

May 24, 2011

A Regular Meeting of the Township Council of the Township of Roxbury was held on May 24, 2011 at the Municipal Building, 1715 Route 46, Ledgewood, New Jersey at 7:30 PM.

PLEDGE OF ALLEGIANCE

OPEN PUBLIC MEETING STATEMENT

Adequate notice of this Regular Meeting of the Township Council of the Township of Roxbury was given as required by the Open Public Meetings Act as follows: Notice was published in the Daily Record on December 23, 2010; Notice was faxed to the Daily Record, the Newark Star Ledger, The Roxbury Register, and was posted on the bulletin board in the main hallway of the Municipal Building, on December 20, 2010.

ROLL CALL (Present): Councilman Gary Behrens
Councilwoman Kathy DeFillippo (arrival: 7:35 p.m.)
Deputy Mayor Fred Hall
Councilman Marty Schmidt
Councilman Rich Zoschak
Mayor Jim Rilee

Absent: Councilman Tim Smith

Also Present: Christopher Raths, Township Manager
Anthony Bucco, Esq., Township Attorney
Amy Rhead, Acting Township Clerk

APPROVAL OF MINUTES

PULLED - May 17, 2010 – Joint Council/BOE Meeting - **PULLED**

PULLED - February 15, 2011 – Budget Meeting - **PULLED**

PULLED - March 1, 2011 – Budget Meeting - **PULLED**

January 25, 2011 – Budget/Regular Meeting

April 12, 2011 – Regular Meeting

Councilman Schmidt made a motion to approve the minutes of January 25th and April 12th 2011. Deputy Mayor Hall seconded the motion.

Roll Call:	Councilman Behrens – Yes	Councilwoman DeFillippo – Yes
	Deputy Mayor Hall – Yes	Councilman Schmidt – Yes
	Councilman Zoschak – Yes	Mayor Rilee – Yes

Motion carried 6 to 0.

Mayor Rilee amended the order of the agenda to allow for the following item under MATTERS REQUESTED/REFERRED BY COUNCIL MEMBERS, MANAGER, ATTORNEY OR CLERK:

Certificate of Appreciation – Veronica Gfroehrer

Mayor Rilee presented Ms. Gfroehrer with a certificate of appreciation for her recent heroic efforts that saved a co-worker's life after he suffered a traumatic injury. On behalf of the State of the New Jersey, Assemblyman Bucco presented Ms. Gfroehrer with a joint Senate and Assembly Citation recognizing her courageous efforts. The victim of the accident was also in attendance and expressed his gratitude. Ms. Gfroehrer spoke about the teamwork and assistance from other individuals who were on the scene that day.

Mayor Rilee returned to the order of the agenda.

7:35 PM Councilwoman DeFillippo arrived at this time.

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

Councilman Schmidt stated that a well-known, local architect was willing to make the commitment to fill the vacancy on the Historic Advisory Committee.

Councilman Schmidt made a motion to appoint Ken Fox as a member of the Historic Advisory Committee. Councilman Zoschak seconded the motion.

Roll Call:	Councilman Behrens – Yes	Councilwoman DeFillippo – Yes
	Deputy Mayor Hall – Yes	Councilman Schmidt – Yes
	Councilman Zoschak – Yes	Mayor Rilee – Yes

Motion carried 6 to 0.

Councilman Schmidt attended the prior evening's Taste of Roxbury. He thanked Mr. Raths and Councilwoman DeFillippo for their involvement in the Chamber of Commerce group and felt it the biggest and best out of the last four annual events.

Councilman Schmidt reminded everyone about the Memorial Day Parade and invited all to attend. Councilwoman DeFillippo wanted to make sure that the police had been information about the parade. Councilman Schmidt confirmed that the police had been apprised of the parade details.

Councilman Schmidt spoke about a company interested in leasing approximately ten (10) acres of land to use for compost and that having such a facility locally could produce benefits for the township. Mr. Raths stated that if the Council wanted to proceed, the project would have to be bid through a fair and open process. Further discussion took place regarding whether it would be a permitted use in the zone, the need for restoration bonds, site plan approval and provisions for vacating the use if the land was needed for COAH obligations.

Councilman Zoschak said there are potholes on Logan Drive that are in need of repair. Mr. Raths said that Mr. Blood would be addressing the issue.

Councilman Zoschak spoke briefly about discussions that have been taking place with Mt. Arlington regarding the possibility of merging police services. It was pointed out that the Council has not been apprised of any potential scenarios that are being discussed.

Councilman Zoschak asked about the status of the Fire Co. 2 Annex project. Mr. Raths stated that Mr. Kobylarz has been requesting proposals for every phase of the project. Mayor Rilee said that the Council has only seen preliminary cost estimates and would need to discuss further before any design decisions are made.

