

## ROCKAWAY TOWNSHIP COUNCIL – APRIL 13, 2021 REGULAR MEETING MINUTES

The Regular Meeting of the Township Council of the Township of Rockaway was held on Tuesday, March 23, 2021. This meeting was held remotely/electronically using the platform Webex Events and commenced at approximately 6:30PM.

Council President Jackson led those present in the flag salute.

Council President Jackson 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. Council Vice-President Sackett requested that Henry A. Smollin, a Rockaway Township resident who had sadly passed on April 1, 2021 at the age of seventy-four, be included in this moment of silence. Council Member Kelley requested that Kathy Deo, a Rockaway Township resident who had sadly passed on April 4, 2021, be included in this moment of silence.

Roll Call was taken for attendance.

**Present:** Council Members Kelley, Quinn, Friedlander, Salberg, Brookes, Noon, Sackett, and Jackson.

**Present from Administration:** Mayor Michael Puzio, Attorney Iacofano, Attorney Perrone, Ms. Patricia Seger, Mr. David Dyer, Ms. Lisa Palmieri, Ms. Allison Ferrante and Mr. Raymond Sarinelli, Sr.

Council President Jackson stated, "Please be advised that all electronic/remote meetings of the Township Council held on Webex are recorded. All members of the public will be provided the opportunity to speak. During any "public hearing" or "open to the public" sections of the meeting, the Township Clerk will unmute each member of the public and ask if they wish to speak. As per Rockaway Township Code 2-5.14, any person desiring to address the Council shall first seek recognition by the presiding officer; and upon recognition by the chair, the person shall give their name and address for the record. Unless further time is granted by the Council, they shall limit their statement to five minutes. Statements shall be addressed to the Council as a body and not to any member thereof. A Councilman shall not direct any question to a speaker addressing the Council, except through the presiding officer. In addition to speaking on the record during Council Meetings, members of the public may submit questions and comments to the Council by emailing [questions@rockawaytownship.org](mailto:questions@rockawaytownship.org) by the end of the "Open to the Public" session."

Council President Jackson stated, "This meeting was advertised in the Daily Record and the Star Ledger, the official newspapers for the Township of Rockaway on April 10, 2021. Notice was posted on the official bulletin boards of Rockaway Township."

### **APPROVAL OF MINUTES:**

March 23, 2021 – Regular Meeting

Motion was made by Council Member Friedlander, seconded by Vice-President Sackett to approve the March 23, 2021 Regular Meeting Minutes.

Roll Call Was Taken.

Yah Votes: 7 (Quinn, Friedlander, Salberg, Brookes, Noon, Sackett, Jackson)

Nah Votes: 1 (Kelley)

Motion carries.

**ADOPTION OF THE 2021 MUNICIPAL BUDGET:**

**ORDINANCE TO ADOPT:**

**O-21-19 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

Motion was made by Council Member Quinn, seconded by Vice-President Sackett to adopt Ordinance O-21-19.

Mr. Raymond Sarinelli, Sr., the Township's Municipal Auditor, provided an explanation of what a CAP Bank is, why a CAP Bank is necessary, and what unusual circumstances would allow for the Township to utilize a CAP Bank.

Roll Call Was Taken.

Yah Votes: 7 (Quinn, Friedlander, Salberg, Brookes, Noon, Sackett, Jackson)

Nah Votes: 1 (Kelley)

Motion carries.

**RESOLUTION:**

**R-21-62 RESOLUTION TO READ THE 2021 OPERATING BUDGET BY TITLE**

Motion was made by Council Member Salberg seconded by Vice-President Sackett to adopt Resolution R-21-62.

Roll Call Was Taken.

Yah Votes: 7 (Quinn, Friedlander, Salberg, Brookes, Noon, Sackett, Jackson)

Nah Votes: 1 (Kelley)

Motion carries.

**RESOLUTION:**

**R-21-63 RESOLUTION TO ADOPT THE 2021 MUNICIPAL BUDGET**

Motion was made by Council Member Quinn, seconded by Vice-President Sackett to adopt resolution R-21-63.

Brian Wittig, 18 N. Lakeshore Drive – Mr. Wittig raised concern regarding the budget, and the spending of taxpayer dollars by the Council and Administration. He also stated that with how high the Township’s taxes are, there should be more services offered to residents and improvements such as road resurfacing should be taking place. Mr. Wittig also raised concern regarding fees for Special Events being waived, losing revenue for the Township.

Mr. Sarinelli commented on his opinion of the proposed budget and the state of the Township’s finances

There was discussion concerning the time that was spent reviewing the proposed budget.

