

## ROCKAWAY TOWNSHIP COUNCIL – DECEMBER 11, 2018

The Regular Meeting of the Township Council of the Township of Rockaway was held on Tuesday, December 11, 2018 in the Council Chambers located within 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 Members Quinn, Friedlander, Palumbo, Smith, Sackett, Kelley, Jackson, Vice-President Abrahamsen, President Jedynak.

**Present from Administration:** Attorney Iaciovano, Ms. Seger, Ms. Palmieri, Ms. Ferrante.

President Jedynak stated that “this meeting was advertised in accordance with the New Jersey Open Public Meetings Act (N.J.S.A. 10:4-6, et seq.). Notice was published in the Township’s Official Newspapers, the Daily Record on November 21, 2018 and the Star Ledger on November 14, 2018. Notice was posted on the official bulletin board of Rockaway Township.”

Captain Wade Ryerson was designated as Sergeant of Arms.

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.

Council President Jedynak addressed Attorney Iaciovano regarding a concern raised by a member of the public, regarding the Council-elected positions of Council President and Council Vice-President as well as their terms.

The member of the public who raised the concern, John Schmidt, was invited up to the microphone to speak concerning this matter.

There was discussion amongst the Attorney, the Council and Mr. Schmidt about this matter, and whether Attorney Iacofano was prepared to offer advice regarding the terms and appointments of these positions at this time.

Mr. Schmidt also spoke about his pro se litigation against the Township, and elaborated on the details of the complaint. Mr. Schmidt explained that he is seeking a court-appointed monitor to attend the Council Meetings of Rockaway Township, and that he is not requesting any actions to be voided. Mr. Schmidt expressed that he is looking for any ongoing OPMA issues to be corrected going forward.

Council Member Kelley stated that he had a question for Mr. Schmidt.

Attorney Iacofano advised that the litigation not be discussed.

Council Member Kelley asked Mr. Schmidt if there was any possibility of a settlement for the litigation.

Mr. Schmidt expressed that he would settle for compliance, and a court-appointed monitor.

**APPROVAL OF MINUTES:**

**June 26, 2018 Regular Meeting**

**July 10, 2018 Regular Meeting**

**November 16, 2018 Special Meeting**

**November 27, 2018 Regular Meeting**

Motion was made by Vice-President Abrahamsen, seconded by Council Member Kelley to approve all Minutes.

Roll Call Was Taken.

**June 26, 2018 Regular Meeting**

Yah Votes: 6 (Council Members Quinn, Palumbo, Smith, Kelley, Vice-President Abrahamsen, President Jedynak)

Nah Votes: 2 (Council Members Friedlander, Sackett)

Abstentions: 1 (Council Member Jackson)

**July 10, 2018 Regular Meeting**

Yah Votes: 6 (Council Members Quinn, Palumbo, Smith, Kelley, Vice-President Abrahamsen, President Jedynak)

Nah Votes: 2 (Council Members Friedlander, Sackett)

Abstentions: 1 (Council Member Jackson)

**November 16 2018 Special Meeting**

Yah Votes: 8 (Council Members Quinn, Friedlander, Palumbo, Smith, Sackett, Kelley, Vice-President Abrahamsen, President Jedynak)  
Nah Votes: 0  
Abstentions: 1 (Council Member Jackson)

November 27, 2018 Regular Meeting

Yah Votes: 9 (Council Members Quinn, Friedlander, Palumbo, Smith, Sackett, Kelley, Jackson, Vice-President Abrahamsen, President Jedynak)  
Nah Votes: 0  
Abstentions: 0

Motion is carried.

**COUNCIL APPOINTMENTS:**

**Junior Firemen's Auxiliary:**

Shelley Mol

Motion was made by Council Member Smith, seconded by Council Member Kelley to appoint Shelley Mol to the Junior Firemen's Auxiliary.

Roll Call Was Taken

Yah Votes: 9 (Council Members Quinn, Friedlander, Palumbo, Smith, Sackett, Kelley, Jackson, Vice-President Abrahamsen, President Jedynak)  
Nah Votes: 0  
Abstentions: 0  
Motion is carried.

**Zoning Board of Adjustment Member – 4 Year Term:**

Joy Weinreich

Motion was made by Council Member Smith, seconded by Council Member Friedlander to appoint Joy Weinreich as a Zoning Board of Adjustment Member with a 4 year term.

Roll Call Was Taken.

Yah Votes: 9 (Council Members Quinn, Friedlander, Palumbo, Smith, Sackett, Kelley, Jackson, Vice-President Abrahamsen, President Jedynak)  
Nah Votes: 0  
Abstentions: 0  
Motion is carried.

At this time, Council President Jedynak announced that all vacant Volunteer positions have been advertised in the Daily Record and on the Township's website.

