

ROCKAWAY TOWNSHIP COUNCIL – AUGUST 10, 2021 REGULAR MEETING MINUTES

The Regular Meeting of the Township Council of the Township of Rockaway was held on Tuesday, August 10, 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 services and sacrifices of the armed service members who protect our Nation and the first responders who protect our neighborhoods. He noted the passing last week of Robert Willis, who contributed much to the Township, was owner of Bunky's Towing, and is survived by his wife Carolyn and his twin sons. Council Member Kelley noted the passing on July 24th of Don Fox at the age of 91, who served in the Korean War, has three children, was a resident, teacher and coach in the Township, and was very active in the community.

Roll Call was taken for attendance.

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

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

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 by the end of the "Open to the Public" session."

Council President Jackson stated, "This meeting was advertised in the Daily Record on May 15, 2021 and the Star Ledger on May 17, 2021, the official newspapers for the Township of Rockaway. Notice was posted on the official bulletin boards of Rockaway Township."

APPROVAL OF MINUTES:

July 13, 2021 – Regular Meeting

July 13, 2021 – Closed Session

July 21, 2021 – Special Meeting

Motion was made by Council Member Quinn, seconded by Council Member Friedlander, to approve the July 13, 2021 Regular Meeting, July 13, 2021 Closed Session, and July 21, 2021 Special Meeting Minutes.

Council Member Kelley asked if he was supposed to be a recipient of the Closed Session minutes.

Council Vice President Sackett asked if Council was voting separately on the minutes.

Roll Call Was Taken for Approval of Minutes: July 13, 2021 – Regular Meeting

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

Nah Votes: 1 (Kelley)

Abstentions: 1 (Brookes)

Motion carries.

Roll Call Was Taken for Approval of Minutes: July 13, 2021 – Closed Session

Yah Votes: 6 (Quinn, Friedlander, Salberg, Noon, Sackett, Jackson)

Nah Votes: 0

Abstentions: 3 (Kelley, Kritz, Brookes)

Motion carries.

Roll Call Was Taken for Approval of Minutes: July 21, 2021 – Special Meeting

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

Nah Votes: 1 (Kelley)

Abstentions: 1 (Sackett)

Motion carries.

ORDINANCES TO ADOPT:

O-21-26 ORDINANCE PROVIDING FOR THE IMPROVEMENT OF THE WATER SUPPLY AND DISTRIBUTION SYSTEM, THE SANITARY SEWERAGE COLLECTION SYSTEM AND THE STORMWATER MANAGEMENT SYSTEM IN AND BY THE TOWNSHIP OF ROCKAWAY, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$1,354,201.76 THEREFOR CONSTITUTING PROCEEDS OF A GRANT FROM THE AMERICAN RESCUE PLAN ACT OF 2021.

Motion was made by Council Member Quinn, seconded by Council Member Friedlander, to adopt Ordinance O-21-26.

Public Hearing/Council Discussion

No members of the Public came forward.

Council Member Kelley stated that members of the Public do not need to state their name and address during open public comment if they're not going to speak. He continued that in the future, under each ordinance to adopt, there should be an Open to the Public section because many members of the Public don't understand that there is the availability to discuss.

Roll Call Was Taken.

Yah Votes: 9 (Kelley, Quinn, Friedlander, Kritz, Salberg, Brookes, Noon, Sackett, Jackson)

Nah Votes: 0
Motion carries.

O-21-27 AMENDING CHAPTER VII TRAFFIC, ARTICLE I, SECTION 7-10 STOP INTERSECTION, SECTION 7-11 YIELD INTERSECTION AND SECTION 7-12 TURN PROHIBITIONS OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROCKAWAY, COUNTY OF MORRIS, STATE OF NEW JERSEY

Motion was made by Council Member Quinn, seconded by Council Member Friedlander, to adopt Ordinance O-21-27.

Public Hearing/Council Discussion

No members of the Public or Council came forward.

