

**February 11, 2020**

A Regular Meeting was held by the Township Council of the Township of Roxbury on February 11, 2020 at the Municipal Building located at 1715 Route 46 in Ledgewood, New Jersey at 7:30PM.

**PLEDGE OF ALLEGIANCE**

Eagle Scout Christopher Libby led the Pledge of Allegiance.

**OPEN PUBLIC MEETING STATEMENT**

Adequate notice of this Meeting of the Township Council of the Township of Roxbury was given as required by the Open Public Meetings Act as follows: On December 27, 2019, notice was faxed to the Daily Record, the Newark Star Ledger, The Roxbury Register and published in the Daily Record; notice shall also remain posted throughout the year on the bulletin board in the main hallway of the Municipal Building.

**ROLL CALL (Present):** Councilwoman Jaki Albrecht, Councilman Thomas Carey, Councilman Mark Crowley, Deputy Mayor Fred Hall, Councilman Jim Rilee, Mayor Robert DeFillippo; **Absent:** Councilman Richard Zoschak

**Also Present:** John Shepherd, Township Manager; Amy Rhead, Township Clerk; Anthony M. Bucco, Township Attorney

**Staff:** Richard Blood, Public Works Director; Marc Palanchi, Chief of Police; Lisa Spring, CFO

**Public:** approximately thirty (30) members of the public; Mike Condon, Roxbury Register reporter, Fred Aun, TAPinto Roxbury reporter

**PRESENTATIONS, AWARDS, ETC.**

**A. Presentation of Flag by Detective Jack Niemynski, Roxbury Police Department**

Detective Niemynski presented the Mayor and the Township Council along with Chief Palanchi with certificates and American Flags that were flown at his base during his tour in Samalia and Djibouti. He presented these flags in appreciation for the support he received from Roxbury while he was deployed to Africa.

**B. Certificate of Achievement – Christopher H. Libby, Eagle Scout – B.S. Troop 163**

Mayor DeFillippo presented Christopher Libby with a certificate recognizing his accomplishment in attaining the rank of Eagle Scout. Scout Libby provided an overview of his construction project consisting of twelve removable 5' x 7' light-blocking window covers for the Hillside Lutheran Church sanctuary.

**Mayor DeFillippo amended the order of the agenda to allow for the following:**

Mayor DeFillippo invited Roxbury High School Band members Emma Wilk and Sarah Wilson to the microphone. Ms. Wilk and Ms. Wilson announced that the Roxbury High School Marching Band was nominated to play in the Memorial Day Parade in Washington, DC on May 25, 2020. They spoke of ongoing fundraising in an effort to ensure every band member is given opportunity to participate. Mr. Bucco and members of the Council expressed congratulations and individually pledged to donate \$200 each toward the event.

**Mayor DeFillippo returned to the order of the agenda**

**APPROVAL OF MINUTES**

None

**PUBLIC PORTION** (3 Minutes /1 Appearance per Individual)

**Dennis Wine, 4 Holly Drive, Succasunna** – Mr. Wine asked for an update on Fenimore. Mr. Bucco advised that litigation has all been resolved in the Township's favor but added that the property is still owned by Mr. Bernardi and remains in bankruptcy. Mr. Wine asked for additional information regarding a property easement on Shippenport Road as referenced in Ordinance 04-20. Mr. Bucco confirmed that the purpose of the ordinance for realignment of the

road. Mr. Wine asked about Ordinance 03-20. Mayor DeFillippo explained that the CAP Bank Ordinance is adopted on an annual basis to provide the necessary authority to raise the cap if an unexpected or emergency situation arises. Mr. Wine referenced Resolution 2020-048 and asked if the police contract is the same as last year's contract. Mr. Shepherd confirmed.

**James Lucignano, 60 King Road, Landing** – Mr. Lucignano expressed frustration over his tax increase. Mr. Shepherd explained that some houses around the lake had been historically undervalued. Mayor DeFillippo strongly urged Mr. Lucignano to take advantage of the tax appeal process. Mr. Shepherd suggested Mr. Lucignano speak to the Township Tax Assessor.

