

ROCKAWAY TOWNSHIP COUNCIL – AUGUST 7, 2018

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

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

Council President Jedynak 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 Member Quinn, Council Member Friedlander, Council Member Puzio, Council Member Palumbo, Council Member Smith, Council Member Sackett, Council Member Kelley, Council Vice-President Abrahamsen and Council President Jedynak.

Present from Administration: Mayor Michael Dachisen, Attorney Iacofano, Ms. Palmieri and Police Chief Martin McParland.

Acting Clerk Christina Clipperton stated that “this meeting was advertised in the Daily Record, the Official Newspaper for the Township of Rockaway on January 8, 2018. Notice was posted on the Official Bulletin Board of Rockaway Township.”

Council President Jedynak 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.

ORDINANCES TO ADOPT:

- A. (O-18-15) ORDINANCE REAPPROPRIATING \$184,000 OF PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSE IN ORDER TO PROVIDE FOR VARIOUS MUNICIPAL FACILITY IMPROVEMENTS IN THE TOWNSHIP OF ROCKAWAY IN THE COUNTY OF MORRIS, NEW JERSEY.

A motion was made by Vice-President Abrahamsen and seconded by Council Member Puzio to adopt Ordinance O-18-15 for final reading.

There was no public or Council discussion.

Roll Call Was Taken.

Yah Votes – 9 (Council Members Quinn, Friedlander, Puzio, Palumbo, Smith, Sackett, Kelley, Vice-President Abrahamsen, President Jedynak)

Nah Votes – 0

Motion is carried.

Council President Jedynak asked the Township's Chief Financial Officer, Ms. Palmieri to provide an explanation of the purpose of this Ordinance. Ms. Palmieri explained that the purpose of the Ordinance is to reappropriate balances from prior capital projects that have been completed, in order to fund new projects such as improvements to the parking lot at the Municipal Building and the Gazebo at Parks Lake. Council President Jedynak stated that if he remembered correctly, Ordinances O-18-15 and O-18-16 together would be funding those two projects. Ms. Palmieri confirmed that to be correct.

B. (O-18-16) ORDINANCE REAPPROPRIATING \$79,000 OF PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSE IN ORDER TO PROVIDE FOR VARIOUS MUNICIPAL FACILITY IMPROVEMENTS IN THE TOWNSHIP OF ROCKAWAY IN THE COUNTY OF MORRIS, NEW JERSEY

A motion was made by Council Member Friedlander and seconded by Council Member Sackett to adopt Ordinance O-18-16 for final reading.

Stacey Gregg, 40 Sunrise Road – Ms. Gregg expressed concerns about Robert's Rules of Order not being followed and asked the Council to explain what the ordinances are.

Council President Jedynak asked Attorney Iacofano to correct him if he was wrong and stated that the obligation of the Council is to read the title of the Ordinance into the record prior to taking a vote, which had been done, and that he intended to ask the Township's Chief Financial Officer, Ms. Palmieri to explain the purpose of Ordinance O-18-16. Ms. Palmieri explained that the purpose of the ordinance is to reappropriate balances from previous capital projects, to fund new projects such as the parking lot of the Municipal Building and the Gazebo at Parks Lake.

Council President Jedynak explained that if anyone is interested, additional information about the Capital Projects budget can be found on the Township's website, on the Transparency page.

Council Member Kelley asked Ms. Palmieri if there were certain amounts being set aside for each project, or if the total of the two Ordinances would be funding both projects, and the funds would be allocated accordingly. Ms. Palmieri confirmed that both projects would be funded out of the total balance of both Ordinances.

Roll Call Was Taken.

Yah Votes – 9 (Council Members Quinn, Friedlander, Puzio, Palumbo, Smith, Sackett, Kelley, Vice-President Abrahamsen, President Jedynak)

Nah Votes – 0

Motion is Carried.

OPEN TO THE PUBLIC:

David Press, 71 Oakland Avenue – Mr. Press raised concerns about how Township Employees Marcy Gianattasio and Robert Sheard were treated at the last meeting, a statement made by a Council Member at the previous meeting comparing things going on in town to the Nazi party and recent challenges against accommodations that have been made for a disabled person, especially when it concerns Council Member Quinn.