Roll Call Was Taken.

Yah Votes: 7 (Quinn, Friedlander, Salberg, Brookes, Noon, Sackett, Jackson)

Nah Votes: 1 (Kelley)

Motion carries.

**ORDINANCES TO ADOPT:**

**O-21-16 ORDINANCE PROVIDING FOR THE UNDERTAKING OF WATERSHED ASSESSMENT, PLANNING AND STUDIES BY THE TOWNSHIP OF ROCKAWAY, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$175,525 THEREFOR CONSTITUTING PROCEEDS OF A GRANT FROM THE HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL.**

Motion was made by Council Member Kelley, seconded by Council Member Quinn to adopt Ordinance O-21-16.

Patricia Degnan, 88 Valley View Drive – Ms. Degnan stated that she was happy to see that the Township was taking advantage of the grant.

There was discussion concerning the testing and analytics that would be funded through the grant, and the number of water bodies within the Township that would be tested and analyzed.

Roll Call Was Taken.

Yah Votes: 8 (Kelley, Quinn, Friedlander, Salberg, Brookes, Noon, Sackett, Jackson)

Nah Votes: 0

Motion carries.

**O-21-17 BOND ORDINANCE APPROPRIATING \$2,852,500, AND AUTHORIZING THE ISSUANCE OF \$2,460,700 BONDS OR NOTES OF THE TOWNSHIP, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF ROCKAWAY, IN THE COUNTY OF MORRIS, NEW JERSEY.**

Motion was made by Council Member Quinn, seconded by Council Member Friedlander to adopt Ordinance O-21-17.

Bruce Kleindienst, Nokomis Avenue – Mr. Kleindeinst questioned the purpose of the Ordinance and asked about the Township's bond rating.

The Council and Administration discussed the Township's bond rating, how a AAA bond rating could be achieved, and what the benefits of having a AAA bond rating are.

Roll Call Was Taken.

Yah Votes: 7 (Quinn, Friedlander, Salberg, Brookes, Noon, Sackett, Jackson)

Nah Votes: 1 (Kelley)

Motion carries.

**O-21-18 BOND ORDINANCE APPROPRIATING \$725,000, AND AUTHORIZING THE ISSUANCE OF \$685,000 BONDS OR NOTES OF THE TOWNSHIP, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN IN AND BY THE TOWNSHIP OF ROCKAWAY, IN THE COUNTY OF MORRIS, NEW JERSEY, FOR THE WATER SUPPLY AND DISTRIBUTION SYSTEM OF THE TOWNSHIP.**

Motion was made by Council Member Kelley, seconded by Council Member Quinn to adopt Ordinance O-21-18.

Patricia Degnan, 88 Valley View Drive – Ms. Degnan questioned whether the payments to pay back the bond would be paid through tax dollars or through the revenue collected by the Water Department.

There was discussion concerning whether some of the costs incurred by this Ordinance could be funded by older Ordinances.

Roll Call Was Taken.

Yah Votes: 8 (Kelley, Quinn, Friedlander, Salberg, Brookes, Noon, Sackett, Jackson)

Nah Votes: 0

Motion carries.

**OPEN TO THE PUBLIC:**

Jim Warters, 48 Seneca Avenue – Mr. Warters raised concern about remarks and claims made by a member of the Township Council, particularly remarks made about the previous Council cutting the budget and saving taxpayer money. Mr. Warters also commented on how lawsuits filed by this Council Member could impact the Township's insurance premiums.

Patricia Degnan, 88 Valley View Drive. – Ms. Degnan stated that she was frustrated and annoyed that when the Township proposes improvements to recreational facilities, one member of the Council is always against it. She believes that these improvements are necessary.

William Degnan, 88 Valley View Drive – Mr. Degnan stated that he agrees with Ms. Degnan, he has lived in this Township his entire life and Peterson Field has been in disarray for many years. He feels that the Township is finally making necessary repairs.

**ORDINANCES TO INTRODUCE:**

**O-21-20 AN ORDINANCE AMENDING CHAPTER 14 ENTITLED "PROPERTY MAINTENANCE" OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF ROCKAWAY**

Motion was made by Council Member Kelley, seconded by Council Member Quinn to introduce Ordinance O-21-20.

Roll Call Was Taken.

Yah Votes: 8 (Kelley, Quinn, Friedlander, Salberg, Brookes, Noon, Sackett, Jackson)

Nah Votes: 0

Motion carries.