**Connie Lamanna, 5 East Mapledale Avenue, Succasunna** – Ms. Lamanna spoke about making numerous complaints about activities occurring in front of the band shell at Horseshoe Lake. She suggested installing cameras to identify the perpetrators or closing the gate to restrict access. Chief Palanchi noted challenges associated with using gates to close the park. Mr. Shepherd will explore the possibility of utilizing a gate during certain hours of the day.

**Seeing no further comments, Mayor DeFillippo closed the Public Portion.**

## **REPORTS OF COUNCIL LIAISON REPRESENTATIVES, COUNCIL COMMITTEES AND NEW BUSINESS/OLD BUSINESS**

### **A. Reports of Council Liaison Representatives and Council Committees**

Councilwoman Albrecht announced that a guided hike at Ledgewood Park and Morris Canal Park is scheduled for Sunday, February 16th at 12:00 p.m.

Councilman Crowley reported that Brian Morrell of the Roxbury Historic Trust, Inc. attended the recent Open Space Advisory Committee meeting and advised that he plans to submit a state grant application which will require support from the Committee.

Councilman Crowley asked Mr. Bucco to research why Real Identification Driver's Licenses are not being issued by any County Motor Vehicle Agency located in Morris County.

Deputy Mayor Hall asked Mr. Shepherd to allocate time for the IT Director to assist the Recreation Department and the Environmental Commission with their webpages.

Councilman Rilee advised that COAH issues will be discussed in Executive Session.

Mayor DeFillippo reported on the Water and Sewer Committee meeting.

### **B. New Business/Old Business**

None

## **MATTERS REQUESTED / REFERRED BY COUNCIL MEMBERS, MANAGER, ATTORNEY OR CLERK**

### **A. Righter Road Parking restrictions - proposed Ordinance**

Mr. Shepherd discussed current parking restrictions on Righter Road between Eyland Avenue and the Randolph Township border adjacent to the Horseshoe Lake Park. The Traffic Committee and the Chief of Police are requesting an extension of the prohibition which would limit parking on the opposite side of Righter Road.

### **B. Water and Sewer Service Agreement with Netcong Borough**

**At 8:27PM, Attorney Bucco left the dais and recused himself from the discussion due to a conflict of interest as a result of his position as legal counsel to Netcong Borough.**

Mr. Shepherd discussed an agreement between Netcong Borough and Roxbury Township that encompasses properties located in Roxbury but serviced by Netcong Water and Sewer due to physical connections that have been in place for many years. He explained that the agreement allows liens to be placed on properties with outstanding water or sewer charges.

**At 8:30PM, Attorney Bucco returned to the dais**

**C. Capital Budget discussion**

Mr. Shepherd and Ms. Spring reviewed the outstanding Capital Budget items with Council.

**Fire Department**

Councilman Rilee advised Council of the need to replace outdated air packs that no longer have replacement parts available. Mr. Shepherd recommended purchasing replacements over a number of years. Councilman Rilee informed Council that there was also extensive discussion with the Fire Chiefs regarding their request to purchase a specialized washer and dryer for their fire gear. Discussion occurred regarding obtaining a cost analysis of cleaning the uniforms in-house as opposed to using an outside cleaning service. Mayor DeFillippo expressed the importance of long-term budgeting and incorporating an inventory rotation schedule that identifies the equipment’s lifespan and date of replacement.

**Open Space funding use for improvements of Parks and Recreation**

Mr. Shepherd suggested utilizing Open Space funds for the following projects:

- Mooney Mountain Playground (alternative: reduce the utility cart allocation by 50%, reallocate \$15,000 to the playground and fund the remaining \$3,000 from Capital)
- Righter Road Field Renovation Improvements
- Kiwanis Park Tennis Court Restoration
- Kiwanis Park Dugout

Additional options/alternative suggestions were discussed, including moving the items back a year. Deputy Mayor Hall noted that some of the long-term projects need to become part of the (Kiwanis) Recreation Master Plan.

