

July 26, 2011

A Regular Meeting of the Township Council of the Township of Roxbury was held on July 26, 2011 in the Municipal Building located at 1715 Route 46 in 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 Martin Schmidt
Councilman Tim Smith
Councilman Rich Zoschak
Mayor Jim Rilee

Absent: None

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

APPROVAL OF MINUTES

May 24, 2011 – Regular Meeting Minutes
June 14, 2011 – Regular Meeting Minutes
June 28, 2011 – Regular Meeting Minutes

Councilman Schmidt made a motion to approve the minutes listed above. Councilman Zoschak seconded the motion.

Roll Call:	May 24, 2011 Regular Meeting	June 14, 2011 Regular Meeting	June 28, 2011 Regular Meeting
Councilman Behrens	Yes	Yes	Yes
Councilwoman DeFillippo	Yes	Yes	Yes
Deputy Mayor Hall	Yes	Yes	Yes
Councilman Schmidt	Yes	Yes	Yes
Councilman Smith	Abstain	Yes	Abstain
Councilman Zoschak	Yes	Yes	Yes
Mayor Rilee	Yes	Yes	Yes

Motion carried 7 to 0 on the minutes of June 14, 2011 and 6 to 0 with one abstention on the minutes from May 24, 2011 and June 28, 2011.

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

Mayor Rilee amended the order of the agenda to allow the following to be addressed:

Shared Service – Mt. Arlington

Mr. Raths reported that a meeting had taken place the prior week, at which time additional requested information was provided to the Mount Arlington CFO. Due to upcoming vacancies within Roxbury’s police force, Mr. Raths noted that it was important to get some kind of commitment by the beginning of September so the Township could proceed accordingly. He also said that the payment plan would be

proportionally figured, based on population. Councilwoman DeFillippo asked if the calculated population for Mount Arlington included the seasonal residents and wondered whether there would be increased police activity during the summer months due to the influx of vacationers. Mr. Rath responded that Census data was used to determine population. He was unsure of whether the summertime population would create a significant difference, but said he would ask Mount Arlington.

Route 10 and Hillside Ave. Intersection

Mayor Rilee notified the Council that he was waiting for a response from an email he sent to Debbie Hirt asking her to verify that the state would be paying for the traffic lights as had been previously determined. With the Council's approval, Mr. Rath said he would draft a letter by Friday for the Mayor to send to state elected officials opposing the request for the County to pay for traffic lights that the state had already agreed to pay for.

Mr. Rath informed Council members that there would be a resolution on the next agenda requesting that the North Jersey Transportation Planning Authority include the following three projects in their 2012 draft Transportation Improvement Program (TIP):

- Landing Road Bridge over Morristown Line
- Route 10, Commerce Boulevard Improvements
- Route 80, Median Cross Over Protection, Vicinity of Ledgewood Avenue (Route 46) to Mill Road

Mayor Rilee returned to the order of the agenda.

Councilman Schmidt informed the Council that the installation of the sheds had been completed at Lines Farm.

Councilman Schmidt reported that the Library Board was scheduled to meet the following evening.

Councilman Zoschak asked Mr. Rath about the status of two complaints previously reported to him regarding vehicles parking too far away from curbs. Mr. Rath said that the Zoning Officer was looking into the complaints.

Councilman Zoschak mentioned observing and thanking an elderly couple who frequently pick up garbage and debris in and around the Landing area.

Councilman Zoschak reported on the recent Lake Hopatcong Commission meeting. He reported that, due to the lack of funding by the NJDEP, the State had agreed to hire the Lake Hopatcong employees on an interim basis. Mr. Bucco added that the state is continuing to pursue a secure funding source, such as boat fees, but advised that passing legislation could be a lengthy process. Councilman Zoschak also informed the Council that the Governor's Office offered to assist the Commission by conducting the annual audit process.

Councilman Zoschak asked Mr. Rath if the Township would be able to provide dumpsters for the weeds and debris that were being removed. Mr. Rath said that he would see if there was some way Roxbury could provide the service but it would be difficult since the sanitation services have been outsourced.

Councilman Smith spoke about the recent Economic Development Committee meeting. He said that they have been discussing marketing ideas, including the possibility of creating a video or posting information on www.youtube.com.

Councilman Smith reported on the Open Space Committee's meeting. He said that a Trails Committee is going to be created with membership to include representatives from the Environmental Committee, Recreation Committee and Open Space Committee. As far as open space purchases, he reported that the Committee discussed

a parcel of land on North Frontage Road, which had limited use, and the McNear property in Landing. The Committee also discussed the continuing efforts to extend the Black River Pathway Trail. Several Council members requested that Mr. Rath write a letter to the Freeholders asking them to expedite opening the gate.

