

March 8, 2011

A Regular Meeting of the Township Council of the Township of Roxbury was held on March 8, 2011 at the Municipal Building located at 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
Deputy Mayor Fred Hall
Councilman Tim Smith
Mayor Jim Rilee

Absent: Councilman Martin Schmidt (*Mayor Rilee announced that Councilman Schmidt was representing the Township at a Community Development Block Grant (CDBG) meeting.*)
Councilman Rich Zoschak

Also Present: Michael Kobylarz, Acting Township Manager
Robert Oostdyk, Esq., Associate Township Attorney
Amy Rhead, Acting Township Clerk
Kathy Florio, Administrative Aide

APPROVAL OF MINUTES

None

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

Mayor Rilee amended the order of the agenda to allow for the following:

Presentations: Engineering – Wastewater Management Plan

Michael Kobylarz, Township Engineer, and Melanie Michetti, Assistant Township Engineer, were joined by Christine Marion, Morris County Director of Planning; Virginia Michelin, Morris County Department of Planning and Development; and Clay Sherman New Jersey Department of Environmental Protection (NJDEP) to discuss the Wastewater Management Plan.

Mr. Kobylarz reviewed the status of the Wastewater Management Plan and the new NJDEP rules and its impact on the septic and sewer areas.

The following maps were utilized during the discussion:

- Roxbury Township, Map 2M: “Existing Sewered Areas (SSA)”, dated January 4, 2010, prepared by the Morris County Department of Planning and Development
- Roxbury Township Interim Draft, Map 3M: “Future Wastewater Service Areas”, dated January 5, 2011, prepared by the Morris County Department of Planning and Development
- “Properties Affected by the New Jersey Department of Environmental Protection (NJDEP) Water Quality Management Planning Rules”, dated March 8, 2011, prepared by the Roxbury Township Engineering Department.

Christine Marion spoke about the County’s awareness of wetlands, endangered species, Hercules’ decreased size, water quality and septic systems. The Council expressed concerns about the impact on properties and the Township’s future build-

out. Ms. Marion said that the NJDEP has not agreed with the County's water quality management plans.

Council members expressed frustration about having the NJDEP take away the plan put in place through the Master Plan process. The Council was concerned about the impact on the residents and businesses. They asked what options were available for residents if their septic system failed. Mr. Sherman said that they would be able to hook into a sewer line if there was one available.

Deputy Mayor Hall asked what affect the new rules would have on the Township's COAH obligations. Mr. Kobylarz responded and said the potential impact is still being investigated.

Councilman Smith asked how residents would be notified that these changes were being made. Ms. Marion said that the County sent letters to approximately seventy property owners regarding the new rules (even though there will be over four hundred property owners affected). She said that formal notification and an opportunity for public comment will take place at a later date.

Mr. Sherman reiterated that the driving force behind the designation changes were threatened endangered species, wildlife habitat and riparian layers. Councilman Smith asked how the sewer service area impacted endangered species.

Mayor Rilee returned to the order of the agenda.

Councilman Smith reported that the Economic Development Committee would be meeting on the 24th of March.

Councilman Smith reported that the Open Space Committee's Master Plan would be available in the near future. He also reported that the Committee had extended invitations to surrounding towns to host a meeting to discuss trails. Councilman Smith reported that the Water and Sewer Committee would be meeting this Friday.

Councilman Behrens reported on the recent Board of Education meeting.

Councilwoman DeFillippo reported on the rescheduling of the Main Street Committee meeting.

Councilwoman DeFillippo reported on the previous evening's Freight Railroad Committee Advisory meeting and the presentation that was given regarding the High Bridge Branch and Chester Branch in Roxbury. She said that discussion took place about vacant properties and both existing and potential businesses along the rail line that could benefit from reconditioning the tracks. Councilwoman DeFillippo also reported that the Spike Driving Ceremony would be taking place in May.

Deputy Mayor Hall reported on the recent meeting of the COAH committee and their discussions about transferring regional contributions and the possibility of outsourcing commitments. Discussion took place about the necessity to have guarantees in place to ensure the Township would receive their credits.

Deputy Mayor Hall spoke about a recent editorial regarding transparency in government. General discussion took place about specific information that could be posted on the website to be considered more transparent.

Mayor Rilee said that Councilman Schmidt had asked for the Council to begin thinking about appointing members for a Memorial Day Committee.

Mayor Rilee reported that he and Deputy Mayor Hall and Councilman Behrens would be attending a meeting the following Thursday hosted by the New Jersey Department of Environmental Protection (NJDEP).

Councilman Smith suggested that the Township notify all property owners who may be impacted by the NJDEP's new rules via a form letter. Mr. Kobylarz stated that he has a list available (once the draft is submitted) and would notify the approximately 425 residents of the situation and of the date(s) that the NJDEP would be discussing the topic.

A. New Business

None

B. Old Business

None

C. Presentations

1. Engineering – Wastewater Management Plan – *previously presented*

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

1. ROMAC Committee Appointment – *no recommendations*

2. Proclamation – National Library Week

Mayor Rilee read the proclamation and announced that National Library Week would be celebrated from April 10th through the 16th.