Deputy Mayor Hall advocated for the purchase of new tables for the Senior Center. Mayor DeFillippo asked for an update on the table assessment. Mr. Blood stated that any issues with the tables have been repaired/corrected. Deputy Mayor Hall pointed out that the tables are thirty years old and should be replaced. Mayor DeFillippo recommended replacing items on a rotating basis instead of all at once.

Councilman Crowley noted that the Social Services entrance needs repair. Mr. Shepherd advised the money was budgeted last year and upgrades should be completed this year.

Mayor DeFillippo thanked Mr. Shepherd and Mrs. Spring for their work on the Capital Budget.

**INTRODUCTION OF PROPOSED ORDINANCES**

**02-20** AN ORDINANCE AUTHORIZING THE ACQUISITION OF A PORTION OF CERTAIN REAL PROPERTY LOCATED AT BLOCK 5503, LOT 9, MORE COMMONLY KNOWN AS A PORTION OF 208B EMMANS ROAD, FLANDERS, IN THE TOWNSHIP OF ROXBURY, COUNTY OF MORRIS AND STATE OF NEW JERSEY

Ordinance No. 02-20 was introduced in writing, read by title, and will be further considered for final passage, after public hearing thereon, at a meeting of the Township Council to be held at its meeting room in the Municipal Building, 1715 Route 46 West, Ledgewood, New Jersey, on February 25, 2020 at 7:30PM.

Councilman Crowley made a motion to approve the introduction of Ordinance No. 02-20. Deputy Mayor Hall seconded the motion.

Roll Call:	Councilwoman Albrecht	- Yes	Councilman Carey	- Yes
	Councilman Crowley	- Yes	Deputy Mayor Hall	- Yes
	Councilman Rilee	- Yes	Mayor DeFillippo	- Yes

Motion carried unanimously, 6 to 0.

**03-20** CALENDAR YEAR 2020 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

Ordinance No. 03-20 was introduced in writing, read by title, and will be further considered for final passage, after public hearing thereon, at a meeting of the Township Council to be held at its meeting room in the Municipal Building, 1715 Route 46 West, Ledgewood, New Jersey, on February 25, 2020 at 7:30PM.

Councilman Rilee made a motion to approve the introduction of Ordinance No. 03-20. Councilman Carey seconded the motion.

Roll Call: Councilwoman Albrecht - Yes Councilman Carey - Yes  
Councilman Crowley - Yes Deputy Mayor Hall - Yes  
Councilman Rilee - Yes Mayor DeFillippo - Yes

Motion carried unanimously, 6 to 0.

**04-20 AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY LOCATED AT BLOCK 11102, LOT 1, MORE COMMONLY KNOWN AS 115 SHIPPENPORT ROAD, IN THE TOWNSHIP OF ROXBURY, COUNTY OF MORRIS AND STATE OF NEW JERSEY**

Ordinance No. 04-20 was introduced in writing, read by title, and will be further considered for final passage, after public hearing thereon, at a meeting of the Township Council to be held at its meeting room in the Municipal Building, 1715 Route 46 West, Ledgewood, New Jersey, on February 25, 2020 at 7:30PM.

Councilman Rilee made a motion to approve the introduction of Ordinance No. 04-20. Deputy Mayor Hall seconded the motion.

Roll Call: Councilwoman Albrecht - Yes Councilman Carey - Yes  
Councilman Crowley - Yes Deputy Mayor Hall - Yes  
Councilman Rilee - Yes Mayor DeFillippo - Yes

Motion carried unanimously, 6 to 0.

**HEARING AND ADOPTION OF ORDINANCES ON SECOND READING**

**01-20 AN ORDINANCE AMENDING CHAPTER V, "ANIMAL CONTROL," SECTION 7, "PENALTY," OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROXBURY**

Deputy Mayor Hall made a motion to open Ordinance No. 01-20 to the public. Councilman Crowley seconded the motion.

Voice Vote: All in Favor – Yes; Motion carried unanimously, 6 to 0.

*No Public Comment*

Deputy Mayor Hall made a motion to close Ordinance No. 01-20 to the public. Councilwoman Albrecht seconded the motion.