Councilman Smith said that entrance signs into Ledgewood Park on Emmans Road were not visible enough. Mr. Rath said that the entire area around the entrance is private property and permission would need to be obtained from the owners in order to post signs.

Deputy Mayor Hall said that the Recreation Committee would definitely be in favor of sending a letter to the Freeholders requesting action to complete the trail connection between the back of Horseshoe Lake and the Black River Trail.

Mayor Rilee said that he was informed by Cindy Randazzo of the NJDEP that Roxbury had received their water allocation.

Councilman Behrens reported on the recent Board of Education meeting and provided information on the Board's:

- various administrative staffing changes;
- contracting with a new waste removal company;
- decision to allocate additional state aid money to offset extracurricular fees (previously paid by participants); and
- report of the cost for out-of-district placements for special needs children and the legal requirements to do so.

Councilwoman DeFillippo thanked Mr. Rath for using the notification system to keep residents informed during the recent JCP&L power outages.

Deputy Mayor Hall commended Councilman Schmidt, Connie Gouck and all those involved for organizing the street dedication to fallen marine L/CPL Donald S. Brown.

Mayor Rilee also complimented everyone on arranging a tasteful and distinguished ceremony in memory of Don Brown. Mayor Rilee read the Certificate of Appreciation from Mario Monaco, Gunnery Sergeant, USMC (ret) of the United States Marine Corps & L/CPL Slattery Detachment Marine Corps League #206 thanking the Township for supporting the street dedication event.

In recognition and appreciation for his time, effort and dedication during the rebuilding of the Imagination Station playground Deputy Mayor Hall reported that the Recreation Committee commemorated recently deceased resident, Joe Scalfani, during a family-attended ceremony, by planting a tree with a memory plaque at Horseshoe Lake.

In response to a question from Deputy Mayor Hall, Mr. Rath said that the lease agreement with the County for the area at the back of Horseshoe Lake does not include a small parcel owned by the railroad. Mayor Rilee reminded the Council that the County cannot move ahead on selling the property to the Township at this point because it could interfere with receiving their federal grant money.

Deputy Mayor Hall reported on the recent Shared Services Committee meeting. He said that significant discussion items included updating and/or building tennis courts and sharing background check services. Deputy Mayor Hall said that a list of all the current initiatives would be provided to the Council at a later date.

Deputy Mayor Hall asked Mrs. Rhead about the Township's score on the Best Practices worksheet. Mrs. Rhead informed the Council that Mr. Rath and Mrs. Spring had been working on the responses to the questionnaire. Mr. Rath said the Township was in great shape.

Mayor Rilee reported on the resignation of Larry Sweeney as a Class 4 member of the Planning Board. He informed the Council that Tom Carey would move from the position of Alternate to the Class 4 position and Matt Meyers would be appointed Alternate.

Councilman Schmidt made a motion to approve the following changes to the Township of Roxbury Planning Board: Resignation of Larry Sweeney as a Class 4 Member; the transfer of Tom Carey from the position of Alternate Member to Class 4 Member; and the appointment of Matt Meyers as Alternate Member. Councilman Smith seconded the motion.

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

Motion carried 7 to 0.

A. New Business – none

B. Old Business

1. **Shared Service – Mt. Arlington – previously discussed**
2. **ROMAC Committee Appointment – no recommendations**
3. **Route 10 and Hillside Ave Intersection – previously discussed**

C. Presentations – none

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

A. Trails Committee Appointment

Mayor Rilee proposed that the following individuals be approved as members of the Trails Committee:

- Representing the Open Space Committee:
 - Bill Dluzniewski, Tim Burns, and Sandie DiDomenico
- Representing the Environmental Commission:
 - Bob Schultz, Jackie Vitiello, and Tricia Fragale
- Representing the Recreation Committee:
 - Andy Crowley and Don Banta
- Council Liaisons:
 - Deputy Mayor Hall, Councilman Schmidt, and Councilman Smith
- At-Large Member:
 - Tom Edmunds
- Staff Liaisons (assigned by the Township Manager):
 - Dave Stierli and Peter Turnbull

Councilman Zoschak made a motion to approve the appointment of the above recommended individuals to the Trails Committee. Councilman Smith seconded the motion.

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

Motion carried 7 to 0.