**CONSENT AGENDA:**

**RESOLUTIONS:**

**R-18-201** REDEMPTION OF TAX TITLE LIEN C#16-0028 AGAINST BLOCK 21004 LOT 11 KNOWN AS 322 BEACH ST.

**R-18-202** RESOLUTION AUTHORIZING A PERSON-TO-PERSON LICENSE TRANSFER

**R-18-204** RESOLUTION AUTHORIZING THE SUBMISSION OF WRITTEN NOTICE BY THE BUSINESS ADMINISTRATOR OF THE TOWNSHIP'S APPROVAL TO EXTEND N.J.D.E.P. PERMIT #15-0446 FOR WASTE WATER MANAGEMENT FOR PROPERTY WHICH IS IDENTIFIED AS LOT 8 IN BLOCK 22103 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF ROCKAWAY AND WHICH IS MORE COMMONLY KNOWN AS 14 GREEN POND ROAD

**RESOLUTION # R-18-201**

**REDEMPTION OF TAX TITLE LIEN C#16-0028  
AGAINST BLOCK 21004 LOT 11 KNOWN AS 322 BEACH ST.**

**WHEREAS**, the Tax Collector's Office has received payment for redemption of **Tax Title Lien #16-0028** on **Block: 20602 Lot: 28** known as: **15 DELAWARE AVE.** in the name of: **DAVID.**

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

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

**TAX TITLE LIEN:   \$ 3,526.99**  
**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: **\$ 4,826.99** 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 **DECEMBER 11, 2018.**

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ACTING MUNICIPAL CLERK

## **RESOLUTION**

**R-18-202**

### **RESOLUTION AUTHORIZING A PERSON-TO-PERSON LICENSE TRANSFER**

**WHEREAS**, an application has been filed for a Person-to-Person Transfer of Plenary Retail Distribution License Number 1435-44-007-008, issued to Lyndhurst Liquor & Convenience Store, Inc. for an active license with a mailing address of 101 White Meadow Road, Rockaway, New Jersey, 07866; and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

**WHEREAS**, the applicant is qualified to be licensed to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated hereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

**WHEREAS**, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business.

**NOW, THEREFORE BE IT RESOLVED** that the Rockaway Township Council Governing Body does hereby approve, effective December 12, 2018, the transfer of the aforesaid Plenary Retail Distribution License to Divya 92 Corp. trading as Midtown Liquors located at 101 White Meadow Road, Rockaway, New Jersey and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Divya 92 Corp t/a Midtown Liquors located at 101 White Meadow Road, Rockaway, New Jersey effective December 12, 2018."

**I 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 December 11, 2018.

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Christina Clipperton, Acting Township Clerk

**R-18-204**

**RESOLUTION AUTHORIZING THE SUBMISSION OF WRITTEN NOTICE BY THE BUSINESS ADMINISTRATOR OF THE TOWNSHIP'S APPROVAL TO EXTEND N.J.D.E.P. PERMIT #15-0446 FOR WASTE WATER MANAGEMENT FOR PROPERTY WHICH IS IDENTIFIED AS LOT 8 IN BLOCK 22103 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF ROCKAWAY AND WHICH IS MORE COMMONLY KNOWN AS 14 GREEN POND ROAD**

**WHEREAS**, by Resolution of the Zoning Board of Adjustment dated December 16, 2014 the Township of Rockaway (hereinafter referred to as "Township") Kruppa LLC (hereinafter referred to as "Kruppa") was granted a (1) use variance approval, and various C variances, along with site plan approval, to construct a Marriott Hotel and re-develop the property which is identified as Lot 8 in Block 22103 on the Official Tax Map of the Township and which is more commonly known as 14 Green Pond Road; and

**WHEREAS**, the December 16, 2014 Resolution of the Zoning Board of Adjustment contained certain conditions which were required to be met by Kruppa, one of which was the requirement of Kruppa to secure NJDEP Treatment Works Approval for waste water management as is set forth in paragraph 3f of that Resolution; and

**WHEREAS**, pursuant to the mandate of such Resolution and pursuant to N.J.A.C. 7:14A-22 Kruppa prepared and submitted to

the Township for signature an application to the N.J.D.E.P. for Treatment Works Approval; and

**WHEREAS**, on January 15, 2016, after having received authorization from the Township via a Resolution R-15-149, Kruppa secured N.J.D.E.P. Permit #15-0446 to construct Kruppa's Waste Water Treatment Works; and

**WHEREAS**, as a result of a delay in construction the permit previously issued by the N.J.D.E. P. expired on January 14, 2018 before construction of the Marriott and/or the Waste Water Treatment Works has begun; and

**WHEREAS**, on March 13, 2018 by Resolution R-18-69 the subject permit was extended and is again scheduled to expire on January 14, 2019 due to continuing delays in construction; and

**WHEREAS**, in accordance with the mandate of the Board of Adjustment and applicable law no construction permit for the building of the Marriott Hotel may be issued unless and until a grant of the extension of N.J.D.E.P. Permit #15-0446 has been secured; and

**WHEREAS**, a condition precedent to the extension of N.J.D.E.P. Permit #15-0446 is the Township's passage of a resolution authorizing such extension; and

**WHEREAS**, it is the desire of the Township to extend the Kruppa Waste Water Treatment Works permit for a period of one year from

January 14, 2019.

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

1. A one-year extension of Kruppa's Waste Water Treatment Works permit to January 14, 2020 is hereby authorized along with the issuance of written notice of such authorization to the N.J.D.E.P. by the Township Business Administrator.
2. All members of the Township administration and Engineering Department 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 as herein provided.