**CONSENT AGENDA:**

**R-21-64 2021 TAX OVERPAYMENT REFUND ON: 1 HENDERSON RD. BLOCK 40801 LOT 20**

**R-21-65 2021 HOMESTEAD CREDIT REFUND BLOCK 20901 LOT 13 179 WEST LAKE SHORE DRIVE**

**R-21-66 RESOLUTION AUTHORIZING THE TOWNSHIP OF ROCKAWAY BUSINESS ADMINISTRATOR TO ENTER INTO A THIRTY SIX (36) MONTH CONTRACT RATE GUARANTEE WITH DELTA DENTAL OF NEW JERSEY**

**R-21-67 2021 HOMESTEAD CREDIT REFUND BLOCK 11301.06 LOT 1.13 6113 VETERANS DRIVE**

**R-21-68 RESOLUTION ESTABLISHING SANITARY SEWER MAINTENANCE FEE FOR SINGLE FAMILY RESIDENTIAL DWELLINGS**

**R-21-69** RESOLUTION SUPPORTING S-3522 WHICH WOULD ESTABLISH A NEW BOARD OF TRUSTEES FOR THE LOCAL PART OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS) TO PRESERVE THE STRUCTURE AND INTEGRITY OF THE MORE SOLVENT LOCAL PART

**R-21-70** RESOLUTION SUPPORTING THE 2021 UDRIVE. UTEXT. UPAY DISTRACTED DRIVING CRACKDOWN APRIL 1-30, 2021

**R-21-71** 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 SUMMER TRANSPORTATION SERVICES PURSUANT TO N.J.S.A. 40A: 11-10 (b)

**R-21-72** RESOLUTION ESTABLISHING APPLICATION AND LICENSING FEES FOR MEDDICAL CANNABIS FACILITIES

**R-21-73** RESOLUTION AUTHORIZING A CHANGE ORDERS #1 AND #2 RESULTING A REDUCTION OF THE TOTAL CONTRACT PRICE FOR THE PETERSON FIELD BASKETBALL AND TENNIS COURTS IMPROVEMENT PROJECT TO \$903,485.00

**R-21-74** A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF ROCKAWAY AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

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

Motion was made by Council Member Kelley to remove resolutions R-21-68, R-21-66, R-21-71, R-21-72 and R-21-73 for separate discussion and vote. There was no second.

Roll Call Was Taken.

Yah Votes: 7 (Quinn, Friedlander, Salberg, Brookes, Noon, Sackett, Jackson)

Nah Votes: 1 (Kelley)

Motion carries.

#### **APPOINTMENTS:**

##### **Firefighters:**

Luis Irizarry

Daniel Umanu

Motion was made by Council Member Kelley, seconded by Council Member Friedlander to appoint Luis Irizarry and Daniel Umanu as Firefighters.

#### **COUNCIL DISCUSSION**

Roll Call Was Taken.

Yah Votes: 8 (Kelley, Quinn, Friedlander, Salberg, Brookes, Noon, Sackett, Jackson)

Nah Votes: 0

Motion carries.

**EMS:**

Luis Irizarry

Daniel Umanu

Motion was made by Council Member Quinn, seconded by Council Member Friedlander to appoint Luis Irizarry and Daniel Umanu as EMS.

**COUNCIL DISCUSSION**

Roll Call Was Taken.

Yah Votes: 8 (Kelley, Quinn, Friedlander, Salberg, Brookes, Noon, Sackett, Jackson)

Nah Votes: 0

Motion carries.

**OLD BUSINESS/NEW BUSINESS/REPORTS (Combined):**

Council Member Salberg thanked some of the Council Members for wearing red and said that April is National Organ and Tissue Donor Awareness Month. He said that thousands of lives are saved each year because of organ and tissue donations. He explained that his sister-in-law was a donor and his wife was a recipient of a heart. He said that the community became more aware of this subject when the former Mayor Dachisen was a donor after his untimely passing. He noted that an eight-year-old in Texas was being honored today for his death after waiting over two years for a heart transplant. He encouraged everyone to let their family and friends know their wishes when it comes to donating and that one donor can save over eight lives.

Council Member Noon stated that she had no report.

Council Member Brookes said that he wanted to piggyback on what Council Member Salberg said about organ and tissue donors as his niece has been a recipient several times and that it is a very brave thing to do. He also gave a shout out to those getting ready to play spring sports and said to keep the State requirements in mind to stay safe.