B. Application for Special Permit – Swim & Sport Club (August 20th)

Councilman Zoschak made a motion to approve the One-Day Liquor License application listed above. Councilman Smith seconded the motion.

Mrs. Rhead advised the Council that she was awaiting the approval from the Police Department on the application, but if Council approval was postponed until the next meeting, there would not be enough time to submit the application to the State two weeks prior to the event, as required by law.

Councilman Zoschak amended his motion to make it contingent upon the approval of the application by the Chief of Police. Councilman Smith seconded the amended motion.

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

Motion carried 7 to 0.

PUBLIC PORTION

Dennis Wine

4 Holly Drive, Succasunna

Mr. Wine asked what the effect would be on the tax rate for an average assessed house if the levy were to be reduced by half a million dollars. Mr. Rath said that it would be equivalent to approximately two and a half tax points or about seventy dollars.

Ralph Nappi

29 Ford Road, Landing

If the Board had known about it at the time, Mr. Nappi asked if the subject of the unexpected extra state aid would have been an appropriate topic of conversation for the recent Shared Services Committee meeting. Deputy Mayor Hall said that it might have been a topic for discussion if the information was pertinent to shared services.

Mr. Nappi asked why the weed harvesters had not been servicing the Landing area. Councilman Zoschak said that the machines were only being sent to the areas that needed it most and the Landing area was in better shape than the rest of the lake because the residents had joined together and treated the lake with chemicals in that area.

Maureen Castriotta

21 Salmon Road, Landing

Mrs. Castriotta asked when the Olde Suckasunny Day event was going to be held. The Council responded that it was scheduled for September 10th.

Mrs. Castriotta asked if Roxbury would be having a September 11th remembrance ceremony. Councilman Schmidt said the County was hosting a memorial service. Councilwoman DeFillippo added that the faith community would be having a brief memorial at 8:00AM on September 11th at Horseshoe Lake.

Mrs. Castriotta asked about the resolution on the agenda supporting amending the statutory deadline for municipal review of defeated school budgets when circumstances, such as the previous date change for the School Elections, occur. Mr. Bucco said that the legislature appeared to be in favor of the amendment, but does not know if it would ultimately be approved or not.

Deputy Mayor Hall asked Mrs. Castriotta if the Board had explored the possibility of using the company the Township uses for background checks before adopting the resolution to use a different agency. Mrs. Castriotta responded that the school districts had no choice because the State of New Jersey mandated which agency was to be used.

DRAFT ORDINANCES FOR DISCUSSION

None

INTRODUCTION OF PROPOSED ORDINANCES

None

HEARING AND ADOPTION OF ORDINANCES ON SECOND READING

None

INTRODUCTION AND ADOPTION OF RESOLUTIONS

11-223 A RESOLUTION INCORPORATING BY REFERENCE HEREIN AND APPROVING THE FOLLOWING NUMBERED RESOLUTIONS LISTED ON THE REGULAR COUNCIL MEETING AGENDA FOR THIS DATE:
11-199, 11-224, 11-225, 11-226, 11-227, 11-228, 11-229, 11-231, 11-232, 11-233, 11-234, 11-235

Councilman Schmidt made a motion to adopt incorporating Resolution No.11-223 which originally included 11-230. Councilman Zoschak seconded the motion.

Councilman Schmidt made a motion to amend incorporating Resolution No.11-223 to exclude Resolution No.11-230. Councilman Zoschak seconded the motion.

Roll Call on amended motion: All in Favor – Yes (unanimous)

Roll Call: Councilman Behrens – Yes Councilwoman DeFillippo – Yes
Deputy Mayor Hall – Yes Councilman Schmidt – Yes
Councilman Smith – Yes Councilman Zoschak – Yes
Mayor Rilee – Yes, with an abstention on 11-199

Motion carried 7 to 0; with the exception of Resolution No.11-199 being carried 6 to 0 with one abstention.

11-199 A RESOLUTION GRANTING RENEWAL OF LIQUOR LICENSE #1436-33-016-006 FOR LAKESIDE PUB INC T/A LAKESIDE PUB AND DIRECTING LICENSING OFFICER TO DELIVER SAME

Note: Resolution 11-199 was pulled from the July 12, 2011 meeting because the tax clearance certificate had not been received at that time. The tax clearance certificate has now been received and is on file with the Township Clerk.