**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 December 11, 2018.

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Christina Clipperton, Acting Clerk

Motion was made by Vice-President Abrahamsen, seconded by Council Member Sackett to approve the consent agenda.



Roll Call Was Taken.

Yah Votes: 9 (Council Members Quinn, Friedlander, Palumbo, Smith, Sackett, Kelley, Jackson, Vice-President Abrahamsen, President Jedynek)

Nah Votes: 0

Abstentions: 0

Motion is carried.

**OLD BUSINESS:**

**DISCUSSION OF: R-18-199 RESOLUTION AMENDING THE TOWNSHIP'S POLICIES AND PROCEDURES MANUAL**

RESOLUTION NO. R-18-199

**RESOLUTION AMENDING THE TOWNSHIP'S POLICIES AND PROCEDURES MANUAL**

**WHEREAS**, the Township of Rockaway ("Township") maintains a Personnel Policy and Procedure Manual and Employee Handbook, which became effective on March 1, 2004; and

**WHEREAS**, Township staff recently reviewed the Township's current policies regarding anti-discrimination; accommodation of disabilities; email, voicemail, computer, and internet usage policy; use of internet; and Open Public Meetings Act procedure concerning personnel matters based on the model policies on these same topics contained in the Municipal Excess Liability Joint Insurance Fund's Model Personnel Policies and Procedure Manual; and

**WHEREAS**, Township staff believes that the Township's current policies regarding these topics should be updated to be consistent with the policies contained in the Municipal Excess Liability Joint Insurance Fund's Model Personnel Policies and Procedure Manual.

**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 Township of Rockaway's Anti-Discrimination Policy, as set forth in Chapter II of its Policies and Procedures Manual, and Chapter One of its Employee Handbook, and the Township's General Anti-Harassment Policy also found in Chapter II of its Policies and Procedures Manual, and Chapter One of its Employee Handbook be amended to include breastfeeding as a protected characteristic.
2. The Township of Rockaway's Accommodation of Disabilities Policy, as set forth in Chapter II of its Policies and Procedures Manual, and Americans with Disabilities Act Policy, as set forth in Chapter One of its Employee Handbook, are hereby supplemented with the following language: "In the case of an employee breastfeeding her infant child, the accommodation shall include reasonable break time each day to the employee and a

suitable room or other location with privacy, other than a toilet stall, in close proximity to work area for the employee to express breast milk for the child.”

3. The Township of Rockaway’s Email, Voicemail, Computer, and Internet Usage Policy, as set forth in Chapter VI of its Policies and Procedures Manual, and Chapter Two of its Employee Handbook, are hereby deleted in their entirety and replaced by the following:

### **Communication Media Policy:**

The Township’s Communication Media are the property of the Township and, as such, are to be used for legitimate business purposes only. For purposes of this Communication Media Policy, “Communication Media” includes all electronic media forms provided by the Township, such as cell phones, smart phones, computers, electronic tablets, access to the internet, voicemail, email, and fax. Employees are restricted from accessing or using the company’s Communication Media for personal purposes during company time on company equipment without prior authorization from the Administration to do so.

All data stored on and/or transmitted through Communication Media is the property of the Township. For purposes of this policy, “Data” includes “electronically-stored files, programs, tables, data bases, audio and video objects, spreadsheets, reports and printed or microfiche materials which serve a Township business purpose, regardless of who creates, processes or maintains the data, or whether the data is processed manually or through any of the Township’s mainframe, midrange or workstations; servers, routers, gateways, bridges, hubs, switches and other hardware components of the Township’s local or wide-area networks.”

The Township respects the individual privacy of its employees. However, employee communications transmitted by the Township’s Communication Media are not private to the individual. All Communication Media and all communications and stored information transmitted, received, or contained in or through such media may be monitored by the Township. The Township reserves the absolute right to access, review, audit and disclose all matters entered into, sent over, placed in storage in the Township’s Communication Media. By using the Township’s equipment and/or Communication Media, employees consent to have such use monitored at any time, with or without notice, by Township personnel. The existence of passwords does not restrict or eliminate the Township’s ability or right to access electronic communications. However, pursuant to New Jersey law the Township cannot require the employee to provide the password(s) to his/her personal account(s).

All email, voicemail and Internet messages (including any technology-based messaging) are official documents subject to the provisions of the Open

Public Records Act (NJSA 47:1A-1). Employees of the Township are required to use the assigned municipal email account for ALL Township business and correspondence. The use of private email accounts for ANY Township business or during business hours is strictly prohibited. Employees are hereby advised that if they conduct work-related business on their personal emails, cell phones, or other personal Communication Media, it is also subject to the provisions of the Open Public Records Act. However, nothing in this social media policy prevents employees from using his/her own personal Communication Media during the employee's non-working hours to engage or participate in protected concerted activities pursuant to the National Labor Relations Act. Protected concerted activities include when an employee addresses group concerns with the employer; forms, joins or helps a labor organization; initiates, induces or prepares for group action; or speaks on behalf of or represents other employees. Nevertheless, employees are encouraged to resolve workplace grievances internally by discussing issues with their supervisor and/or the Administration, and are asked to refrain from posting comments or materials on Communication Media that can be viewed as malicious, obscene, threatening, intimidating, or that could create a hostile work environment on the basis of actual or perceived age, race, color, religious creed, national origin, nationality, sex, ancestry, marital status, civil union status, domestic partnership status, disability, familial status, affectional or sexual orientation, gender identity or expression, genetic information, refusal to submit to a genetic test or make available the results of a genetic test, atypical heredity cellular or blood trait, pregnancy or breastfeeding, veterans, those subject to military service or any other legally recognized protected basis under federal, state or local laws, regulations or ordinances if the employee chooses to address their grievances using Communication Media.