Voice Vote: All in Favor – Yes; Motion carried unanimously 6 to 0.

Councilman Crowley made a motion to approve the adoption of Ordinance No. 01-20. Councilwoman Albrecht seconded the motion.

Roll Call: Councilwoman Albrecht - Yes Councilman Carey - Yes  
Councilman Crowley - Yes Deputy Mayor Hall - Yes  
Councilman Rilee - Yes Mayor DeFillippo - Yes

Motion carried unanimously, 6 to 0.

**INTRODUCTION AND ADOPTION OF RESOLUTIONS**

**2020-044 A RESOLUTION INCORPORATING BY REFERENCE HEREIN AND APPROVING THE FOLLOWING NUMBERED RESOLUTIONS LISTED ON THE REGULAR COUNCIL MEETING AGENDA FOR THIS DATE:**

*\*NOTE: listing of numbers is out of sequence for the following reason(s): Resolution No. 2020-033 was reintroduced after being tabled on January 21, 2020.*

2020-033,\* 2020-045, 2020-046, 2020-047, 2020-048, 2020-049,  
2020-050, 2020-051, 2020-052, 2020-053, 2020-054, 2020-055,  
2020-056, 2020-057, 2020-058, 2020-059, 2020-060, 2020-061

Councilman Rilee made a motion to approve the adoption of Incorporating Resolution No. 2020-044. Councilwoman Albrecht seconded the motion.

Roll Call:	Councilwoman Albrecht	- Yes	Councilman Carey	- Yes
	Councilman Crowley	- Yes	Councilman Hall	- Yes
	Councilman Rilee	- Yes	Mayor DeFillippo	- Yes

Motion carried unanimously, 6 to 0.

**2020-033** A RESOLUTION AUTHORIZING ADDITIONAL SALARIES AND COMPENSATION FOR THE MUNICIPAL JUDGE FOR THE YEAR OF 2020

*NOTE: This resolution was previously PULLED from the January 21, 2020 Council Meeting agenda.*

**2020-045** A RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN THE 2019 MORRIS COUNTY OPEN SPACE TRUST FUND GRANT AGREEMENT FOR ACCEPTANCE OF GRANT MONIES FOR PURCHASE OF THE PROPERTY IDENTIFIED AS VETERANS PARK ADDITION, BLOCK 5503, LOT 9

**2020-046** A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF ROXBURY, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT FOR THE LAFAYETTE SCHOOL PROJECT NUMBER 2019.0030 UNDER THE PRESERVE NEW JERSEY HISTORIC PRESERVATION FUND ADMINISTERED BY THE NEW JERSEY HISTORIC TRUST

**2020-047** A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF ROXBURY, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT FOR THE MORRIS CANAL PROJECT NUMBER 2019.1025 UNDER THE PRESERVE NEW JERSEY HISTORIC PRESERVATION FUND ADMINISTERED BY THE NEW JERSEY HISTORIC TRUST

Councilman Rilee asked for an update on the Canal Society Agreement. Mr. Shepherd advised that it is in the final stages of completion.

**2020-048** A RESOLUTION TO ADOPT THE PROVISIONS OF CHAPTER 48 (N.J.S.A. 52:14.17.38) UNDER WHICH A PUBLIC EMPLOYER MAY AGREE TO PAY FOR THE SHBP AND/OR SEHBP COVERAGE OF CERTAIN RETIREES

Councilman Carey asked for the translation of the acronyms. Mr. Shepherd stated that SHBP is the acronym for State Health Benefits Program and SEHBP stands for School Employees' Health Benefits Program.