11-224 A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO BEN SHAFFER AND ASSOCIATES FOR CERTIFIED PLAYGROUND MULCH

11-225 A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO HARRINGTON RECYCLING COMPANY, INC. FOR CONCRETE CRUSHING SERVICES AT THE PUBLIC WORKS FACILITY

Councilman Schmidt pointed out the substantial difference between the three estimates and asked Mr. Rath to confirm that Harrington had been vetted. Mr. Rath responded affirmatively.

11-226 A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO TOMCO CONSTRUCTION, INC. FOR ATHLETIC FIELD IMPROVEMENTS AT HORSESHOE LAKE

Councilwoman DeFillippo pointed out a discrepancy in dollar amounts between the resolution and the attached bid summary. Rick Blood confirmed that the dollar amount listed in the resolution is correct and the bid summary memo had a typographical error.

11-227 A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO TILCON NEW YORK INCORPORATED FOR MILLING AND PAVING OF DELL AVENUE AND HENRY STREET

Councilman Smith stated, for the record, that he would be voting in favor of Resolution No.11-227 even though during the budget process he voted against the way it was being funded because he wanted to see the projects completed.

11-228 A RESOLUTION OF THE TOWNSHIP OF ROXBURY, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES FOR THE TOWNSHIP ALTERNATE PUBLIC DEFENDER

Attorney Anthony Bucco explained the insurance coverage requirements for Alternate Public Defenders and informed the Council that the new potential appointee had requested that he be able to keep the coverage amount he currently carried. Mr. Bucco recommended checking with the Township Risk Manager before making a decision to allow a lower coverage amount. The Council agreed to give the Manager the authority to modify the agreement if such approval was obtained. Mrs. Rhead advised the Council that the Certification of Funds needed to be amended to reflect payment for services rendered to be in the amount of \$415.00 “per day”, not “per session”. Council members had no objection to the change being made.

11-229 A RESOLUTION OF THE TOWNSHIP OF ROXBURY, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES FOR THE TOWNSHIP PUBLIC DEFENDER

Councilwoman DeFillippo reminded Council members that a corrected Certification of Funds had been provided on the dais.

11-230 **PULLED** – A RESOLUTION AUTHORIZING THE CANCELLATION OF TAX SALE CERTIFICATE NO.10-00125

Councilman Smith and Councilwoman DeFillippo had mathematical and grammatical questions in regard to Resolution No.11-230 and recommended postponing the approval until such time as a clarification could be supplied.

11-231 A RESOLUTION AUTHORIZING THE REFUND OF TAXES

11-232 A RESOLUTION AUTHORIZING THE REFUND OF UNUSED ESCROW MONIES PREVIOUSLY DEPOSITED WITH THE TOWNSHIP OF ROXBURY FOR DEVELOPMENT MATTERS PURSUANT TO CHAPTER XIII (LAND USE) OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROXBURY

11-233 A RESOLUTION CONSENTING TO ~~BUKIET~~ BOUQUET ROXBURY ASSOCIATES, LLC’S TREATMENT WORKS APPROVAL APPLICATION TO THE N.J.D.E.P. FOR BLOCK 9501, LOT 1

Councilman Smith referred to Mayor Rilee’s previous apprehension regarding the above referenced resolution and his thoughts that the language was not firm enough. Mr. Bucco said that he was comfortable with the wording. Mayor Rilee said that he was not completely at ease, but since the resolution was only consenting to allowing Bouquet to submit a TWA application to the NJDEP and not actually approving the project, he felt it was acceptable. Mr. Bucco advised that the title needed to be amended to reflect the name of “Bouquet” as opposed to “Bukiet”.

11-234 RESOLUTION SUPPORTING A-4126, AMENDING THE STATUTORY DEADLINE FOR MUNICIPAL REVIEW OF A DEFEATED SCHOOL BUDGET IN CERTAIN CIRCUMSTANCES

11-235 A RESOLUTION AUTHORIZING THE PAYMENT OF BILLS

Mayor Rilee amended the order of the agenda to allow for the following comments from Councilman Behrens:

Councilman Behrens said that he had heard that a resident had recently questioned his residency and eligibility to be a Ward 2 Councilman. For the record, Councilman Behrens stated that he had been a resident of 195 Drake Lane in Ledgewood since 1998, owns his condominium, and legitimately represents Ward 2 in the Township of Roxbury.

Mayor Rilee returned to the order of the agenda.

