

September 13, 2011

A Regular Meeting of the Township Council of the Township of Roxbury was held on September 13, 2011 at the Municipal Building located at 1715 Route 46 in Ledgewood, New Jersey at 7:30PM.

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 Rich Zoschak
Mayor Jim Rilee

Absent: Councilman Tim Smith

Also Present: Christopher Raths, Township Manager
James Bryce, Esq., Associate Township Attorney
Amy Rhead, Acting Township Clerk
Kathy Florio, Administrative Aide

Staff: none

Other: Approximately six members of the public were present

Mayor Rilee commented on the storms and the impact it had on the Township. Mayor Rilee recognized the actions of the Township Manager and the Township’s staff on a job well done.

APPROVAL OF MINUTES

May 10, 2011 – Regular Meeting
May 10, 2011 – Executive Session
August 23, 2011 – Regular Meeting

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

Roll Call:	May 10, 2011 Regular Meeting	May 10, 2011 Executive Session	August 23, 2011 Regular Meeting
Councilman Behrens	Yes	Yes	Yes
Councilwoman DeFillippo	Yes	Yes	Abstain
Deputy Mayor Hall	Yes	Yes	Yes
Councilman Schmidt	Yes	Yes	Yes
Councilman Zoschak	Yes	Yes	Abstain
Mayor Rilee	Yes	Yes	Yes

Motion carried 6 to 0 on May 10, 2011 Regular Meeting and Executive Session.
Motion carried 4 to 0 with 2 abstentions on August 23, 2011 Regular Meeting.

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

Councilman Schmidt reported that Mena Schultz resigned from the Environmental Committee and that Mike Smith would be recommended to fill the vacancy.

Councilman Schmidt gave an update on the status of the completion of the Rotary Club's donation of a gazebo at Horseshoe Lake.

Councilman Schmidt reported on the success of the rock concert performed by the United States Army band which was held at Eisenhower School.

Councilman Schmidt asked Mrs. Rhead about the status of collecting names for the War Memorial at Horseshoe Lake. Mrs. Rhead informed him that she was keeping a folder of submissions and would advise Councilman Schmidt when there were enough names to proceed with the engraving process.

Councilman Schmidt commented on the standing water behind Meadow View that was attracting mosquitoes. Mr. Rath informed him that mosquito control is under the jurisdiction of the County and he would contact them.

Councilman Zoschak also made note of the great job employees did in handling the situations that arose during the recent storm.

Councilman Zoschak reported that he and other members of the Council had attended a 9/11 Memorial ceremony.

Councilman Zoschak expressed disappointment over Mount Arlington's decision to discontinue discussions regarding shared police services with Roxbury.

Councilman Zoschak asked Mr. Rath for an update on a previously discussed complaint from a resident regarding a fallen tree. Mr. Rath informed him that he had spoken with the resident and informed him that he needed to file a Tort Claim with the Township Clerk.

Councilman Behrens reported on his attendance at the recent Olde Suckasunny Day event and the 9/11 remembrance ceremony.

Councilman Behrens reported on the recent Board of Education meeting, which included staffing changes, shared services discussions, and storm related damages. He also announced that the school district's nurses had been honored with the Pediatric Asthma Coalition Award.

Councilwoman DeFillippo also spoke about the 9/11 Memorial ceremony and Olde Suckasunny Day.

Councilwoman DeFillippo commented that the mosquitoes are a problem throughout the entire Township.

Councilwoman DeFillippo mentioned the Day of Service being held by Faith Community.

Councilwoman DeFillippo spoke about the Main Street Committee's "Value This" fundraiser.

Councilman Schmidt requested that a presentation for the monofilament fishing line recycling program be placed on the next agenda.

Councilman Behrens thanked the fire department for the efforts during the storm. He pointed out that they are all volunteers who assisted others during their own time.

Deputy Mayor Hall also thanked the staff and volunteers for their efforts during the storm. Councilwoman DeFillippo commended Mr. Raths for the amount of information that was available to the public and said that many other local municipalities did not have the level of communication that Roxbury provided. Deputy Mayor Hall pointed out that Mr. Raths personally responded to over three-hundred phone calls from concerned residents who had questions.

Deputy Mayor Hall spoke about the annual Olde Suckasunny Day event.

Deputy Mayor Hall spoke about the 9/11 ceremony that he and other Council members attended.

Deputy Mayor Hall reminded members that they would need to complete Mr. Raths' evaluation and submit them to the attorney. Mayor Rilee requested that they be completed by mid-October.

Councilman Schmidt pointed out the tremendous amount of assistance provided by Deputy Mayor Hall during the storm and said he should also be commended for his efforts.

Mayor Rilee also expressed appreciation for all the Township's efforts during the recent weather related events. He spoke about the added catastrophes of roads and bridges that were destroyed during the storms.