Councilman Zoschak reported that the Water and Sewer Committee was still waiting for the NJDEP and the MCMUA to come to an agreement regarding water allocation issues. Councilman Zoschak reminded the Council that there are Roxbury projects that cannot proceed without the permits in place.

Councilman Zoschak updated the Council on issues involving the Lake Hopatcong Committee. He stated that the seasonal employees are working on fixing the weed harvesters.

Councilman Zoschak asked if the Township could store three (3) weed harvesters at the Pine Street location. Mr. Raths said he would have to speak with Mr. Blood before committing to using a building for storage. Councilwoman DeFillippo reiterated that the staff would need to be consulted.

Councilman Behrens also described the Taste of Roxbury as having been an incredible event.

Councilwoman DeFillippo updated the Council on the fundraising and marketing ideas that were discussed at the Main Street Committee meeting.

Councilwoman DeFillippo reported that the recent MS Walk at Horseshoe Lake was the fourth largest group of the Chapter with well over nine-hundred people participating, correcting her previous estimate of seven-hundred attendees.

Councilwoman DeFillippo stated that the issues addressed at the Water and Sewer Committee meeting would be discussed in Executive Session.

Deputy Mayor Hall complimented the staff for their efforts on organizing the recent ribbon-cutting event at the new DPW building.

Deputy Mayor Hall said that they are starting to look at the Righter Road fields that were purchased a while ago.

Deputy Mayor Hall said he met with the Open Space Committee to go over the status of the opening of the path to Black River and its extension into the Horseshoe Lake facility. He said that the group took a walk to examine the alternate paths that seemed to be appearing around the gated area, after which time they all agreed that it is very important to get the County to allow access through the gate.

Deputy Mayor Hall asked why a lease agreement was being considered for the roadway running parallel with the railroad tracks at the back of the Horseshoe Lake property, as the Township was supposed to assume ownership of it. Mr. Rath and Mayor Rilee explained that, in order to retain their federal funding, the County must complete all their work prior to transferring ownership of the property. It was decided that language should be added to the license agreement ensuring that the lease arrangement would be temporary and guaranteeing the end result of the Township having ownership. Mr. Bucco stated that he had already suggested that language be added and would verify that it was included in the final, revised version.

Mr. Rath said that the parcel behind the end of the tracks and Righter Road is not part of the lease agreement and needs to be revisited with the County.

Deputy Mayor Hall announced that Mayor Rilee had been appointed to the Highlands Commission.

Mr. Rath reported on the recent Open House and Ribbon Cutting ceremony hosted by the Township.

Mr. Rath stated that he would be out of town on Wednesday, Thursday and Friday afternoon.

Mr. Rath announced that he had selected Captain Simonetti for promoted to the position of Chief of Police upon Chief Noll's retirement. He said the current chief has done a great job. He also informed the Council that the transition would be opening up positions for Captain, Lieutenant and Sergeant and that, unless there were any objections, he would be proceeding with those promotions, as well; all would be effective beginning July 1st.

Mayor Rilee asked Chief Noll to join the meeting to answer any questions from the Council.

Councilman Zoschak asked for verification that there would not be any additional positions in the police department. Chief Noll confirmed that the new assignments would not create any additional positions.

In reference to the reduction in force, Mayor Rilee asked if the same number of officers were needed. Chief Noll responded that, while the reduction in force reduces the number of people on the roster, it does not reduce the work load; therefore, the same number of positions would be necessary.

Discussion ensued regarding various cost structure scenarios and the subsequent impact on the Township and individual ranks in the event of a merger with the Mount Arlington Police Department. It was mentioned that there would probably be a stipulation for Mount Arlington to be responsible for the cost difference if any of the officers were to come over at rank. It was pointed out that the Township and Mount Arlington are still in the investigatory stages of the possibility of merging police departments. No agreements or decisions have been made.

Mayor Rilee reminded the public that the new DPW building was built with funding from the mid-1990s.

A. New Business

None

B. Old Business

1. Di Lauro – 13 N. Second Avenue

Council members discussed a situation regarding a resident who has had a shed situated on Township owned property for several years and would like permission for it to remain there. Mr. Bucco reviewed the Township's options which included requesting the property owner to move the shed to his own property, or allowing it to stay under the condition that a Hold Harmless Agreement and other insurance indemnification be secured. So as not to set a precedent or incur legal responsibility, Council members agreed that it would be in the best interest of the municipality to have the property owner remove the shed.

During the review of the requestor's map, Mr. Bucco advised Council members that a different property owner had a pool that was encroaching on Township owned property. Mr. Raths stated that he would investigate further and advise Council on his findings. He stressed the importance of the Township being consistent in its response to encroachments on Township property.