Employees can only use the Township's Communication Media for legitimate business purposes. Employees may not use Township's Communication Media in any way that is defamatory, obscene, or harassing or in violation of any Township rules or policy. Examples of forbidden transmissions or downloads include sexually-explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived age, race, color, religious creed, national origin, nationality, sex, ancestry, marital status, civil union status, domestic partnership status, disability, familial status, affectional or sexual orientation, gender identity or expression, genetic information, refusal to submit to a genetic test or make available the results of a genetic test, atypical heredity cellular or blood trait, pregnancy or breastfeeding, veterans, those subject to military service or any other legally recognized protected basis under federal, state or local laws, regulations or ordinances. Further, discriminatory remarks, harassment, bullying, threats of violence and similar behavior that is not tolerated in the workplace are also not acceptable through Communication Media, whether

same is performed on the Township's equipment or on the employee's own personal Communication Media.

All employees, who have been granted access to electronically-stored data, must use a logon ID assigned by Township. Certain data, or applications that process data, may require additional security measures as determined by the Township. Employees must not share their passwords; and each employee is responsible for all activity that occurs in connection with their passwords.

Information security is necessary to protect the Township's information (data and software) from accidental or intentional unauthorized disclosure, modification, or loss. Information security is managed under guidelines dealing with identification, authentication, authorization, production environment, and ability to audit. All employees should be familiar with such security measures adopted by the Township.

All employees may access only data for which the Township has given permission. All employees must take appropriate actions to ensure that Township data is protected from unauthorized access, use or distribution consistent with these policies. Employees may not access or retrieve any information technology resource and store information other than where authorized. All Township data must be stored centrally as required by Township. This provides greater security, and ensures backup of all Township data is performed.

Employees must not disable anti-virus and other implemented security software for any reason, in order to minimize the risk of introducing computer viruses into the Township's computing environment.

Employees may not install, modify or remove ANY hardware device, software application, program code, either active or passive, or a portion thereof, without the express written permission from the Township. Employees may not upload, download, or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of the Township, or licensed to the Township. Employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized. Workstation settings and configurations and network settings must not be modified by unauthorized employees. Internet security settings (where applicable) must not be changed. The foregoing includes but is not limited to the systems Network ID (or Computer Name), IP Address, Gateway and DNS addresses etc.

Social Media and its uses in government and daily life are expanding each year; however, information posted on a website is available to the public; therefore, employees must adhere to the following guidelines for their participation in social media. Only those Employees directly authorized by

the Administration may engage in social media activity during work time through the use of the Township's Communication Media, as it directly relates to their work and it is in compliance with this policy.

Employees must not reveal or publicize confidential Township information. Confidential proprietary or sensitive information may be disseminated only to individuals with a need and a right to know, and where there is sufficient assurance that appropriate security of such information will be maintained. Such information includes, but is not limited to the transmittal of personnel information such as medical records or related information. In law enforcement operations, confidential, proprietary or sensitive information also includes criminal history information, confidential informant identification, and intelligence and tactical operations files.

No Township employee shall post internal working documents to social media sites. This includes, but is not limited to, screenshots of computer stations, pictures of monitors and/or actual documents themselves without the prior approval of the Township Business Administrator. In addition employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job related incident or occurrence taken with the Township's Communication Media to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Township Administrator. Except in "emergency situations, "Employees are prohibited from taking digital images or photographs with media equipment not owned by the Township.

For purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes and the employee does not have access to the Township's Communication Media. If such situation occurs, employee agrees that any images belong to the Township and agree to release the image to the Township and ensure its permanent deletion from media device upon direction from the Township.

No media advertisement, electronic bulletin board posting, or any other communication accessible via the Internet about the Township or on behalf of the Township, through the use of the Township Communication Media may be issued unless it has first been approved by the Township's Administration. Specifically, employees are forbidden from using the Township Communication Media to impersonate the employer; to make statements on behalf of the employer without authorization; and/or to make statements that can be construed as establishing what the employer's official position or policy is on any particular issue. In addition, employees are prohibited from placing or posting on the Internet through the employer's Communication

Media or the employee's own personal media, either during working or non-working hours, any employer-related confidential, sensitive or other employer information of a proprietary nature, including but not limited to employer records or documents, trade secrets, internal reports, tips based on inside information that may be considered insider trading, screenshots of computer stations, pictures of monitors and/or actual documents of the employer, any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job-related incidents or occurrences.