Council President Jedynak made a statement regarding his understanding and consideration of individuals with disabilities, giving examples of difficulties he has encountered with his own family and injuries he has sustained in the past himself. Council President Jedynak expressed that the Township Council has the utmost compassion for individuals with disabilities and reminded the public that the Township's last meeting, the Council insisted that as a condition of the approval for Ordinances O-18-15 and O-18-16 that the Parks Lake Gazebo be made ADA compliant. Council President Jedynak stated that in 2016, Mayor Dachisen's Administration asked the Council to pass an update to the Township's policies, specifically oriented towards reasonable accommodations which the Council voted in favor of. Council President Jedynak explained that if a Township Employee, which includes Council Members, indicates a need for accommodations due to a disability, the request is referred to the Acting Business Administrator in accordance with the Code and Policy Manual. Council President Jedynak also explained that it is not appropriate to discuss an individual's health situations publicly and the Council will not do so. There are laws in place regulating medical privacy and the Council is going to follow the Code and Privacy Manual. The Council trusts that the Acting Business Administrator will follow the Policy Manual and decide if accommodations for employees are necessary and reasonable.

Paul Waldek, 119 Highview Terrace – Mr. Waldek raised concerns about the Council following policies. Specifically, Code 2-5.14 which concerns that the public must address the Council as a whole, and not one specific Council Member. Mr. Waldek expressed concern about that policy only being followed when negative comments are made to a specific Council Member, and not when positive comments are made. Mr. Waldek also raised concerns about the Township's policies in regard to conduct. Joe DePasquale, 3 Slope Drive – Mr. DePasquale stated that his property taxes have gone up, and would like an explanation for the raise in taxes.

Derek Wing, 23 Miller Avenue – Mr. Wing stated that he has attended four council meetings. He expressed his concerns about how Marcy Gianattasio was treated at the

last Council meeting. He believes she deserves an apology. Mr. Wing also raised concerns about the public being removed for Closed Session meetings.

Michelle Kestenbaum, 55 Kings Road – Ms. Kestenbaum explained that she lives on the corner of Mt. Pleasant Avenue and Kings Road. She explained that it is a blind corner and finds it to be a safety concern. She explained to the Council that Kings Road is a cut-through road and the speeding on both Kings and Mt. Pleasant is excessive and she is concerned for the safety of the children in the area. Lt. Wade Ryerson was very helpful to her when she told him her concerns, and radar detectors were set up, but they are not deterring drivers from exceeding the speed limit. Ms. Kestenbaum asked the Council and the Township to look into a solution to make the corner of Kings Road and Mt. Pleasant Avenue safer.

Edward Garafalo, 330 Mt. Pleasant Avenue – Mr. Garafalo expressed that he is in agreement with Ms. Kestenbaum and shares her concerns. There are buses, cars and trucks all speeding on these roads. He is afraid to park his car on the street or even be in his front yard, out of fear of being hit.

Mary Ellen Garafalo, 330 Mt. Pleasant Avenue – Ms. Garafalo told the Council that she had come before the Township Council in 1993-1994 asking for help. She remembers being told that it is dangerous for Police Officers to pull cars over in that area because the streets are so narrow. She asked the Council and the Township to address the issue of the speeding in the area and explained that it is dangerous to just pull out of her driveway.

Michael Ilardi, 19 N. Brookside Drive – Mr. Ilardi thanked the Council Members and Mayor Dachisen for coming to Festival Day in White Meadow Lake and taking care of the property maintenance issues on 14 Cayuga Avenue. He also made the Council aware of a sinkhole on the corner of N. Brookside Drive and W. Lakeshore Drive. Mr. Ilardi also asked when the tax bills would be going out, and if there would be a grace period to pay.

Harvey Bass, 31 Robin Street – Mr. Bass asked if Robin Street would be paved this year. He explained that he has called the Road and Health Departments and hasn't been given an answer. Markers were put out, but they have since been removed.

Lisa Salberg, 10 Bergen Hill – Ms. Salberg questioned why a Presentation by Administration regarding Plan for Peterson Field Complex is on the agenda. She also questioned what involvement the Council has with Township vehicles. Ms. Salberg raised concerns about human resource issues, specifically the Adam Brewer litigation and the actions taken by the Council to make sure employees aren't disturbed or harassed during their work day. Ms. Salberg questioned who paid for the letter she

received from John Inglesino and the cost of legal fees spent to defend the Council in the ongoing litigation.

