS, the Township maintains a lease agreement with the Historical Society of Rockaway Township ("Historical Society") for the purposes of stewardship of the structure and grounds; and

WHEREAS, the Township and Historical Society have been engaged in a long-term restoration effort of the Ford-Faesch Manor House spanning over two decades; and

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

1. The Township hereby authorizes the submission of an application to the Morris County Historic Preservation Trust Fund for a 2016 Preservation Grant Application for preparation of contract documents for Phase V-A: Interior Restorations and Mechanical Plant upgrades.
2. All work will be performed in accordance with existing plans appropriate for the original historical appearance of the structure, in accordance with the recently updated Historic Structure Report (HSR) for the building.
3. The Township will be requesting \$33,660 through the grant application and the Township will match the requested amount with \$8,415 from existing Municipal Open Space, Recreation and Farmland and Historical Preservation Trust funds for this purpose, and in accordance with grant rules and regulations for a total project estimated to be \$42,075.
4. This Resolution shall be submitted as part of the 2019 grant application package submittal to the Morris County Historic Preservation Trust.
5. The Mayor, the Township Clerk, together with all other appropriate officers, employees, professionals and staff of the Township are hereby authorized and directed to take all steps necessary to effectuate the purpose of this resolution.

I HEREBY CERTIFY the foregoing to be a true copy of a Resolution adopted by the Township Council of the Township of Rockaway, County of Morris, State of New Jersey at a duly convened meeting held on March 26, 2019.

Tucker M. Kelley
Council President

Christina Clipperton
Acting Township Clerk

Council Member Abrahamsen requested that Resolution R-19-61 be removed from the Consent Agenda.

Motion was made by Council Member Quinn, seconded by Council Member Jackson to approve the Consent Agenda.

Roll Call Was Taken.

Yah Votes: 8 (Quinn, Friedlander, Jedynak, Palumbo, Sackett, Jackson, Abrahamsen, Kelley)

Nah Votes: 0

Motion carries.

RESOLUTION R-19-61:

RESOLUTION NO. R-19-61

RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE PREVIOUSLY POSTED BY WASTE MANAGEMENT BY REASON OF THE COMPLETION OF ITS OBLIGATIONS PURSUANT TO A CERTAIN SERVICES CONTRACT SPANNING THE YEARS 2008 TO 2013

WHEREAS, pursuant to a contract by and between the Township of Rockaway (hereinafter "Township") and Waste Management (hereinafter "Vendor") dated December 20, 2017 for the provision of bulk waste and recycling services from January 1, 2008 to December 31, 2013 the vendor supplied a Performance Bond #1024491 having an initial value of \$339,600.00, which value fluctuated annually in accordance with the relevant bid specifications; and

WHEREAS, the Township is still presently in possession of Bond #1024491 which has a current value of \$293,256.00; and

WHEREAS, as of December 31, 2013 Vendor completed all of its obligations pursuant to the contract aforesaid to provide bulk waste and recycling services to the Township; and

WHEREAS, the Vendor is therefore entitled pursuant to the relevant contract and bid specifications for the return of Bond #1024491.

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

1. The release of performance guarantee bond #1024991 previously posted by the Vendor is hereby authorized.

2. The Mayor and Township Clerk together with all other appropriate officers and employees are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution.

3. This Resolution shall take effect immediately.

C E R T I F I C A T I O N

I, Christina Clipperton, Acting 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 March 26, 2019.

Christina Clipperton, Acting Township Clerk

There was discussion concerning the grammatical errors that need to be corrected in this Resolution.

Motion was made by Council Member Jedynak, seconded by Council Member Abrahamsen to approve Resolution R-19-61 as amended.

Roll Call Was Taken.

Yah Votes: 8 (Quinn, Friedlander, Jedynak, Palumbo, Sackett, Jackson, Abrahamsen, Kelley)

Nah Votes: 0

Motion carries.

COUNCIL APPOINTMENTS:

A. Firefighters:

Kevin Peer

B. EMS:

Kevin Peer

C. Technology Advisory Committee:

Sean Bernard

Motion was made by Council Member Friedlander, seconded by Council Member Sackett to approve the Council Appointments.

Roll Call Was Taken.

Yah Votes: 8 (Quinn, Friedlander, Jedynek, Palumbo, Sackett, Jackson, Abrahamsen, Kelley)

Nah Votes: 0

Motion carries.