Mayor Rilee amended the order of the agenda to make comments on claims made in recent political brochures and mailings.

Mayor Rilee stated that he does not usually get involved in politics from the dais, but felt it was important to address allegations made by an opponent of Senator Bucco (Republican Candidate for Senator) via recent political mailings. He stated that the reported fees paid to Mr. Bucco's firm were inaccurate. Mayor Rilee made it clear that Senator Bucco had no part in getting his son, Anthony M. Bucco, a position as Roxbury's attorney. He stated that Roxbury's Council was bipartisan at the time and Mr. Bucco was selected as the Township attorney based on his own credentials, reputation and recommendations from other municipalities. Councilman Behrens said that the accusations made in the brochures were insulting and uncalled for. Deputy Mayor Hall said that the Township continues to appoint Mr. Bucco as the attorney of record because of the level of confidence the Council has in his performance and his professionalism and for no other reason. Councilman Schmidt agreed and said it seems like a cheap shot from someone that has an axe to grind with Roxbury.

Mayor Rilee returned to the order of the agenda.

C. Presentations

None

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

1. ROMAC Committee Appointment – no suggestions

2. Certificate of Appreciation – Veronica Gfroehrer – previously presented

PUBLIC PORTION

Dennis Wine

4 Holly Drive, Succasunna

Mr. Wine complimented the staff on the success of the Open House event. He complimented Todd Vanderhoof for doing an excellent job as a tour guide at the Sewer Plant and thanked him for his attention and courteousness.

Robert Kluska

274 Emmans Road, Flanders

Mr. Kluska suggested that the Council consider recognizing the efforts of the Friends of the Library volunteers. He said they raise approximately four to five thousand dollars each time they host their biannual book sale. Mayor Rilee thanked Mr. Kluska for the idea and said it would be arranged for the next Neighborhood Meeting.

Ralph Nappi

29 Ford Road, Landing

Mr. Nappi asked for clarification regarding the outcome of the previous discussion about the shed that is on the Township's property. Mayor Rile explained that the Planning Board would be requiring the property owner to remove it. Mr. Raths said that a letter would be written advising the property owner.

DRAFT ORDINANCES FOR DISCUSSION

None

INTRODUCTION OF PROPOSED ORDINANCES

None

HEARING AND ADOPTION OF ORDINANCES ON SECOND READING

None

INTRODUCTION AND ADOPTION OF RESOLUTION

11-148 A RESOLUTION INCORPORATING BY REFERENCE HEREIN AND APPROVING THE FOLLOWING NUMBERED RESOLUTIONS LISTED ON THE REGULAR COUNCIL MEETING AGENDA FOR THIS DATE: 11-149, 11-150, 11-151, 11-152, 11-153, 11-154, 11-155, 11-156, 11-157, 11-158, 11-159, 11-160

Councilman Schmidt made a motion to adopt incorporating Resolution No.11-148. Councilwoman DeFillippo seconded the motion.

Roll Call:	Councilman Behrens – Yes	Councilwoman DeFillippo – Yes
	Deputy Mayor Hall – Yes	Councilman Schmidt – Yes
	Councilman Zoschak – Yes	Mayor Rilee – Yes

Motion carried 6 to 0.

11-149 A RESOLUTION AUTHORIZING MICHAEL A. KOBYLARZ, TOWNSHIP ENGINEER/DIRECTOR OF UTILITIES TO BE THE AUTHORIZED REPRESENTATIVE TO ENDORSE THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION MUNICIPAL STORMWATER ANNUAL REPORT FOR THE TOWNSHIP OF ROXBURY

11-150 A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO T.R. WENIGER, INC., GREEN BROOK, NJ FOR THE CONSTRUCTION OF THE LAURIE ROAD DRAINAGE PROJECT

11-151 A RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE POSTED WITH THE TOWNSHIP OF ROXBURY IN CONNECTION WITH WORK PERFORMED AND ACCEPTED IN ACCORDANCE WITH A TOWNSHIP RIGHT-OF-WAY EXCAVATION PERMIT

11-152 A RESOLUTION AUTHORIZING THE REFUND OF UNUSED ENGINEERING INSPECTION FEES POSTED WITH THE TOWNSHIP IN CONNECTION WITH WORK PERFORMED IN ACCORDANCE WITH VARIOUS PROJECTS

11-153 A RESOLUTION AUTHORIZING THE TOWNSHIP OF ROXBURY TO ENTER INTO A COOPERATIVE PRICING AGREEMENT WITH THE MIDDLESEX REGIONAL EDUCATIONAL SERVICES COMMISSION

Councilwoman DeFillippo asked why the Township would enter into an agreement with Middlesex Regional. Mr. Raths responded that the Township received better prices on certain items by joining.