Because authorized postings placed on the Internet through use of the Township's Communication Media will display on the Township's return address, any information posted on the Internet must reflect and adhere to all of the Township's standards and policies.

All users are personally accountable for messages that they originate or forward using the Township's Communication Media. Misrepresenting, obscuring, suppressing, or replacing a user's identity on any Communication Media is prohibited. "Spoofing" (constructing electronic communications so that it appears to be from someone else without a legitimate authorized purpose and authorized by the Township Administrator) is prohibited

Employees must respect the laws regarding copyrights, trademarks, rights of the Township and other third-party rights. Any use of the Township's name, logos, service marks or trademarks outside the course of the employee's employment, without the express consent of the Township, is strictly prohibited. To minimize the risk of a copyright violation, employees should provide references to the source(s) of information used and cite copyrighted works identified in online communications.

If employees choose to identify themselves as a Township employee on their personal social media accounts and even those that do not should be aware that he or she may be viewed as acting on behalf of the Township, as such no employee shall knowingly represent themselves as a spokesperson of the Township, post any comment , text, photo, audio, video or other multimedia file that negatively reflects upon the Township expresses views that are detrimental to the Township's mission or undermine the public trust or is insulting or offensive to other individuals or to the public in regard to actual or perceived age, race, color, religious creed, national origin, nationality, sex, ancestry, marital status, civil union status, domestic partnership status, disability, familial status, affectional or sexual orientation, gender identity or expression, genetic information, refusal to submit to a genetic test or make available the results of a genetic test, atypical heredity cellular or blood trait, pregnancy or breastfeeding, veterans, those subject to military service or any other legally recognized protected basis under federal, state or local laws, regulations or ordinances. Township employees are encouraged to exercise

extreme caution posting photographs of themselves in uniform or in situations where they can be readily identified as Township employees.

To the extent that employees use social media outside their employment while engaging in protected concerted activities as defined above, employees will not be subject to discipline or retaliation for expressing views, opinions, and/or facts surrounding the Township's employment policies. For all other communications by employees on personal social media sites in which matters related to the Township are discussed, employees must add a disclaimer on the front page stating that the posting does not express the views of the Township, and that the employees are expressing their own personal views. For example: "The views expressed on this website/web log are mine alone and do not necessarily reflect the views of my employer." The disclaimer must be placed in a prominent position and repeated for each posting that is expressing an opinion related to the Township or the Township's business, with the exception of postings and social media communications by employees engaging in protected concerted activities. Employees are advised that if they post information on social media that is in violation of either the terms and conditions of the within social media policy, or in violation of federal, state, or local laws, the disclaimer will not shield them from disciplinary action. However, no retaliation or discipline will result if and when employees are engaging in protected concerted activity, and/or choose to report inappropriate social media activities to the Township Administration.

Nothing in these policies is designed to interfere with, restrain, or prevent social media communications by employees engaging in protected concerted activities regarding wages, hours, or other terms and conditions of employment pursuant to the National Labor Relations Act. All Township employees have the right to engage in or refrain from such activities.

4. A new policy shall be added to Chapter VI of its Policies and Procedures Manual, and Chapter Two of its Employee Handbook, regarding the use of the internet, the complete text of which is as follows:

#### **USE OF INTERNET**

The Township provides Internet access to its employees in order to make available a vast array of information resources and to allow participation in and access to increasing county and state resources.

Employees must comply with all policies adopted by the Township, including but not limited to policies regarding prohibition of discrimination and harassment and all applicable federal, state and local laws, including laws governing the transmission and dissemination of information while accessing the Internet.

Employees who are using Internet may not:

- Use the network to make unauthorized entry into other computational, informational or communication services or resources;
- Distribute unsolicited advertising;
- Invade the privacy of others;
- Make any attempt to damage computer equipment or software;
- Engage in any activity that is harassing or defamatory;
- Use the Internet for any illegal activity, including violation of copyright or other rights of third parties, or in a manner inconsistent with the Township's tax-exempt status or its proper operation; and/or
- Download unauthorized software, fonts, templates or scripts.

As stated in the Communications Policy above the Township reserves the right to monitor the employee's Internet usage. In addition the Township has the right to restrict access to specific types of prohibited content through the use of a content filtering system.

5. The Township of Rockaway's Open Public Meetings Act Procedure Concerning Personnel Matters as set forth in Chapter X of its Policies and Procedures Manual, and Chapter Four of its Employee Handbook, are hereby deleted in their entirety and replaced by the following:

**OPEN PUBLIC MEETINGS ACT PROCEDURE  
CONCERNING PERSONNEL MATTERS**

Discussions by the governing body or any public body concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee may be held in closed session but must be in compliance with the Open Public Meetings Act (OPMA) and Rice notice obligations. Ultimately, the guidance as to notification of employees and the right to have the discussion in executive or the open session should be discussed with and be based upon the guidance and advice of the legal counsel for the public entity and recent court decisions.

7. In the event of a conflict between the terms of the Employee Handbook and the Policies and Procedures Manual, the terms of the Policies and Procedures Manual shall prevail and supersede any inconsistent terms in the Employee Handbook.
8. These modifications to the Township's Policies and Procedures Manual and Employee Handbook shall take effect immediately.
9. A copy of the Employee Handbook, as modified by the foregoing, shall be distributed to all Township employees, within 60 days of this Resolution.