Elizabeth O'Connor – 134 Mt. Pleasant Avenue – Ms. O'Connor reiterated previous concerns about the speeding on Mt. Pleasant Avenue. She explained that the safety concern of excessive speeding is only increased by the several blind spots on that road. Ms. O'Connor asked for an increased police presence in the area. She also raised concerns about the radar detectors being removed from the area.

Joy Weinreich, 7 N. Brookside Drive – Ms. Weinreich thanked the Council Members and Mayor Dachisen for attending Festival Day in White Meadow Lake.

Pat Degnan, 88 Valley View Drive – Ms. Degnan explained that she has been attending Council meetings since January 2018. She read the Optional Municipal Charter Law and the Mayor-Council form of government. She also read the Administrative Code. She expressed her concerns about the Council not following the agenda format provided in the Administrative Code and not following the Faulkner Act.

Stacey Gregg, 40 Sunrise Road – Ms. Gregg agreed with Ms. Degnan, she expressed that she believes the Council is failing to comply with laws and disrespecting residents, Administration, Marcy Gianattasio. Ms. Gregg also stated that she is concerned with the Police presence at the Council Meetings, she finds it to be very intimidating. She also raised concerns about how the public's questions are being addressed.

Patrick Egan, 59 Lenox Road – Mr. Egan reiterated the previous concerns about the speeding on Mt. Pleasant Avenue. He also lives by the corner of Kings Road and Mt. Pleasant Avenue. He asked the Council and the Township to address the speeding issues in that area. Mr. Egan also raised concerns about the language used in the letters received from John Inglesino, and expressed that he does not want John Inglesino in Rockaway Township.

Susan Royek, 252 Perry Street – Ms. Royek raised concerns about property taxes being raised. She asked the Council and the Mayor to let go of their personal issues and focus on the Township, and expressed her concerns about the additional legal costs. Ms. Royek also addressed the speeding concerns on Mt. Pleasant Avenue.

Brian Wittig, 18 W. Lakeshore Drive – Mr. Wittig raised concerns about the memo that went out from Mayor Dachisen to the Council Members. He is concerned about how the Council is supposed to address issues that may arise if the Council cannot interact directly with Township Departments and would like the Mayor to rescind his directive. The Council recessed for ten minutes at 9:30p.m. Council Member Quinn left at this time due to health concerns.

PRESENTATIONS:

Presentation by The Verrichia Company regarding vision for 2 Green Pond Rd.

Bill Dion, The Verrichia Company – Mr. Dion thanked the Mayor and Council for having them this evening. He explained that The Verrichia Company specializes in the development of commercial properties. The location of the proposed development is the current location of Denville Line Painting, focusing on the front portion of the property that faces Green Pond Rd. The development being proposed is the construction of a Wawa, specifically their Convenience/Gas model. Mr. Dion addressed that the Wawa Foundation, a charity, interacts with communities. Wawa hires locally and promotes growth within the community. This store would create approximately forty jobs for locals. If the development were to be approved, The Verrichia Company would address the road and traffic concerns in the area. The finishes on the building would be all around, not just the front face of the building. There would be buffering and landscaping to improve the appearance of the property and limit sound. The Verrichia Company is asking to work with the Township to revise the Township's Zoning Ordinances to accommodate this type of development.

Mr. Dion, the Mayor and Council discussed the presentation. During this discussion Mr. Dion confirmed that The Verrichia Company would also address the concerns with the Route 80 on ramp in the area. He also explained that the entrance for the Wawa would be located on Morris Avenue, not Green Pond Rd. It was addressed that this presentation has been previously brought before the Council, but the development couldn't take place because of the zoning restrictions in the area and the reason that the Township didn't move forward with amending the Zoning Ordinances was because of the necessary cost of notification in order to do so.

Mayor Dachisen suggested that he and Council President Jedynak meet with the Township Engineer, Jim Lutz, the Township Planner, David Novak and the Ordinance Committee to discuss where the proposal was left off.

Presentation by Administration regarding Plan for Peterson Field Complex.

Council President Jedynak requested that Mayor Dachisen and Administration put together a presentation similar to that just presented by The Verrichia Company, for the Peterson Field Complex.

Council Member Kelley explained that the Township currently has an agreement with Keller & Kirkpatrick Engineering for the Peterson Field Complex. There was discussion amongst the Mayor and Council of the plans that have been received, and the invoices that have been billed to the Township for services that may not have been rendered.