11-154 A RESOLUTION AUTHORIZING THE SALE OF MUNICIPAL SURPLUS PROPERTY

Councilman Schmidt asked why the Township's old grater was not included with the sale. He said that the machine would be sold once all the old asphalt has been hauled away and the rear yard of the DPW building could be completed.

11-155 A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO TILCON NEW YORK INCORPORATED FOR MILLING AND PAVING OF LENEL ROAD

11-156 A RESOLUTION AUTHORIZING THE PURCHASE OF ADDITIONAL FLEET MANAGEMENT SOFTWARE FOR THE EQUIPMENT REPAIR DIVISION FROM ARSENAULT ASSOCIATES

11-157 A RESOLUTION AUTHORIZING THE EXECUTION OF AN ANIMAL CONTROL SERVICES MUTUAL AID AGREEMENT WITH THE BOROUGH OF HOPATCONG

Mayor Rilee advised Council members to refer to the updated resolution on the dais.

11-158 A RESOLUTION AMENDING THE MEMBERSHIP OF THE TOWNSHIP FIRE DEPARTMENT

11-159 A RESOLUTION AUTHORIZING THE REFUND OF TAXES

11-160 A RESOLUTION AUTHORIZING THE PAYMENT OF BILLS

PERSONNEL CHANGES

None

COMMUNICATIONS

May 13, 2011

#1 Letter from Christopher Raths, Township Manager, to Mr. Glenn Schweizer, Executive Director MCMUA, dated May 6, 2011, re: \$94,131.82; payment to settle outstanding debt from prior contractual water allocation amounts

Deputy Mayor Hall asked if more information would be provided about the above correspondence. Mr. Raths stated that he had prepared a packet of information that the Council would be receiving.

#2 Letter from Richard Boornazian, Administrator, NJDEP Green Acres Program, to Christopher Raths, dated April 29, 2011, re: notification that Roxbury Open Space Plan (project no.1436-00-009) was not recommended for recent round of 2011 funding

Mayor Rilee asked what property the above correspondence was in reference to. Mr. Raths responded that the notification was in reference to general PIG money. He said that Roxbury could reapply and be in position to get additional funds after the closing of a project currently on the horizon.

May 20, 2011

#11 Mayors Advisory, dated May 11, 2011, re: S-2006/A-3125 regulating Solar Panels

Mayor Rilee expressed support for the Governor's cause but concern about the impact on the local roads. Mayor Rilee asked for a letter to be drafted and sent to the state regarding concerns about monetary costs for municipalities to repair damaged road due to excessive track traffic. Discussion ensued regarding the need to provide protection to municipalities.

PUBLIC PORTION

Dennis Wine

4 Holly, Succasunna

Mr. Wine said that other municipalities might want to join Council's efforts to relay concerns about the NJDEP's rules about solar panels being installed. Discussion ensued regarding the need for some kind of mechanism to protect the municipalities from damages.

Ralph Nappi

29 Ford Road, Landing

Mr. Nappi referenced an ordinance from the previous meeting that authorized \$465,000 to be used for sanitary sewer improvements, including grinder pump replacements. Mr. Nappi asked Mr. Raths if there is a problem with the grinder pumps in Landing. Mr. Raths explained that as they surpass their life expectancy, the Township replaces approximately three or four grinder pumps each year.

Mr. Nappi thanked the Clerk's office for providing hard copies of all approved meeting minutes at the meetings hank for minutes

Councilman Zoschak spoke about a previous situation he encountered and suggested taking photographs of the roads prior to trucks traveling on the roads and transporting

EXECUTIVE SESSION

11-161 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 8:45PM

Contract Negotiations:

- MCMUA Water Agreement Amendment
- Union negotiations

Land Acquisition

- McNear

Attorney Client Privilege

- DiLauro

At 8:40PM, Councilman Zoschak made a motion to adopt Resolution No.11-161 for Executive Session. Councilman Schmidt seconded the motion.

Roll Call: All in Favor – Yes

Motion carried 6 to 0.

At 9:20PM, the Council returned to the open session of the meeting.

ADJOURNMENT

At 9:20PM, Councilman Zoschak made a motion to adjourn the meeting. Councilman Schmidt seconded the motion.

Roll Call: All in Favor – Yes

Motion carried 6 to 0.

Submitted By:

Amy E. Rhead
Acting Township Clerk

MINUTES APPROVED BY COUNCIL

DATE: July 26, 2011

ROLL CALL: Councilman Behrens – Yes
Councilwoman DeFillippo – Yes
Deputy Mayor Hall – Yes
Councilman Schmidt – Yes
Councilman Smith – Abstain
Councilman Zoschak – Yes
Mayor Rilee – Yes