PUBLIC PORTION

Ralph Nappi

29 Ford Road, Landing

Mr. Nappi reported on the tentative budget that was presented at last week's Special Board of Education meeting. He said that a \$78.00 per year increase (based on an average assessed house) is being proposed. Mr. Nappi reported that the next Board meeting would be on March 14th and the school election and budget vote would be on April 27th.

Miriam Morris

208 Emmans Road, Flanders

Ms. Morris asked the Council to pull the resolution regarding the application for funds for interior repairs at the King Store because changes needed to be made in order to comply with the Morris County Historic Preservation Trust Fund's recently changed rules. She said the total cost of the project would remain the same, but the amounts needed to be allocated differently. It was decided that the amended resolution would be included on the March 22nd agenda.

DRAFT ORDINANCES FOR DISCUSSION

None

INTRODUCTION OF PROPOSED ORDINANCES

6-11 AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY KNOWN AS BLOCK 11410, LOT 1, LOCATED ALONG ROGERS DRIVE, LANDING, IN THE TOWNSHIP OF ROXBURY, COUNTY OF MORRIS AND STATE OF NEW JERSEY (DUCK POND)

Councilman Smith asked Mr. Kobylarz for more information on this piece of property. Mr. Kobylarz stated that the property is owned by Shore Hills. The area collects stormwater runoff. The Township will not incur any financial impact.

Councilman Smith made a motion to introduce Ordinance No.6-11. Deputy Mayor Hall seconded the motion.

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

Motion carried 5 to 0.

7-11 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER VII, TRAFFIC, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROXBURY, COUNTY OF MORRIS AND STATE OF NEW JERSEY (PARK VIEW)

Councilwoman DeFillippo made a motion to introduce Ordinance No.7-11. Deputy Mayor Hall seconded the motion.

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

Motion carried 5 to 0.

HEARING AND ADOPTION OF ORDINANCES ON SECOND READING

2-11 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER II, ADMINISTRATIVE CODE, SECTION 2-17, OFFICERS AND EMPLOYEES GENERALLY, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROXBURY, COUNTY OF MORRIS, STATE OF NEW JERSEY

Adoption of this ordinance was carried from the February 22, 2011 meeting to allow for adequate publication time to elapse

Councilman Smith made a motion to open Ordinance No.2-11 to the public. Deputy Mayor Hall seconded the motion.

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

Motion carried 5 to 0.

No public comment.

Councilman Smith made a motion to close Ordinance No.2-11 to the public. Deputy Mayor Hall seconded the motion.

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

Motion carried 5 to 0.

Deputy Mayor Hall made a motion to adopt Ordinance No.2-11. Councilman Smith seconded the motion.

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

Motion carried 5 to 0.

INTRODUCTION AND ADOPTION OF RESOLUTIONS

11-70 A RESOLUTION INCORPORATING BY REFERENCE HEREIN AND APPROVING THE FOLLOWING NUMBERED RESOLUTIONS LISTED ON THE REGULAR COUNCIL MEETING AGENDA FOR THIS DATE: 11-71, 11-72, 11-73, 11-74, 11-75, 11-77, 11-78, 11-79, 11-80, 11-81, 11-82, 11-85, 11-86, 11-87, 11-88

Deputy Mayor Fred Hall made a motion to adopt incorporating Resolution No.11-70. Councilman Behrens seconded the motion.

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

Motion carried 5 to 0.

Deputy Mayor Fred Hall revised his original motion to allow for the removal of 11-76 from the incorporating resolution. Councilman Behrens seconded the motion.

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

Motion carried 5 to 0.

11-71 A RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEES POSTED WITH THE TOWNSHIP OF ROXBURY IN CONNECTION WITH WORK PERFORMED AND ACCEPTED IN ACCORDANCE WITH VARIOUS TOWNSHIP RIGHT-OF-WAY EXCAVATION PERMITS

11-72 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 -73 A RESOLUTION AUTHORIZING THE EXTENSION OF THE WATER ALLOCATION PERMIT APPROVED BY RESOLUTION NOS. 07-367 AND PREVIOUSLY EXTENDED BY RESOLUTION NO.10-238 FOR WELLFLEET DEVELOPERS, INC. FOR THE PROJECT KNOWN AS THE VILLAGES AT ROXBURY LOCATED AT SHIPPENPORT ROAD, LANDING, BLOCK 11201 LOTS 1, 2, AND 3

11 - 74 A RESOLUTION AUTHORIZING THE EXTENSION OF THE WATER ALLOCATION PERMIT APPROVED BY RESOLUTION NO.08-186 FOR THE FLEXIBLE OFFICE BUILDING LOCATED ON ROUTE 46, LEDGEWOOD, BLOCK 9603 LOTS 3 AND 4

11- 75 A RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO WUNNER ENGINEERING ASSOCIATES, P.A. FOR SURVEYING SERVICES FOR THE MINOR SUBDIVISION OF 79 MILL ROAD, BLOCK 13002, LOT 11

Council members were assured that the parking lot at the former Nutrition Center site would not be impacted.