Council President Jedynek explained that this requested presentation will have a standing place on the agenda. The Council would like to move forward with the project, but needs a conceptual plan to be presented in order to move forward. Council President Jedynek also requested a report of the status of invoices paid and services rendered.

Council Member Puzio asked for an explanation of what would be needed to move forward after the presentation, the plans are submitted, and a cost estimate is provided. The Township's Chief Financial Officer, Ms. Palmieri explained that an Ordinance would need to be proposed to reallocate the funds needed to finance the project.

ORDINANCES TO INTRODUCE:

- A. (O-18-17) ORDINANCE REAPPROPRIATING \$40,000 OF PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSE IN ORDER TO PROVIDE FOR PETERSON FIELD PARKING REHABILITATION IN THE TOWNSHIP OF ROCKAWAY IN THE COUNTY OF MORRIS, NEW JERSEY

A motion was made by Vice-President Abrahamsen and seconded by Council Member Puzio to introduce Ordinance O-18-17.

There was no discussion.

Roll Call Was Taken.

Yah Votes – 8 (Council Members Friedlander, Puzio, Palumbo, Smith, Sackett, Kelley, Vice-President Abrahamsen, President Jedynek)

Nah Votes – 0

Motion is Carried.

CONSENT AGENDA:

RESOLUTIONS:

- A. (R-18-130) REDEMPTION OF TAX TITLE LIEN C#16-0018 BLOCK 11302.06 LOT 3.05, 4306 CLEVELAND LANE
- B. (R-18-131) REDEMPTION OF TAX TITLE LIEN C#17-0003 BLOCK 10502 LOT 006, 61-62 STEPHEN ST
- C. (R-18-132) REDMPTION OF TAX TITLE LIEN C#17-0011 BLOK 11302.12 LOT 3.10, 1310 JOHNSON DR
- D. (R-18-133) REDEMPTION OF TAX TITLE LIEN C#17-0025 BLOCK 21706 LOT 41, 36 MOUNTAIN AVE
- E. (R-18-134) REDEMPTION OF TAX TITLE LIEN C#17-0039 BLOCK 50003 LOT 10.01, 340 SPLIT ROCK RD

- F. (R-18-135) RESOLUTION AUTHORIZING THE INSERTION OF AN ITEM OF REVENUE IN THE 2018 BUDGET FOR ADDITIONAL FUNDING FOR GREEN COMMUNITIES GRANT PROGRAM
- G. (R-18-136) RESOLUTION AUTHORIZING THE INSERTION OF AN ITEM OF REVENUE IN THE 2018 BUDGET FOR ADDITIONAL FUNDING FOR HIGHWAY TRAFFIC SAFETY PROGRAM – SAFE CORRIDORS GRANT
- H. (R-18-137) RESOLUTION RELEASING A PERFORMANCE GUARANTEE AND LABOR AND MATERIALS GUARANTEE IN THE AMOUNT OF \$529,899.50 AND REQUIRING THE POSTING OF A MAINTENANCE GUARANTEE IN THE AMOUNT OF \$488,318.11 FOR A PERIOD OF ONE YEAR APPLICABLE TO JOHN GARCIA CONSTRUCTION, INC. REGARDING OMAHA AVENUE WATER MAIN IMPROVEMENTS
- I. (R-18-139) REDEMPTION OF TAX TITLE LIEN C#16-0057 BLOCK 22001 LOT 10, 21 MOUNTAIN AVE

RESOLUTION # R-18-130

**REDEMPTION OF TAX TITLE LIEN C#16-0018
AGAINST BLOCK 11302.06 LOT 3.05
KNOWN AS 4305 CLEVELAND LANE.**

WHEREAS, the Tax Collector's Office has received payment for redemption of **Tax Title Lien #16-0018** on **Block: 11302.06 Lot: 3.05** known as: **4305 Cleveland Lane**. in the name of: **STEINHARDT**.

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

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

**TAX TITLE LIEN: \$ 1,065.23
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: **\$ 2,565.23** 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 **AUGUST 7, 2018**.