This resolution shall take effect immediately.

If any section, subsection, sentence, clause or phrase in this resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this resolution.

I hereby certify the foregoing to be a true copy of a resolution adopted by the Township of Rockaway Council at a meeting held on \_\_\_\_\_, 2018.

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Christina Clipperton, Acting Township Clerk  
Township of Rockaway

There was discussion amongst the Council, Administration and Attorney Ryan regarding the changes being made to the Policies and Procedures Manual with this resolution, and the benefits of complying with the Joint Insurance Fund's request of the Township to adopt this resolution, as well as the revisions that had been made since this resolution was last discussed.

There was discussion about how and when this information would be provided to the Township employees.

Motion was made by Vice-President Abrahamsen, seconded by Council Member Sackett to approve Resolution R-18-199.

Roll Call Was Taken.

Yah Votes: 9 (Council Members Quinn, Friedlander, Palumbo, Smith, Sackett, Kelley, Jackson, Vice-President Abrahamsen, President Jedynek)

Nah Votes: 0

Abstentions: 0

Motion is carried.

**NEW BUSINESS:**

**DISCUSSION OF: R-18-185 RESOLUTION AMENDING RESOLUTION R-18-21  
GRANTING AUTHORIZATION TO RETAIN PROFESSIONAL SERVICES THE COST**

**OF WHICH WERE ANTICIPATED TO EXCEED THE BID THRESHOLD IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW**

**TOWNSHIP OF ROCKAWAY  
MORRIS COUNTY, NEW JERSEY**

**R-18-185**

**RESOLUTION AMENDING RESOLUTION R-18-21 GRANTING AUTHORIZATION TO RETAIN PROFESSIONAL SERVICES THE COST OF WHICH WERE ANTICIPATED TO EXCEED THE BID THRESHOLD IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW**

**WHEREAS**, the N.J.S.A. 40A:11-1 et seq. known as the Local Public Contracts Law, requires that all Contracts or Agreements for the performance of any work, shall not be made or awarded unless Public advertising for Bids and bidding, therefore, is solicited; and

**WHEREAS**, N.J.S.A. 40A:11-5 provides that any Contract or Agreement may be made, negotiated or Awarded without Public advertising for Bids and bidding, therefore, if the subject matter, consists of Professional Services, rendered or performed by a person authorized by Law to practice a recognized profession; and

**WHEREAS**, the Township of Rockaway Approved Resolution R-18-21 to fulfill its needs for such Professional Services, which Services were, throughout Calendar year 2018 performed by persons authorized by Law to practice a recognized professional as non-fair and open contracts pursuant to the provisions of N.J.S.A. 19:44A-20.5.

**WHEREAS**, the Business Administrator has determined and certified in writing that the value of the aforementioned contracts as / is are anticipated to exceed \$17,500.

**WHEREAS**, the Township of Rockaway desires to amend the award of contracts for such work which has been performed in 2018 by such contractors who previously provided the Township Administration with appropriate Business Entity Disclosure Certifications.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township

of Rockaway as follows:

- A. That in accordance with provision of N.J.S.A. 40A:11-1, the amendment of R-18-21 Awarding Contracts for the following enumerated Services, without the advertising for and the receipt of Bids for such work, inasmuch as they are Professional Services as set forth in said Statute is hereby approved and the Mayor and Township Clerk are hereby authorized to sign and enter into the same on behalf of the Township of Rockaway:

	<b>Company</b>	<b>Profession</b>	<b>Contract Not to Exceed</b>	<b>Source of Funds</b>	<b>Account Numbers</b>
1	Bell, Shivas & Fasolo, P.C.	Attorney	\$25,000.00	Board of Adjustment Tax Appeals Pending Developers Escrow	01-21-185-027 01-36-476-002
2	Burgis Associates, Inc.	Planning Consultant	\$80,000.00	Engineering Planning Board Planning Board Planning Board Developers Escrow	01-20-165-028 01-21-180-028 01-21-180-111 01-21-180-112
3	Izenberg Appraisal Associates	Appraisal	\$37,000.00	Tax Appeals Pending	01-36-476-002
4	Keller & Kirkpatrick, Inc.	Engineer	\$90,000.00	Engineering General Capital Ordinance	01-20-165-028 C-04-55-217-025
5	Laddey, Clark & Ryan	Attorney	\$90,000.00	Human Resources & Special Council	01-20-105-028 01-20-155-029 01-20-105-027
6	Peter King, LLC	Attorney	\$50,000.00	Municipal Prosecutor Municipal Court	01-25-275-021 01-42-490-028
7	Dewberry Engineering Inc.	Engineer	\$70,000	Water/Sewer Engineer Water Capital Developers Escrow	05-55-501-028 01-20-165-028 C-06-55-217-001

- B. The award of this amendment to R-18-21 to each appropriate business entity listed herein, all of which have completed and submitted an appropriate Business Entity Disclosure Certification which certified that said business entity has neither made a contribution that is reportable pursuant to the Election Law Enforcement Commission, pursuant to N.J.S.A. 19:44A-8 or 19:44A-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004 c.19 affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract or any political party committee in the Township of Rockaway if a member of that political party is serving in an elective public office of

the Township of Rockaway when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the Township of Rockaway when the contract is awarded.