PERSONNEL CHANGES

None

COMMUNICATIONS

July 15, 2011

#6 Correspondence from Todd Hirt, Project Engineer, Railroad Engineering & Safety Unit, NJDOT, to Amy Rhead, Acting Township Clerk, dated June 23, 2011, re: Petition by the County of Morris to improve on the current design of the Sport & Swim Club of Flanders, Inc. Roadway intersecting with High Bridge Branch

Mr. Bucco mentioned that the NJDOT was requiring the Township to accept the roadway and provide the maintenance for the railroad's advanced warning signs and pavement. Mr. Rath stated that Mr. Kobylarz and Mr. Blood were working on a resolution which would clarify the Township's obligations.

#8 Resolution from Donna M. Brady, Township Deputy Clerk of Randolph, dated July 11, 2011, re: Resolution Urging the New Jersey Legislature to Enact Legislation in Order to Separate the Local Government Public Employees' Retirement System Pension and the Local Government Police Fireman's Retirement System Pension from the State Public Employee's Retirement System Pension and Providing for a Separate Board of Directors for the Local Government Public Employee's Retirement System Pension

Councilman Smith and the Council expressed support of the proposed legislation to separate the PERS and PFRS pension systems. Mr. Rath said that a resolution in support of the idea would be on the next agenda.

#9 Resolution from Donna M. Brady, Township Deputy Clerk of Randolph, dated July 11, 2011, re: Resolution Urging the Swift Passage of S-2762/A-4084

Mayor Rilee and Councilwoman DeFillippo contemplated supporting the passage of the above legislation. Mr. Rath expressed some concern over the repercussions of the proposed legislation and recommended gathering more information.

#11 Mayors Advisory, dated July 7, 2011 re: Assisted Living Facility Opportunity

Councilman Smith asked if the Township had any available land that could be used for an assisted living facility. Mr. Rath said that the Planning and Zoning Department was researching it.

#13 Mayors Advisory, dated July 11, 2011, re: S-2795 and A-3835, Inspection of Multiple Dwellings

Mayor Rilee asked Mr. Rath to provide a resolution on the next agenda in opposition to S-2795 and A-3835.

July 22, 2011

#4 Letter from Rev. Marc Mancini, Pastor St. Therese Church, on behalf of St. Therese Rosary Altar Society, to Amy Rhead, Acting Township Clerk, dated June 17, 2011, re: Grannies Attic Garage Sale scheduled for Saturday, September 10, 2011 (Note: sent to all Department Heads for comments and/or input)

Deputy Mayor Fred Hall asked Mrs. Rhead if she had responded to the request. Mrs. Rhead responded affirmatively.

#6 Correspondence from utility companies (NJNG and JCP&L); re: annual notification that daily lists of residential customers who have had their gas or electric service involuntarily disconnected is available to municipalities and response from Mike Pellek, Fire Official/Safety Officer, requesting that the Township makes a formal request for said information

Mayor Rilee thought that, historically, the Fire Departments had been notified when residential utility services were disconnected. He asked why the above correspondence suggested checking into the legal ramifications of receiving such notification. Mr. Bucco explained that the Township could be held responsible for providing adequate food and shelter upon notification of the disconnection of residential gas or electric service. Mr. Rath suggested looking into this matter further.

#9 Letter from Thomas DeMichele, LSRP of Matrix New World Engineering, Inc., to Mayor Rilee, dated July 19, 2011, re: Disruption Permit/Closure Plan Application and the Storm Water Management Report for the final closure of the Former Fenimore Landfill Site (two books of data and maps available for review in Clerk's Office)

Mayor Rilee advised Council members that Mr. Bernardi had requested to meet with him and with Cindy Randazzo of the NJDEP. Council members had no objection.

PUBLIC PORTION

Ralph Nappi
29 Ford Road, Landing

Mr. Nappi asked for clarification of the location of the former Fenimore Landfill site. Councilman Smith responded and said it was on Mountain Road on the north side before Poet's Peak.

EXECUTIVE SESSION

11-236 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:

- Land Acquisition – McNear
- Attorney Client Privilege – Redevelopment of Hercules
- Attorney Client Privilege – North Second Avenue.

At 8:50PM, Councilman Zoschak made a motion to adopt Resolution No.11-236 for Executive Session. Councilman Smith seconded the motion.

Roll Call: All in Favor – Yes

Motion carried 7 to 0.

At 9:30PM, the Council returned to the open session of the meeting.

ADJOURNMENT

At 9:30PM, Councilman Smith made a motion to adjourn the meeting. Councilman Schmidt seconded the motion.

Roll Call: All in Favor – Yes

Motion carried 7 to 0.

Submitted By:

Amy E. Rhead
Acting Township Clerk

MINUTES APPROVED BY COUNCIL

DATE: November 1, 2011

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