ACTING CLERK

RESOLUTION # R-18-131

**REDEMPTION OF TAX TITLE LIEN C#17-0003
BLOCK 10502 LOT 6, KNOWN AS 61-63 STEPHEN ST.**

WHEREAS, the Tax Collector's Office has received payment for redemption of **Tax Title Lien #17-0003** on **Block: 10502 Lot: 006** known as: **61-63 STEPHEN ST.** in the name of: **VALLE**.

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: \$ 15,757.44
PREMIUM: \$ 28,100.00

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: **\$ 43,857.44** 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 **AUGUST 7, 2018**.

ACTING CLERK

RESOLUTION # R-18-132

**REDEMPTION OF TAX TITLE LIEN C#17-0011 AGAINST
BLOCK 11302.12 LOT 3.10 KNOWN AS 1310 JOHNSON DR.**

WHEREAS, the Tax Collector's Office has received payment for redemption of **Tax Title Lien #17-0011** on **Block: 11302.12 Lot: 3.10** known as: **1310 JOHNSON DR.** in the name of **AURIEMMA** .

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

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

TAX TITLE LIEN: \$ 9,327.32
PREMIUM: \$ 6,600.00

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: **\$ 15,927.32** 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 **AUGUST 7, 2018**.

ACTING CLERK

RESOLUTION # R-18-133

**REDEMPTION OF TAX TITLE LIEN C#17-0025
AGAINST BLOCK 21706 LOT 41
KNOWN AS 36 MOUNTAIN AVE.**

WHEREAS, the Tax Collector's Office has received payment for redemption of **Tax Title Lien #17-0025** on **Block: 21706 Lot: 41** known as: **36 MOUNTAIN AVE.** in the name of: **CONWAY**.

WHEREAS, reimbursements are now required to be made to the following Lien Holder,
TRYSTONE CAPITAL ASSETS
575 RT 70
PO BOX 1030, 2ND FLOOR
BRICK, NJ 08723

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

TAX TITLE LIEN: \$ 1,647.28
PREMIUM: \$ 1,300.00

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: **\$ 2,947.28** 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 **AUGUST 7, 2018**.

ACTING CLERK

RESOLUTION # R-18-134

REDEMPTION OF TAX TITLE LIEN C#17-0039
AGAINST BLOCK 50003 LOT 10.01
KNOWN AS 340 Split Rock Rd.

WHEREAS, the Tax Collector's Office has received payment for redemption of **Tax Title Lien #17-0039** on **Block: 50003 Lot: 10.01** known as: **340 Split Rock Rd.** in the name of: **Hilberg / Testa**

WHEREAS, reimbursements are now required to be made to the following Lien Holder,
Christiana Trust As Custodian
GSRAN-Z LLC Deposit Trust
PO Box 71276
Philadelphia, PA 19176-6276

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

TAX TITLE LIEN: \$39,381.68
PREMIUM: \$105,100.00

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: **\$144,481.68** 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 **AUGUST 7, 2018**.

ACTING CLERK

RESOLUTION NO. R-18-135

**RESOLUTION AUTHORIZING THE INSERTION OF AN ITEM OF
REVENUE IN THE 2018 BUDGET FOR ADDITIONAL FUNDING FOR
GREEN COMMUNITIES GRANT PROGRAM**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of adoption of the 2018 Budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount.

NOW, THEREFORE BE IT RESOLVED, that the Township Council of the Township of Rockaway, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2018 in the sum of \$3,000.00, which item is now available as a revenue from:

Miscellaneous Revenue

Special Items of General Revenue Anticipated with prior written

consent of the Director of Local Government Services -
Public and Private Revenues Off-Set with Appropriation:
State of New Jersey, Department of Environmental Protection - Green Communities
Grant Program

BE IT FURTHER RESOLVED, that a like sum of \$3,000.00 and the same is
hereby appropriated under the caption:

General Appropriation

Operations Excluded from "CAPS"

Public and Private Programs Off-Set by Revenues:

State of New Jersey, Department of Environmental Protection - Green Communities
Grant Program

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 August 7, 2018.

Christina Clipperton
Acting Township Clerk

RESOLUTION NO. R-18-136

**RESOLUTION AUTHORIZING THE INSERTION OF AN ITEM OF
REVENUE IN THE 2018 BUDGET FOR ADDITIONAL FUNDING FOR
HIGHWAY TRAFFIC SAFETY PROGRAM - SAFE CORRIDORS GRANT**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of Local Government
Services may approve the insertion of any special item of revenue in the budget of any
county or municipality when such item shall have been made available by law and the
amount thereof was not determined at the time of adoption of the 2018 budget; and

WHEREAS, said Director may also approve the insertion of any item of
appropriation for equal amount.