Roll Call Was Taken.

Yah Votes: 9 (Kelley, Quinn, Friedlander, Kritz, Salberg, Brookes, Noon, Sackett, Jackson)

Nah Votes: 0

Motion carries.

O-21-28 AN ORDINANCE AMENDING CHAPTER 6 "ALCOHOLIC BEVERAGE CONTROL", SPECIFICALLY SECTION 3.4 "LICENSE FEES, MAXIMUM NUMBER" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROCKAWAY

Motion was made by Council Member Kelley, seconded by Council Member Quinn, to adopt Ordinance O-21-28.

Public Hearing/Council Discussion

No members of the Public came forward.

Council Member Kritz stated that it appears that the fees we are charging appear to be roughly half of what we could collect specifically for large chains and hotels. He asked if we set the prices is there the opportunity to set the rates based on what the returns are for the person getting them. Ms. Clipperton said that the rates can only be increased by 20% in one year and that there are maximums set by the State. She continued that the intention is to update fees to meet the normal which is to charge nearer to the maximum fees but the Ordinance Committee wants to reevaluate this on a yearly basis in the event that we're in another situation like COVID where the business owners are hurting.

Council Member Kelley asked is there any reason we didn't do this previously. He noted that it's been 12 years since we've increased fees and that's revenue lost and is there other licensing handled by the Clerk's office that we could potentially increase fees for. Ms. Clipperton responded that she can look into this.

Roll Call Was Taken.

Yah Votes: 9 (Kelley, Quinn, Friedlander, Kritz, Salberg, Brookes, Noon, Sackett, Jackson)

Nah Votes: 0

Motion carries.

OPEN TO THE PUBLIC:

Ms. Seger read an email received by Tom Kelly, who has lived at 6 Stanley Terrace for 28 years. He expressed that his backyard backs up to the basketball courts and since the restoration project, he has lost privacy and the noise is unbearable. He wrote that the players play extremely loud music and that the curfew is 10PM but they use the parking lot light and keep playing until he calls the police. He has contacted the police many times and wants steps taken to resolve this immediately. He noted that he plans to be at the meeting tonight for any questions.

Jim Warters, 48 Seneca Ave. Mr. Warters said that the Council Member who referred to a planetary license probably meant a plenary license. He continued that with the number of people in town complaining about high tax rates, he's not sure it's a good thing to go after the maximum fees and would like to see them kept at a reasonable, as-needed basis.

Justin Norman, 60 Valley Rd. Mr. Norman said that he would like to piggy-back on the last speaker's comments as he thinks maximum licensing fees would be akin to predatory, locking of people out, and that if we're trying to foster growth and new business in town the license fee shouldn't be the biggest thing they worry about. He said that with regards to the curfew and the basketball courts, there are worse things that adolescents could be doing and that it's a positive way for them to spend evenings; he did agree that it could be an issue when there's loud music.

Lili Sweet, 1 Oakland Ave. Ms. Sweet said that the gazebo concerts have been going on and that at a mall concert there were 200 people in attendance. She wished everyone a happy Labor Day, and noted that Council meetings should still maybe remain virtual until we all feel safe to come out.

Patrick Egan, 59 Lenox Rd. Mr. Egan said that the best way to decrease taxes in this town is to decrease the unnecessary litigation and that we should not pass the costs onto businesses to people who are trying to make a living here and this will ultimately get passed onto the consumer anyway. He added that we are looking at pennies versus hundreds of thousands of dollars.

Tom Kelly, 6 Stanley Ave. Mr. Kelly stated that he is the one who sent the email about the new basketball court. He said that 10 PM. is the limit under the current noise ordinance but there is such thing as excessive noise. He has been used to this for years throughout the day until 8 PM and there have been issues but not like this. He said these aren't kids, they're men, and they're right in his face and it's a big issue for him.