NEW BUSINESS:

- A. R-19-64** AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE TOWNSHIP OF ROCKAWAY AND THE ROCKAWAY TOWNSHIP BOARD OF EDUCATION TO PARTICIPATE IN A SHARED SERVICES AGREEMENT FOR THE PROVISION OF A SCHOOL RESOURCE OFFICER PURSUANT TO N.J.S.A. 40A:11-10(b)

RESOLUTION NO. R-19-64

AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE TOWNSHIP OF ROCKAWAY AND THE ROCKAWAY TOWNSHIP BOARD OF EDUCATION TO PARTICIPATE IN A SHARED SERVICES AGREEMENT FOR THE PROVISION OF A SCHOOL RESOURCE OFFICER PURSUANT TO N.J.S.A. 40A: 11-10 (b)

WHEREAS, the Township of Rockaway (hereinafter Township) and the Rockaway Township Board of Education (hereinafter BOE) have decided that it would be advantageous to both parties to enter into shared services agreement an agreement to support the expense of a School Resource Officer (hereinafter "SRO)to be assigned to the Rockaway BOE; and

WHEREAS, N.J.S.A. 40A:11-10 (b) authorizes a municipality, by way of resolution, to enter into a joint agreement with the board of education of any

school district or any State or county college for the provision and performance of goods and services for use by their respective jurisdictions; and,

WHEREAS, the Mayor and Township Business Administrator have recommended that the Township enter into such an agreement to promote the protection and preserve the well being of the students of the Rockaway Township BOE for a period of one (1) year from the date of upon which the SRO is first assigned; and

WHEREAS, there has been prepared an Agreement by and between the Township and the BOE dated _____, 2019 reflecting the terms and conditions of the Township's and BOE's agreement by the terms of which the BOE has, inter alia, agreed to pay the Township \$70,000.00 to partially compensate the SRO assignment; and

WHEREAS, the Township desires to authorize the execution of the Agreement aforesaid;

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 Agreement between Rockaway Township and the Rockaway Township Board of Education to Participate in a Shared Services Agreement dated _____, 2019 by and between the Township of Rockaway and the Township of Rockaway Board of Education, which submitted herewith and made a part hereof by reference, are hereby approved, ratified and confirmed by the Township of Rockaway.

2. The Mayor and Clerk are hereby authorized to execute said Agreement 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 Agreement as may be recommended and approved by the Township and BOE Attorneys prior to execution.

4. This Resolution shall take effect immediately.

C E R T I F I C A T I O N

I, Christina Clipperton, 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 March 26, 2019.

Christina Clipperton, Acting Township Clerk

Council President Kelley stated that he is looking for savings of moneys to possibly facilitate providing security to all schools.

Council Member Jackson stepped out at 9:36PM.

Mayor Puzio stated that he believes the Police Department and the FOP would be willing to have a conversation to reopen contract negotiations and make changes to allow for the employment of Class III officers to staff in the schools.

Council Member Jackson reentered at 9:38PM.

Council Vice-President Abrahamsen stepped out at 9:38PM.

Mayor Puzio explained that the Board of Education generally pays exclusively for Class III Officers.

Council Member Palumbo confirmed this to be true, that in surrounding towns, the Board of Education pays for the Class III Officers.

Council Vice-President Abrahamsen returned at 9:43PM.

Council President Kelley questioned when Mayor Puzio anticipated to have the SRO in Copeland Middle School.

There was further discussion amongst the Council and Administration concerning the training requirements for SRO's and the possibility of amending the FOP's current contract to allow for the hiring of Class III Officers.

Motion was made by Council Member Sackett, seconded by Council Member Friedlander to approve Resolution R-19-64.

Roll Call Was Taken.

Yah Votes: 8 (Quinn, Friedlander, Jedynek, Palumbo, Sackett, Jackson, Abrahamsen, Kelley)

Nah Votes: 0

Motion carries.

REPORTS:

Council Member Quinn – Council Member Quinn spoke with the Gazebo Committee, and bands have been booked. Council Member Quinn stated that Gazebo Committee functions are being extended through Labor Day. Council Member Quinn also spoke about a recent Lions Club fundraising event at Camp Marcella, it was a lot of fun and a lot of money was raised.

Council Member Jedynek – Council Member Jedynek stated that he had an item for New Business, during the budget meetings the Fire Department had requested additional funding in their education budget, to provide training for their new members.

Motion was made by Council Member Jedynek, seconded by Vice-President Abrahamsen to increase the Fire Department's Education budget line item by \$5,000.

Roll Call Was Taken.

Yah Votes: 8 (Quinn, Friedlander, Jedynek, Palumbo, Sackett, Jackson, Abrahamsen, Kelley)

Nah Votes: 0

Motion carries.

Council Member Jackson – Council Member Jackson stated that he had also attended the Lions Club Fundraiser, it was a great event.