- C. This Resolution shall be printed once in the Official Newspaper of the Township of Rockaway.
- D. This Resolution shall take effect as provided herein.

I, Christina Clipperton, acting Township Clerk, hereby certify this 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 November 8, 2018.

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Christina Clipperton  
Acting Township Clerk

Ms. Seger and Ms. Palmieri explained the purpose of this resolution, that the funds to support this resolution are already in the budget.

There was discussion about the purpose of the changes between R-19-21 and R-18-185.

Motion was made by Council Member Palumbo, seconded by Council Member Jackson to approve R-18-185.

Roll Call Was Taken.

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

Nah Votes: 0

Abstentions: 0

Motion is carried.

Council Member Friedlander requested that the Open to the Public portion of the meeting be placed before the Closed Session on tonight's agenda, Council Member Sackett seconded this.

Council Member Friedlander also requested that the reorganization meeting be rescheduled from January 1, 2018.

President Jedynak decided that he would not be revising the agenda to change the order of business.

There was discussion amongst the Council about scheduling the Reorganization meeting on a federal holiday.

President Jedynek recommended that the Administration present an Ordinance to allow the Council more flexibility to schedule the Reorganization meeting in the future.

**MAYOR'S APPOINTMENTS WITH CONSENT OF THE COUNCIL:**

**CORINNE GARDEPE AS TAX COLLECTOR:**

**R-18-200 RESOLUTION APPOINTING A TAX COLLECTOR FOR THE TOWNSHIP OF ROCKAWAY**

TOWNSHIP OF ROCKAWAY MORRIS COUNTY, NEW JERSEY

R-18-200

**RESOLUTION APPOINTING A TAX COLLECTOR  
FOR THE TOWNSHIP OF ROCKAWAY**

**WHEREAS**, there exists a vacancy in the position of the Rockaway Township (Township) Tax Collector; and

**WHEREAS**, the Township is required to appoint a Tax Collector pursuant to N. J.S.A. 40A:9-141 and Township Administrative Code 2-13.5, and:

**WHEREAS**, since the creation of the vacancy aforesaid, Corinne M. Gardepe has performed the duties of Tax Collector for the Township; and

**WHEREAS**, the Township advertised for the position of Tax Collector and received and reviewed resumes, including that of Corinne M. Gardepe, which process revealed that Corinne M. Gardepe was the most qualified applicant for the job; and

**WHEREAS**, the Mayor wishes to appoint Corinne M. Gardepe as the Tax Collector for the Township of Rockaway at a salary of \$80,000.00; and

**WHEREAS**, the appointment of Corinne M. Gardepe to the position of Tax Collector of the Township of Rockaway requires the consent of the Council.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Rockaway that it hereby approves of and gives its consent to the appointment of Corinne M. Gardepe to the position of Tax Collector of the Township of Rockaway, effective immediately.

**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 December 11, 2018.

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Christina Clipperton, Acting Township Clerk

Motion was made by Council Member Kelley, seconded by Council Member Smith to appoint Corinne Gardepe as Tax Collector.

Roll Call Was Taken.

Yah Votes: 9 (Council Members Quinn, Friedlander, Palumbo, Smith, Sackett, Kelley, Jackson, Vice-President Abrahamsen, President Jedynek)

Nah Votes: 0

Abstentions: 0

Motion is carried.

**REPORTS:**

Council Member Quinn stated that he had recently attended the football and cheerleading graduation with Council Members Sackett, Friedlander, Jackson and Mayor Puzio, as well as the Township's holiday events.

Council Member Friedlander had no report, but wished everyone a Happy Holiday.

Council Member Palumbo stated that he had also attended the recent holiday events.

Council Member Smith stated that she had also attended the Township's holiday events, she also wished everyone a happy holiday.

Council Member Sackett stated that he had attended the football and cheerleading graduation banquet as well as Township's holiday events, informed the public of upcoming events, announced that the Citizen's Recreation Committee needs volunteers and that if anyone is interested, they should contact Mayor Puzio, and wished everyone a happy holiday.

Council Member Kelley state that he echoed everyone's sentiments about the recent holiday events, congratulated the newly hired police officers, announced that the American Legion and the Lake Telemark Community Club are selling Christmas Trees, and asked the public to let him know if there are any families in need of assistance for the upcoming holiday.

Vice-President Abrahamsen thanked the DPW for their quick repair of a storm drain recently, congratulated the newly hired police officers and wished everyone a happy holiday.

Council Member Jackson stated that he had attended the Rockets dinner and that it was a great event, he had also attended the recent holiday events and thanked Susan Gaeb and Bryan Coward in Recreation for their hard work.

President Jedynak congratulated the newly hired police officers and thanked the employees for their hard work setting up the recent holiday events.