NOW, THEREFORE BE IT RESOLVED, that the Township Council of the
Township of Rockaway, hereby requests the Director of the Division of Local Government

Services to approve the insertion of an item of revenue in the budget of the year 2018 in the sum of \$3,138.27, which item is now available as a revenue from:

Miscellaneous Revenue

Special Items of General Revenue Anticipated with prior written consent of the Director of Local Government Services -

Public and Private Revenues Off-Set with Appropriation:

State of New Jersey, Department of Transportation - Highway Traffic Safety Program - Safe Corridors

BE IT FURTHER RESOLVED, that a like sum of \$3,138.27 and the same is hereby appropriated under the caption:

General Appropriation

Operations Excluded from "CAPS"

Public and Private Programs Off-Set by Revenues:

State of New Jersey, Department of Transportation - Highway Traffic Safety Program - Safe Corridors

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 August 7, 2018.

Christina Clipperton
Acting Township Clerk

**TOWNSHIP OF ROCKAWAY
RESOLUTION R-18-137**

**RESOLUTION RELEASING A PERFORMANCE GUARANTEE
AND LABOR AND MATERIALS GUARANTEE
IN THE AMOUNT OF \$529,899.50 AND REQUIRING THE POSTING OF A
MAINTENANCE GUARANTEE IN THE AMOUNT OF \$488,318.11 FOR A
PERIOD OF ONE YEAR APPLICABLE TO JOHN GARCIA CONSTRUCTION,
INC. REGARDING OMAHA AVENUE WATER MAIN IMPROVEMENTS**

WHEREAS, by passage of Resolution 17-161 the Township of Rockaway ("Township") previously awarded a contract to John Garcia Construction Company, Inc. (Garcia) for Omaha Avenue Water Main

Improvements in the total bid amount of \$529,889.50; and

WHEREAS, at the time the contract relevant hereto was consummated Garcia posted a performance bond and a labor and materials bond in the amount of \$529,899.50, and

WHEREAS, the original contract price is in the process of being reduce by Change Order #1 in the amount of \$41, 571.39 thereby resulting in the amended contract price of \$488,318.11; and

WHEREAS, in accordance with Dewberry Engineers' correspondence dated July 5, 2018, Garcia is entitled to the return of its performance guarantee and labor and materials guarantee in the amount of \$529, 899.50 provided by way of surety bond subject to Garcia's first posting of a one year maintenance guarantee in the amount of \$488,318.11.

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

1. The performance / labor and materials guarantee, in the amount of \$529,899.50 posted by Garcia is hereby released subject to the posting of a maintenance guarantee in the amount of \$488,318.11 in a form of security acceptable to the Township Attorney.

2. The Township shall hold the maintenance guarantee for the required one-year period.

3. 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.

4. This Resolution shall take effect immediately.

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 August 7, 2018.

Christina Clipperton, Acting Clerk

RESOLUTION # R-18-139

REDEMPTION OF TAX TITLE LIEN C#16-0057 BLOCK 22001 LOT 10 , 21 MOUNTAIN AVE.

WHEREAS, the Tax Collector's Office has received payment for redemption of **Tax Title Lien #16-0057** on **Block: 22001 Lot: 010** known as: **21 MOUNTAIN AVE.** in the name of: **DEUTSCHE BANK NATIONAL TRUST CO.**

WHEREAS, reimbursements are now required to be made to the following Lien Holder,
MTAG AS CUST FOR EBURY FUND 1 NJ LLC
PO BOX 37695
BALTIMORE, MD 21297

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

TAX TITLE LIEN: \$ 2,355.04
PREMIUM: \$ 1,600.00

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: **\$ 3,955.04** 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 **AUGUST 7, 2018**.

ACTING CLERK

A motion was made by Council Member Smith and seconded by Council Member Friedlander to approve the consent agenda.

Roll Call Was Taken.

Yah Votes – (Council Members Friedlander, Puzio, Palumbo, Smith, Sackett, Kelley, Vice-President Abrahamsen, President Jedynek)

Nah Votes – 0

Motion is carried.