Council Member Kelley responded to Mr. Warters' comment about the budget and Mrs. Degnan's comment about spending on the park. He took issue with a memo from Mr. Perrone regarding the way for Council Members to get records. He said that as a Council Member he has every right to look at financial records and shouldn't need to go through an OPRA request but unfortunately has to. He asked about the ice cream truck that came to the municipal building recently and why DPW workers weren't included. He asked why there were no events held for Easter. He would like to know the members of the Sponsor committee. For new business, he said that the Township should provide

more access for residents to the COVID-19 vaccine and he also asked about improvements on school properties with municipal funds and whether that was customary. Council Member Kelley asked why Mayor Puzio wouldn't respond to his questions and stated this is the only time we can have conversations in order to not violate OPMA. He reported that there were many anglers at Hibernia at the firehouse for opening day. He reported that aeration is taking place at Lake Telemark. There is also an annual spring cleanup scheduled for 4/24 and he asked if cleanups could be done in other areas of town with DPW pickups of the garbage bags. He stated that there was a document that stated there wasn't a subcontractor for bussing and that the resolution indicates there is one. He said that there is a \$2000 charge for cutting asphalt on the basketball and tennis courts and suggested DPW do the work to save money. He asked about the cannabis application fees and why they were so high and brought up the costs of the special events permits.

Council Member Quinn said that the empanada truck event went well and that we support businesses in the community. He added that Rocco's Hair and More is sponsoring a baseball team and giving free haircuts to those in the Challenger program. Softball is starting this weekend at Peterson fields. He continued that Peterson fields is being talked about throughout town and that it is about time that this work gets done. He said that the schools and recreation are very important in town.

Council Member Friedlander gave an update on the library upgrades. He reported that the Historical Society is updating their website with outside activities. He noted that the Board of Assessment is working on scheduling a meeting. He thanked Dave Dyer for reaching out to the DPW on behalf of residents in the White Meadow area for getting street sweepers to clear gravel.

Council Vice President Sackett thanked several staff members for assisting residents. He reported on a Citizen's Recreation Commission meeting and spring sports are starting up. He noted that the commission is getting involved in seniors and the Challengers program as they're not limited to just working on behalf of kids. He attended the Rockaway area Chamber of Commerce and they're looking for new members.

Council President Jackson addressed several concerns he has with Mr. Kelley's statements and said that he wants to refute and rebuff anything that is said and that's why there won't be any conversation during reports.

Mayor Puzio reported that he never had spoken with or worked with the organizer of the Farmer's Market and he is hired by the mall. He said that there are warranty and legal issues with allowing our DPW workers to do work on Peterson fields. He stated that the project had gone out to bid and was awarded to the lowest bidder. He said that Mr. Kelley has yet to provide the public with any emails of substance where he has contacted him and hasn't been given the information he asked for. He continued that Mr. Kelley does ask for information that he is not entitled to. Mayor Puzio noted that the bond rating for the Township is excellent and he reviewed the breakdown of the budget noting that Council has control over approximately 25 percent of the overall budget. He reported that projects are moving forward despite Mr. Kelley's lies and he asked the attorneys to explain about litigation and its effect on taxes.



Attorney Iacofano reported that all of the OPRA litigation initiated by Mr. Kelley is not covered by any insurance. He said that the individual lawsuits that Mr. Kelley has maintained, one or two are picked up by insurance but even then, the lawyers from the insurance company have to contact the Township Attorneys and this incurs legal fees for the Township. He stated that they're working on two pieces of Township legislation, the property maintenance ordinance and the soliciting and canvassing ordinance.

Attorney Perrone reported that the two cases brought up by Mr. Kelley are not covered by insurance and outlined the potential costs.

Ms. Seger noted that the spring cleanup is scheduled for April 24<sup>th</sup> and gave registration information. She continued that in order to address concerns with the hours at the recycling centers, later this month the DPW recycling centers both at the municipal building and on Green Pond Road will be open on Saturdays 7 a.m. to 3:30 p.m. but will not be open on Sundays and Mondays. She addressed Mr. Kelley's inquiry about the ice cream truck and said that Mr. Tabbot personally paid for the ice cream for people in his department and he extended this to a few others who he works with in the building and that it was not meant to offend those who weren't included.

Ms. Palmieri thanked Council for adopting the budget.

Motion was made by Council Member Quinn, seconded by Council Member Brookes to adjourn this meeting at approximately 8:30PM. All members unanimously agreed.

The next Regular Meeting of the Council of the Township of Rockaway is scheduled for April 27, 2021.

Respectfully Submitted,

  
\_\_\_\_\_  
Christina Clipperton  
Municipal Clerk