11-76 **PULLED** – A RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL ENGINEERING SERVICES CONTRACT TO FINELLI CONSULTING ENGINEERS, INC. FOR THE SUCCASUNNA LAKE DREDGING PROJECT LOCATED ON BLOCK 3301, LOT 28

Council members agreed to pull Resolution No.11-76 in order to receive quotes through a bidding process.

11-77 A RESOLUTION APPROVING THE NJDOT RESOLUTION, APPLICATION, AND AGREEMENT FOR STATE AID TO MUNICIPALITIES UNDER THE NEW JERSEY TRANSPORTATION TRUST FUND AUTHORITY ACT LOCAL AID INFRASTRUCTURE FUND – DISCRETIONARY AID PROGRAM FOR THE MAIN STREET STREETScape PROJECT – PHASE I

11-78 A RESOLUTION AUTHORIZING TAX COLLECTOR TO CHARGE \$25.00 FOR EACH OF TWO TAX SALE MAILINGS

11-79 A RESOLUTION AUTHORIZING THE ANNUAL TAX SALE

11-80 A RESOLUTION AUTHORIZING THE TOWNSHIP OF ROXBURY TO ADOPT THE MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

11-81 A RESOLUTION AUTHORIZING AWARD OF CONTRACT TO CONSERVATION RESOURCES

General discussion took place regarding the change to the Township’s Open Space vendor. Conservation Resources offered the lowest qualified bid.

11-82 A RESOLUTION AUTHORIZING SALARIES AND COMPENSATION FOR EMPLOYEES FOR THE YEAR 2011

11-83 **PULLED** – A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF ROXBURY, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING PROCEEDING WITH THE APPLICATION FOR FUNDS FROM THE MORRIS COUNTY HISTORIC PRESERVATION TRUST FUND FOR INTERIOR REPAIR AT THE KING STORE, 211 MAIN STREET, LEDGEWOOD, NJ 07852

11-84 **PULLED** – A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF ROXBURY, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING PROCEEDING WITH THE APPLICATION FOR FUNDS FROM THE MORRIS COUNTY HISTORIC PRESERVATION TRUST FUND FOR DRAWINGS AND SPECIFICATIONS AT THE KING STORE AND KING HOUSE MUSEUM, 209 & 211 MAIN STREET, LEDGEWOOD, NJ 07852

11-85 RESOLUTION IN OPPOSITION TO S-2664 A-3766 “MARKET COMPETITION AND CONSUMER CHOICE ACT”

11-86 A RESOLUTION AMENDING THE MEMBERSHIP OF THE TOWNSHIP FIRE DEPARTMENT

11-87 A RESOLUTION AUTHORIZING THE REFUND OF TAXES

11-88 A RESOLUTION AUTHORIZING THE PAYMENT OF BILLS
Councilman Smith asked for clarification on checks #66148 and #66149. Mr. Kobylarz responded.

PERSONNEL CHANGES

No discussion

COMMUNICATIONS

March 4, 2011 – *no discussion*

Councilman Smith made a motion to file the March 4, 2011 Communications. Deputy Mayor Hall seconded the motion.

Roll Call: All in Favor – Yes

Motion carried 5 to 0.

PUBLIC PORTION

Mr. Michael Catania

President of Conservation Resources, Inc.

Mr. Catania thanked the Council for awarding the Open Space contract to Conservation Resources and said he was excited about working for the Township.

Mr. Nappi

29 Ford Road, Landing

Mr. Nappi asked for information regarding the awarding of the sanitation services contract to Blue Diamond. Mrs. Rhead explained the resolution process and said that the contract would have a start date of April 1st, 2011.

Robert Kluska

274 Emmans Road, Flanders

Mr. Kluska asked for information on the position of “Special Officer” that was going to be filled by retiree Glenn Gordon. Mr. Kobylarz said that Mr. Gordon would be in charge of the D.A.R.E. program.

EXECUTIVE SESSION

11-89

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:

Litigation:

County Concrete vs. Township of Roxbury

At 9:30PM, Councilman Smith made a motion to adopt Resolution No.11-89 for Executive Session. Deputy Mayor Hall seconded the motion.

Roll Call: All in Favor – Yes

Motion carried 5 to 0.

At 9:45PM, the Council returned to the open session of the meeting.

ADJOURNMENT

At 9:45PM, Deputy Mayor Hall made a motion to adjourn the meeting. Councilman Smith seconded the motion.

Roll Call: All in Favor – Yes

Motion carried 5 to 0.

Submitted By:

Amy E. Rhead
Acting Township Clerk

MINUTES APPROVED BY COUNCIL

DATE: August 23, 2011

ROLL CALL: Councilman Behrens – Yes
Deputy Mayor Hall – Yes
Councilman Schmidt – Abstain
Mayor Rilee – Yes