**2020-049** A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO TILCON NEW YORK INCORPORATED FOR THE MAIN STREET, SUCCASUNNA RESURFACING PROJECT

**2020-050** A RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL LABORATORY SERVICES CONTRACT TO AGRA ENVIRONMENTAL AND LABORATORY SERVICES FOR THE WATER UTILITY

**2020-051** A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A PERFORMANCE GUARANTEE SUBMITTED BY QUICK CHEK CORPORATION FOR THE CONSTRUCTION OF THE IMPROVEMENTS WITHIN THE MOUNTAIN ROAD RIGHT OF WAY ALONG THE FRONTAGE OF 84 ROUTE 206, FLANDERS, BLOCK 9202, LOT 8.01

**2020-052** A RESOLUTION AUTHORIZING THE RELEASE OF THE TREE REMOVAL IRREVOCABLE STANDBY LETTER OF CREDIT POSTED BY RALZONE, LLC FOR THE DEVELOPMENT KNOWN AS SHEEP MEADOW FARMS, CAREY ROAD, BLOCK 4305, LOT 12

**2020-053** A RESOLUTION AUTHORIZING THE RELEASE OF THE SITE IMPROVEMENTS IRREVOCABLE STANDBY LETTER OF CREDIT POSTED BY RALZONE, LLC FOR THE DEVELOPMENT KNOWN AS SHEEP MEADOW FARMS, CAREY ROAD, BLOCK 4305, LOT 12

- 2020-054** A RESOLUTION AUTHORIZING THE REFUND OF TAXES
- 2020-055** A RESOLUTION AUTHORIZING THE REFUND OF TAXES
- 2020-056** A RESOLUTION AUTHORIZING THE REFUND OF TAXES
- 2020-057** A RESOLUTION AUTHORIZING THE REFUND OF SEWER UTILITY OVERPAYMENT
- 2020-058** A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION FROM QUICKCHEK REALTY, LLC, CONCERNING BLOCK 9202, LOT 8.01 AND IN AN AREA MORE COMMONLY KNOWN AS MOUNTAIN ROAD
- 2020-059** A RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH THE COUNTY OF MORRIS FOR USE OF APPROXIMATELY 2,200 SQUARE FEET OF SPACE AT THE ROXBURY COMMUNITY CENTER FOR A NUTRITION SITE FOR CALENDAR YEAR 2020  
Councilman Crowley expressed gratitude for the County choosing Roxbury as the venue for such a wonderful program.
- 2020-060** A RESOLUTION APPOINTING IRA A. COHEN, ESQ. AS JUDGE OF THE MUNICIPAL COURT OF THE TOWNSHIP OF ROXBURY
- 2020-061** A RESOLUTION AUTHORIZING THE PAYMENT OF BILLS

#### **PERSONNEL CHANGES**

None

#### **COMMUNICATIONS**

January 24, 2020

January 31, 2020

February 7, 2020

Councilman Rilee made a motion to file the Communications. Councilwoman Albrecht seconded the motion.

Voice Vote: All in Favor – Yes; Motion carried unanimously, 6 to 0.

#### **PUBLIC PORTION** (3 Minutes /1 Appearance per Individual)

None

#### **EXECUTIVE SESSION**

**2020-062** A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF ROXBURY, IN THE COUNTY OF MORRIS, NEW JERSEY AUTHORIZING CONFERENCE OF THE TOWNSHIP COUNCIL WITH THE PUBLIC EXCLUDED

Matter(s) relating to:

- 1. Litigation** – COAH
- 2. Contract Negotiations** – RoxPAC Lease (*not discussed*)

At 9:05PM, Councilman Crowley made a motion to adopt Resolution No. 2020-062 for Executive Session. Councilman Carey seconded the motion.

Voice Vote: All in Favor – Yes; Motion carried unanimously, 6 to 0.

**At 9:51PM, the Council returned to the open session of the meeting.**

#### **ADJOURNMENT**

At 9:51PM, Deputy Mayor Hall made a motion to adjourn the meeting. Councilman Rilee seconded the motion.

Voice Vote: All in Favor – Yes; Motion carried unanimously, 6 to 0.

Submitted by:

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Amy E. Rhead, RMC  
Township Clerk

**MINUTES APPROVED BY COUNCIL:**

**DATE:** July 14, 2020

**ROLL CALL:** Councilwoman Albrecht - Yes  
Councilman Carey - Yes  
Councilman Crowley - Yes  
Deputy Mayor Hall - Yes  
Councilman Rilee - Yes  
Councilman Zoschak - Abstain  
Mayor DeFillippo - Yes