ORDINANCES TO INTRODUCE:

O-21-29 ORDINANCE PROVIDING FOR THE UNDERTAKING OF THE FORD-FAESCH HOUSE CONSTRUCTION DOCUMENTS PROJECT BY THE TOWNSHIP OF ROCKAWAY, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$15,720 THEREFOR CONSTITUTING PROCEEDS OF A GRANT FROM THE MORRIS COUNTY HISTORIC PRESERVATION TRUST.

Motion was made by Council Member Kelley, seconded by Council Member Friedlander, to introduce Ordinance O-21-29.

Roll Call Was Taken.

Yah Votes: 9 (Kelley, Quinn, Friedlander, Kritz, Salberg, Brookes, Noon, Sackett, Jackson)

Nah Votes: 0
Motion carries.

O-21-30 AMENDING CHAPTER VII TRAFFIC, ARTICLE I, SECTION 7-6 PARKING OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROCKAWAY, COUNTY OF MORRIS, STATE OF NEW JERSEY

Motion was made by Council Member Kelley, seconded by Council Member Quinn, to introduce Ordinance O-21-30.

Roll Call Was Taken.

Yah Votes: 9 (Kelley, Quinn, Friedlander, Kritz, Salberg, Brookes, Noon, Sackett, Jackson)
Nah Votes: 0
Motion carries.

RESOLUTIONS:

R-21-140 RESOLUTION GRANTING AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICE AGREEMENT FOR LEGAL SERVICES WITH METHFESSEL & WERBEL, ESQS., SPECIFICALLY ERIC HARRISON, ESQ. IN DEFENSE OF A CASE ENTITLED TUCKER M. KELLEY VS. ROCKAWAY TOWNSHIP, ET ALS., MRS-L-309-21

Motion was made by Council Member Quinn, seconded by Council Member Salberg, to approve Resolution R-21-140.

Council Member Kelley asked if there could be discussion. Council President Jackson responded negatively, and Attorney Iacofano pointed out that the litigation involves Mr. Kelley and therefore he has a conflict.

Roll Call Was Taken.

Yah Votes: 8 (Quinn, Friedlander, Kritz, Salberg, Brookes, Noon, Sackett, Jackson)
Nah Votes: 0
Abstentions: 1 (Kelley)
Motion carries.

CONSENT AGENDA:

R-21-141 2021 TAX OVERPAYMENT REFUND ON: 21 HIGHLAND AVE., BLOCK 10302 LOT 6

R-21-142 RESOLUTION AMENDING R-21-19, R-21-33, R-21-85 and R-21-121 BY ADDING TO THE AUTHORIZED LISTS OF VENDORS SET FORTH IN THOSE RESOLUTIONS AUTHORIZING THE PURCHASE OF CERTAIN GOODS AND SERVICES THROUGH THE USE OF STATE, COUNTY, AND REGIONAL COOPERATIVE CONTRACTS FOR THE CALENDAR YEAR 2021

R-21-143 AUTHORIZING THE AWARD OF A CONTRACT TO REIVAX CONTRACTING CORP. FOR THE KINGS ROAD WATER MAIN REPLACEMENT IN THE TOTAL BID AMOUNT OF \$409,580.80

Motion was made by Council Member Quinn, seconded by Council Member Friedlander, to approve the consent agenda.

Council Member Kelley requested that the Clerk remove R-21-143 from the consent agenda for discussion. Council President Jackson asked if he was making a motion. There was discussion.

Motion was made by Council Member Kelley to remove R-21-143 from consent agenda for discussion. No one seconded.

Roll Call Was Taken.

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

Yah Votes to R-21-141 and R-21-142: 1 (Kelley)

Nah Votes: 0

Abstentions to R-21-143: 1 (Kelley)

Motion carries.

APPOINTMENTS

COUNCIL APPOINTMENTS:

EMS: Jasmine Patel

Junior Firefighter: Ciara Taggart

Motion was made by Council Member Kelley, seconded by Council Member Quinn, to appoint Jasmine Patel to EMS and Ciara Taggart as a Junior Firefighter.