NEW BUSINESS:

A. DISCUSSION OF 2005 FORD TRUCK #605 ASSIGNED TO DPW

Road Department Supervisor Robert Sheard was not present to discuss the 2005 Ford Truck #605 assigned to the DPW.

A motion was made by Council Member Kelley and seconded by Council Vice-President Abrahamsen to compel Mr. Sheard's attendance at the next regular meeting to be held on September 13, 2018 pursuant to the Council's legislative power under State Statute 40:69A-37.1.

Roll Call Was Taken.

Yah Votes – 5 (Council Members Palumbo, Smith, Kelley, Vice-President Abrahamsen, President Jedynek)

Nah Votes – 3 (Council Members Friedlander, Puzio, Sackett)

Motion is carried.

Mayor Dachisen told the Council that the Vehicle Committee was established for the purpose of reviewing and purchasing new vehicles. He requested that Mr. Kelley produce questions that he has for Mr. Sheard, so that Mr. Sheard may prepare for the next meeting.

Council President Jedynek addressed Mayor Dachisen's request. The discussion involves two vehicles, and Mr. Sheard should be able to sufficiently prepare to discuss those two vehicles.

B. CLOSED SESSION – PERSONNEL – COLLECTIVE BARGAINING CONTRACT NEGOTIATIONS – FRATERNAL ORDER OF POLICE:

Council President Jedynek stated that Mayor Dachisen and Council Member Puzio have recused themselves from this matter, and that an opinion has been provided by Attorney Iacofano that Council Vice-President Abrahamsen and Council Member Quinn have conflicts of interest and should not participate in any discussion on this matter. Attorney Ryan and Acting Business Administrator Ms. Seger were not present.

The Council briefly discussed why the Closed Session was requested. Attorney Iacofano explained that the Council should have no involvement with contract negotiations. Council President Jedynek explained the process of contract negotiations to the public and told Attorney Iacofano that the Council is simply looking for a status update of the negotiations. Council President Jedynek requested Attorney Ryan and Ms. Seger's attendance at the next meeting scheduled September 13, 2018.

A motion was made by Council President Jedynek and seconded by Council Member Kelley to compel Attorney Ryan and Ms. Seger's attendance at the next regular meeting to be held on September 13, 2018 pursuant to the Council's legislative power under State Statute 40:69A-37.1.

Council Member Friedlander questioned holding a Closed Session to discuss this matter, without the Council being provided with information. Council President Jedynek explained that the purpose of the Closed Session is to ask questions and gain information about the status of negotiations.

Roll Call Was Taken

Yah Votes – 4 (Council Members Palumbo, Smith, Kelley, President Jedynek)

Nah Votes – 1 (Council Member Friedlander)

Abstentions – 1 (Council Member Sackett)

Recusals – 2 (Council Member Puzio, Vice-President Abrahamsen)

Motion is Carried.

C. BULK GARBAGE PICKUP

Council Member Kelley brought the current bulk pickup schedule to the Mayor and Council's attention. The schedule can be viewed on the Township's website. The north side of town receives one bulk pickup day per month, while the south side of town receives two bulk pickup days a month, there are certain areas in town that receive

three bulk pickup days. Council President Jedynak questioned why there is a variation in pickup schedules. Mayor Dachisen believes that the schedules are mirrored on the garbage pickup schedule. The Mayor and Council discussed the differences in the pickup schedule for different areas in town. Council President Jedynak requested a report from Administration to investigate the bulk pickup contracts and schedule.

D. PARKS LAKE

Council Member Kelley informed the Mayor and Council that Rockaway Borough wanted to make Rockaway Township aware of the maintenance they are proposing on the Rockaway Borough side of Parks Lake in 2019. Council Member Kelley would like for the Mayor and the Council to schedule a meeting with Rockaway Borough to discuss the maintenance of Parks Lake.

REPORTS:

A. COUNCIL – COMMITTEES

- a. Council Member Friedlander stated that the Library and the Regional Board of Education are still negotiating with employees.
- b. Council Member Puzio announced that the Rockaway Township UNICO Motorcycle Run will be held on August 25, 2018 and will begin at Peterson Field. Proceeds will be donated to St. Jude's Children's Hospital and Camp Marcella for visually impaired children and Adults. A program was held a while back with the Board of Education, the program is Stop the Bleed. Council Member Puzio has spoken with Joy Weinreich and White Meadow Lake may be holding the program again in the fall.