**CLOSED SESSION:**

**R-18-203 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 CONFIDENTIAL SECURITY ISSUES AND COLLECTIVE BARGAINING AGREEMENTS**

**RESOLUTION R-18-203**

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 CONFIDENTIAL SECURITY ISSUES, COLLECTIVE BARGAINING AGREEMENTS

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 confidential security issues and collective bargaining agreements and/or the terms and conditions and/or negotiations of the terms and conditions of collective bargaining agreements concerning FOP Rockaway Township Lodge 31 and Morris County Council VI.

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.

IT IS HEREBY CERTIFIED that this is a true copy of a Resolution adopted by the Township Council of the Township of Rockaway on December 11, 2018.

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Christina Clipperton  
Acting Township Clerk



Motion was made by Council Member Kelley, seconded by Vice-President Abrahamsen to amend the Closed Session resolution R-18-203 to include the litigation of John P. Schmidt and Mary Hollenbeck v Rockaway Township with an anticipated timeframe of one-hundred and twenty days for the matters to be resolved and available for public view.

There was discussion amongst the Council and the Attorney Iacofano about whether the motion to amend the resolution was appropriate.

Roll Call Was Taken.

Yah Votes: 6 (Council Members Palumbo, Smith, Kelley, Jackson, Vice-President Abrahamsen, President Jedyak)

Nah Votes: 2 (Council Members Friedlander, Sackett)

Abstentions: 1 (Council Member Quinn)

Motion is carried.

### **RESOLUTION R-18-203**

#### 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, CONFIDENTIAL SECURITY ISSUES, COLLECTIVE BARGAINING AGREEMENTS

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 John P. Schmidt & Mary Hollenbeck v Township of Rockaway litigation, confidential security issues and collective bargaining agreements and/or the terms and conditions and/or negotiations of the terms and conditions of collective bargaining agreements concerning FOP Rockaway Township Lodge 31 and Morris County Council VI.

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 is anticipated to not exceed 120 days.

IT IS HEREBY CERTIFIED that this is a true copy of a Resolution adopted by the Township Council of the Township of Rockaway on December 11, 2018.

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Christina Clipperton  
Acting Township Clerk

Motion was made by Vice-President Abrahamsen, seconded by President Jedynak to adopt Resolution R-18-203 and enter into Closed Session at 9:03p.m.

Roll Call Was Taken.

Yah Votes: 6 (Council Members Palumbo, Smith, Kelley, Jackson, Vice-President Abrahamsen, President Jedynak)

Nah Votes: 3 (Council Members Quinn, Friedlander, Sackett)

Abstentions: 0

Council Member Quinn left at this time.

The Council returned and the meeting resumed at 12:32a.m.

Motion was made by Council Member Kelley, seconded by Council Member Smith to accept the Memorandum of Agreement between the Rockaway Township FOP Rockaway Township Lodge 31 and the Township of Rockaway recommended by the Township Bargaining Committee, contingent upon the creation of a new Collective Bargaining Agreement; and to further recommend to the Township Administration an amicable dismissal of the pending Unfair Labor Practice Complaint filed by the Township against FOP Lodge 31.

Roll Call Was Taken.

Yah Votes: 8 (Council Members Friedlander, Palumbo, Smith, Sackett, Kelley, Jackson, Vice-President Abrahamsen, President Jedynak)

Nah Votes: 0

Abstentions: 0

Motion is carried.

### **OPEN TO THE PUBLIC:**

David Press, 71 Oakland Avenue – Mr. Press raised concerns about the length of recent Council Meetings, recent political moves made by Council Members and the scheduling of the Reorganization meeting.

Mike Iliardi, 19 N. Brookside Drive – Mr. Iliardi raised concerns about the Council not allowing the public to speak prior to the Closed Sessions, raised concerns about the Wawa project not moving forward, and stated that most residents are unhappy with the Council's actions this year.

Deborah Linnell, 237 W. Lake Shore Drive – Ms. Linnell stated that she had emailed the Council, requesting that the public comment portion of the meeting be scheduled prior to the Closed Session, congratulated Mayor Puzio, and stated that the residents are still watching, listening and holding the Council responsible for their actions.

Kim Kleindienst, 8 Nokomis Avenue – Ms. Kleindienst stated that she did not appreciate being told that she could go home after waiting five hours to speak, raised concerns about public portions of meetings being removed or placed after all items of business on the agendas and raised concerns about recent actions of the Council.

Jim Wartens, 48 Seneca Avenue – Mr. Wartens raised concerns about residents not being allowed to directly address Council Members, the public not being allowed to speak before the Closed Session, potential further OPMA violations and the scheduling of the Reorganization meeting.

Pat Degnan, 88 Valley View Drive – Ms. Degnan raised concerns about repeated agenda revisions, the Council not utilizing the abilities of a certified Clerk., and the scheduling of the Reorganization meeting as it is not only a federal holiday, but a holy day as well.

With no further business to attend to this evening, a motion was made by Council Member Jackson, seconded by Council Member Friedlander to adjourn the meeting at 1:03a.m.

Roll Call Was Taken.

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

Nah Votes – 0

Motion is carried.

Respectfully Submitted,

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Christina Clipperton  
Acting Municipal Clerk