Roll Call Was Taken.

Yah Votes: 9 (Kelley, Quinn, Friedlander, Kritz, Salberg, Brookes, Noon, Sackett, Jackson)

Nah Votes: 0

Motion carries.

DISCUSSION: THE ANNUAL SCHEDULE OF MEETINGS

Council President Jackson asked Council Member Kelley what he wanted to discuss regarding the annual schedule of meetings. Council Member Kelley said he wanted to have a discussion about having in-person meetings instead of Webex meetings moving forward. He noted that many people are attending concerts and shopping and that he thinks that there is no reason not to have in-person meetings based on the number of people who attend the virtual meetings. Council Member Kelley stated that he thinks in-person would allow Council to better do their business.

Council Member Quinn stated that County updates indicate that Rockaway Township is on the upswing in number of cases and he had asked for input from Peter Tabbot, the town's Health Officer; and in the meantime, he requests that we continue with Webex. He continued that if there was a controversial issue, the courtroom couldn't safely handle a larger number of attendees.

Council Vice President Sackett said that he had already told Council President Jackson that he is fine with going back in person.

OLD BUSINESS, NEW BUSINESS, AND REPORTS:

Council Member Brookes reported that baseball season is completed for both the Majors as well as Babe Ruth and the kids had a great time. He said that football started and hockey has their last week of summer ice. He said that he is excited that schools will be starting up and asked all to stay safe. Council Member Brookes excused himself from the meeting at 7:15PM.

Council Member Quinn reported that the Recreation Committee didn't have a meeting this month and the Planning Board's work is very slow during the summer. He said that many sports are gearing up. He stated that we don't know what this variant is going to do and he told everyone to stay safe.

Council Member Noon wished all a happy Labor Day.

Council Member Kelley stated that the White Meadow Lake Festival Day was phenomenal and that next year hopefully it can be better attended. He reported that the Telemark pig roast had a great turnout. He continued that the DPW did a great job at the cleanup at Lake Denmark. He said for the senior picnic, to let him know what he can do. He noted that Veteran's Day is coming soon and asked if there is something the Township can do to honor those who served and who we lost, and that the Legion could probably assist. He asked Attorney Iacofano if he could give updates regarding the Board of Assessment Commissioners (BOAC) status on Bowlbyville assessments. Attorney Iacofano said that it was discovered in June that the map is unfortunately inaccurate and the properties are currently being redefined. As a result, the last scheduled BOAC meeting was cancelled. Council Member Kelley questioned Attorney Iacofano's billing. He also expressed concern about a certification put online by the attorney that included what he termed sensitive material. He asked Council President Jackson for receipts for the employee picnic and asked if he spent it all or pocketed it.

Council Member Friedlander thanked the administration for getting the Ford Faesch House grant. He said that the library website has posted that the Hibernia branch is open. He thanked Attorney Iacofano for the BOAC report.

Council Member Kritz stated that he happily gave money for the employee picnic, expressed dismay at the thought that Council President Jackson would take funds, and thanked those who could volunteer. He thanked the administration for 17 AEDs and stated that they're needed but hopes that they're never used. He said that every single practice facility including those at the schools now has a device. He also thanked administration for repairing lights at the practice fields. He said that girls' softball has a golf outing on 9/25 and they could use donations, it is \$130/head. He noted that the Peterson Field parking lot is open so people don't need to park on Fleetwood. He ended by stating that the Rockets have their annual pep rally in a few weeks.

Council Member Salberg thanked White Meadow Lake for the invitation to Festival Days. He noted that he and two other Council Members and the Mayor were at the parade until the flag ceremony so he doesn't know what Council Member Kelley was talking about when he said they weren't involved. He reported that the senior picnic is scheduled for 9/9 and that he is looking forward to volunteering. He expressed his grief on the passing of his friend of 44 plus years, Rob Willis, and read a posting that his wife wrote in honor of Rob.