Council President Jedynak commented that Camp Marcella runs a great program, and it is great to highlight the work that they do. The Mayor and Council also noted that the program is offered to children state-wide, not just locally.

- c. Council Member Palumbo thanked Joy Weinreich for the invitation to White Meadow Lake's Festival Day, it was a really nice day.
- d. Council Member Smith thanked White Meadow Lake for the invitation to the White Meadow Lake Festival Day. Council Member Smith stated that she attended the Grand Opening of the new Adjust Chiropractic facility on Green Pond Road with Council Vice-President Abrahamsen, Mayor Dachisen, Council Member Kelley and Council Member Puzio. It is a state of the art facility and Council Member Smith believes it will be a valuable asset to the Township. Council Member Smith spoke with Freeholder Deb

Smith regarding the road conditions at the intersection of Mt. Hope Avenue and Richard Mine Road and the lack of line striping on Mt. Hope Avenue to the intersection of Route 80. Within days Council Member Smith was advised that the area had been inspected and that some patching and basin repairs at the intersection would be done. The striping has already been replaced and the repairs have begun. Additionally Council Member Smith was advised that the County will be designing a project to take a severe dip out of the road just south of the intersection which will include resurfacing at that intersection as well. That project will commence in 2019.

- e. Council Member Sackett announced that the Rockaway Township Rockets pep rally will be held on Friday, August 31, 2018 at Peterson Field.

- f. Council Member Kelley mentioned that Telemark Day, the Green Pond Fourth of July Parade, and White Meadow Lake's Festival Day were all a great success. Council Member Kelley spoke with Mr. Greg St. John from the County about guardrail replacements and patchwork being done on Green Pond Road. The announcer booth at the football field is moving along, and the Rockaway Township Rockets are funding the project themselves. Council Member Kelley announced that two very important people had recently passed away. Dennis Vandermark, he owned Metro Supply, his father was a Mayor in Rockaway Township in the late 1960's and early 1970's, Mr. Vandermark served in the Hibernia Fire Department and the National Guard. Henrick Thorsen was in the 63rd class of the State Police. Council Member Kelley also mentioned that Rockaway Borough will be holding Rockaway Day on September 16, 2018 and the Rockaway Township Mayor, Council and residents are formally invited to attend. Local Businesses of Rockaway Borough run the event.

- g. Council Vice-President Abrahamsen also attended the grand opening of Adjust Chiropractic and agrees that it is a wonderful facility. Council Member Abrahamsen expressed that Festival Day at White Meadow Lake was a great event and thanked White Meadow Lake for the invitation. On Wednesday, August 15, 2018 Christ Church will be holding a public meeting focusing on the Opioid Epidemic with the Attorney General's Office, there will be many great speakers in attendance. Council Vice-President Abrahamsen also mentioned Hope One, which was created by Sherriff Gannon. Hope One travels throughout the County, educating people about overdoses and the use of NARCAN. The Senior Picnic will be held on September 14, 2018. The PBA's Pig Roast event will be held at

Fireman's Field on Saturday, August 11, 2018. The FOP Clam Bake will also be held at Fireman's Field on September 22, 2018.

- h. Council President Jedynek commented on the grand opening of Adjust Chiropractic, it is great that businesses want to move into the Township and work with the Township's Officials, and thanked Administration for scheduling the ribbon-cuttings that have recently taken place. Council President Jedynek extended his thanks to White Meadow Lake to their invitation to Festival Day.

B. MAYOR

Mayor Dachisen stated that he would like to reiterate the Council's sentiments in regard to the recent events that have occurred in the Township and welcomed the new Acting Clerk, Christina Clipperton to the Township.

With no further business to attend to this evening, a motion was made by Council Vice-President Abrahamsen and seconded by Council Member Friedlander to adjourn the meeting at 11:35 p.m.

Roll Call Was Taken.

Yah Votes – 8 (Council Members Friedlander, Puzio, Palumbo, Smith, Sackett, Kelley, Vice-President Abrahamsen, President Jedynek)

Nah Votes – 0

Motion is carried.

The next Regular Meeting of the Council of the Township of Rockaway is scheduled for September 13, 2018.

Respectfully Submitted,

Christina Clipperton
Acting Municipal Clerk