Council Member Sackett – Council Member Sackett spoke about the recent Chamber of Commerce meeting, stated that the next Citizen’s Recreation Committee is being held on April 2, 2019, stated that Copeland’s Easter Festival is being held on April 6, 2019 and spoke about the Open House at the Municipal Building.

Council Member Friedlander – Council Member Friedlander spoke about the recent Library Board meeting, and announced that the plans for the new Quiet Room have been approved. Council Member Friedlander spoke about Library Day and announced that the Historical Society is having a meeting on April 1, 2019 in the court room to celebrate Rockaway Township’s 175th Anniversary.

President Kelley – President Kelley announced that April 8, 2019 is Rockaway Township’s 175th Anniversary, announced that the Hibernia Fishing Contest is being held on April 6, 2019, and stated that two individuals were recently arrested for selling opioids to individuals who had unfortunately overdosed and passed away.

Mayor Puzio – Mayor Puzio stated that a Proclamation concerning Autism Awareness can be found on the Township’s website.

Mr. David Dyer – Mr. Dyer announced that he has fliers for the public concerning the Township’s Open House.

There was a recess at this time, the meeting resumed at 10:34PM.

CLOSED SESSION:

- A. R-19-65 RESOLUTION AUTHORIZING AN EXECUTIVE (CLOSED) SESSION IN ACCORDANCE WITH THE NEW JERSEY OPEN PUBLIC MEETINGS ACT (N.J.S.A. 10:4-6, ET SEQ.) TO DISCUSS LITIGATION (SCHMIDT AND HOLLENBECK V. ROCKAWAY TOWNSHIP, DOCKET # C-131-18)**

RESOLUTION R-19-65

RESOLUTION AUTHORIZING AN EXECUTIVE (CLOSED) SESSION IN ACCORDANCE WITH THE NEW JERSEY OPEN PUBLIC MEETINGS ACT (N.J.S.A. 10:4-6, ET SEQ.) TO DISCUSS LITIGATION (SCHMIDT AND HOLLENBECK V. ROCKAWAY TOWNSHIP, DOCKET # C-131-18)

WHEREAS, the New Jersey Open Public Meetings Act generally requires that meetings be open to the public; and

WHEREAS, the Open Public Meetings Act further provides that a public body may exclude the public from a portion of the meeting at which the public body discusses items enumerated in the Open Public Meetings Act at N.J.S.A. 10:4-12(b), which items are recognized as requiring confidentiality; and

WHEREAS, it is necessary and appropriate for the Rockaway Township Council to discuss certain matters in a meeting not open to the public consistent with N.J.S.A. 10:4-12(b).

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Rockaway, Morris County, New Jersey as follows:

1. The Rockaway Township Council shall immediately hold an Executive Session, from which the public shall be excluded.
2. The general nature of the subjects discussed at said Executive Session shall be the litigation entitled Schmidt and Hollenbeck v. Rockaway Township, Docket # C-131-18.
3. The Minutes of the Executive Session shall be made available for disclosure to the public, consistent with N.J.S.A. 10:4-13, when the items which are the subject of the closed session discussion are resolved and the reason for confidentiality no longer exists which, at present, is anticipated to be approximately 45 days. In the event that reasons for confidentiality exist beyond 45 days, the public will be advised appropriately.

4. It is anticipated that the Council will be in Closed Session on the stated matter for _____ minutes. In the event that the Closed Session must extend beyond _____ minutes, the Council will recess the Closed Session and the public will be advised of the estimated time required to complete the closed session, or whether the closed session will be continued at a subsequent Council meeting.

5. Following the closed session Council may take action on the matter which is the subject of the closed session.

IT IS HEREBY CERTIFIED that this is a true copy of a Resolution adopted by the Township Council of the Township of Rockaway on March 26, 2019.

Christina Clipperton
Acting Township Clerk

Motion was made by Council Member Sackett, seconded by Council Member Quinn to approve Resolution R-19-65 and enter into Closed Session at 10:40PM.

Roll Call Was Taken.

Yah Votes: 8 (Quinn, Friedlander, Jedynak, Palumbo, Sackett, Jackson, Abrahamsen, Kelley)

Nah Votes: 0

Motion carries.

The Council returned from Closed Session at 11:10PM.

Council Member Jedynak did not return.

ADJOURN

Motion was made by Council President Kelley, seconded by Council Vice-President Abrahamsen to adjourn the March 26, 2019 meeting at 11:11PM, all present members of the Council unanimously agreed.

Respectfully Submitted,

Christina Clipperton, Acting Municipal Clerk