Council Vice President Sackett said that the Festival Days made for a great weekend. He participated in various events including the hot dog eating contest and everyone did a great job working the event. He noted that football, cheer, and tryouts for soccer are all starting up. He mentioned that the pep rally and the senior picnic are both coming up. He expressed his condolences regarding the passing of Rob Willis.

Council President Jackson reported that the Council Members should have received from the Department of the Army information concerning a notice from Picatinny Arsenal. He said that

the Township is doing a great job sending out RAVE alerts for the public concerning road closures, water main breaks, and other items.

Mayor Puzio addressed Tom Kelly's concerns brought up earlier in the meeting. He reported that the Township is looking into putting up some sort of barrier. He said that Peterson will be under construction and that the Recreation Committee has met to discuss ideas. He said that there will be much utilization of the courts because they're regulation size. He has contacted the Police Department regarding noise and everyone should be gone by 10PM and he will reinforce this with the Chief. He noted that the lights go off at that time. He continued that music can't be blaring even prior to 10PM and as far as addressing whether people from out of town are using the courts, he doesn't think we can limit who uses the facilities. He said that we will definitely have continued conversation on this and that he wants to let him know that we're paying attention to the concerns he along with others have. He stated that Council Member Kelley brought up the issue of updating ordinances. Mayor Puzio said that the current Council is moving forward with the process and working diligently. He brought up the adjustment to the ordinance concerning the time that liquor can be sold, and how a business owner reported that this has resulted in a substantial increase to their income. Regarding the Veteran's Day comment that Council Member Kelley brought up, he agreed that the Township would like to give recognition and that the County is creating a list and that the Township would like to possibly link to this list so that people can see it. He stated that he had a meeting with the Recreation Committee about the continuing improvements at Peterson Field and said that the work will be done slowly and methodically, in a cost-conscious manner. He said that they will be going out to bid in September for fields one and two and that shovel in the ground should be next spring or early summer, and that this is a lengthier process than the courts that were just completed. He reported that Peter Tabbot, the Health Officer, could not be here tonight and that he had been invited to speak about COVID because of concerns of some residents and Council Members. Mayor Puzio read Mr. Tabbot's COVID-19 report.

Attorney Iacofano said that in view of the number of attacks on the Council President and other Council Members, he wanted to cite some portions of the Township code, 2-5.3, which directly relate to conduct at Council meetings. He said that he wanted to read this for the Council and the Public because it is his opinion that the Council President is doing his best to conduct the meeting following our administrative code.

Ms. Seger reported that she just received an email from a resident Donna Rerecich, Mt. Pleasant Ave. Ms. Rerecich said that if the Council is going to continue with one meeting per month during the summer months, that it would save time to schedule them this way so that time can be used to get to other items on the agenda.

Ms. Seger also reported that Mayor Puzio was correct about the basketball courts at Peterson not being able to be restricted for use by only residents because they were funded by Green Acres. She thanked all for their support, and wished everyone a happy upcoming holiday.

Ms. Ferrante stated that she had nothing to report.

Ms. Palmieri stated that the tax bills were going out on 8/11 and will be due on 9/8 to avoid any interest or penalties.

Mr. Dyer stated that he had nothing to report.

Motion was made by Council Vice President Sackett, seconded by Council Member Friedlander, to adjourn this meeting at approximately 7:55PM. All members unanimously agreed.

The next Regular Meeting of the Council of the Township of Rockaway is scheduled for September 14, 2021.

Respectfully submitted,

Christina Clipperton
Municipal Clerk

	Motion	Second	Yes	No	Abstain	Absent
Kelley				X		
Quinn	X		X			
Friedlander		X	X			
Kritz			X			
Salberg			X			
Brookes			X			
Noon			X			
V.P. Sackett			X			
C.P. Jackson			X			