A. New Business

1. Recognition of Volunteers and Employees for Hurricane Irene

Mayor Rilee requested that the volunteers be recognized by posting their names on the Township website.

In appreciation for all they do, Mayor Rilee proposed offering free membership to the Horseshoe Lake facility to current active Roxbury Township Fire and Emergency Service personnel and their immediate families. Council members thought it was a good idea.

B. Old Business

1. Shared Service – Mt. Arlington

Mayor Rilee reported that Mt. Arlington had decided to discontinue any further discussions regarding shared police services with the Township.

2. ROMAC Committee Appointment – no recommendations

C. Presentations/Proclamations

1. Proclamation – September 11, 2011 as Patriot Day and National Day of Service and Remembrance

Mayor Rilee read the Proclamation from the Governor's office.

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

1. Hurricane Irene Assessment

Mr. Raths provided an assessment of the Township's storm response which was formulated in conjunction with Department Heads. Areas in which the Township excelled were pointed out and areas where there was room for improvement were reviewed and discussed.

2. Water Disruption Assessment

Mr. Raths reported that an inventory of the equipment for the Water and Sewer Department revealed two generators at pump houses were not operable and in need of repair. He also reported that the reverse 911 notification system had been utilized to inform the public and keep them updated on the progress. The assessment on water service interruptions exposed several problems that required further investigation. Council members thanked Mr. Raths for providing the informative assessments.

3. Labor Council RFP

Mr. Rath informed Council members that requests for proposals had been sent out. Mayor Rilee requested a copy of the RFP for the Council to review.

4. Morristown & Erie Railway, Inc.

Steven Friedland, Director of Operation Services for Morristown & Erie Railway, Inc. spoke about a grant for rehabilitating Lake Junction yard located off West Dewey Avenue. Mayor Rilee expressed concern over the prior experience of M&E providing little or poor communication to Roxbury. Mr. Friedland said that M&E is working on correcting that problem. Mr. Friedland added that a Township resolution in support of the project is required in order to successfully complete the application process.

Mr. Friedland responded to questions about:

- noise levels from trains;
- safety procedures and precautions to avoid future incidents accidents such as the 1973 oil tanker accident;
- types of materials that would be stored at the rail site;
- off-loading being conducted (*Mr. Friedland assured that off-loading would not occur and that the site would be used for storage, only*) ;
- the current volume of traffic in the area;
- planned maintenance procedures;
- project time frame for completion

Council members asked Mr. Rath to include a resolution in support of M&E's project and grant application on the next agenda.

5. 2012 Calendar

Mrs. Rhead requested clarification on meeting dates for 2012. Council members reviewed and modified the 2012 meeting dates.

6. Hercules House

Mr. Rath reported on complaints that had been received regarding the condition of homes located on Hercules Road. He asked the Council for their thoughts regarding the area. Councilwoman DeFillippo said that she had hoped for preservation, but noted that budget constraints would probably make it impossible. Deputy Mayor Hall suggested keeping one of the homes as a museum to display memorabilia. Councilman Schmidt reported that the title to the house still needed to be transferred to the Township. Mr. Rath said that he would look into the status of transferring the ownership and would report back to Council

PUBLIC PORTION

Dennis Wine

4 Holly Drive, Succasunna

Mr. Wine referenced Resolution No.11-273 and Council members and Mr. Rath confirmed that the award of the contract for snow plowing services was only for a portion of the municipality, not the entire area. He also asked if the bidder's exceptions, such as the \$3.00 per gallon fuel surcharge limit and claiming no responsibility for damage to mailboxes or portable basketball hoops, were standard among plowing contractors. Mr. Blood responded.

Mr. Wine asked about the generator that was being purchased, per Resolution No.11-275, and what type of fuel it would use. The response was diesel fuel.

Mr. Wine referred to Resolution No.11-278. Council members and Mrs. Rhead confirmed that the resolution was supporting an amendment that would alleviate Records Custodians from providing records that are already freely accessible to the general public through government websites. Mr. Wine asked if any of the Township's previous requests to amend the OPRA law were ever enacted. Mrs. Rhead said they had not.

Mr. Wine asked for more information regarding check number 68131 to “Brinkerhoff Environmental Services” for \$13,159.30. Mr. Raths confirmed that the payment was for environmental investigation at the previous DPW site in Succasunna.

Mr. Wine asked for more information regarding check number 68246 to the “Township of Roxbury – Water” department for \$56,000.00. Mr. Raths explained that it represented an internal billing procedure between the general taxation account and the water department.

Maureen Castriotta
21 Salmon Road, Landing

Ms. Castriotta expressed appreciation for receiving updates from the Township during the storm, but said that she never received information about when the power would be restored. Mr. Raths explained that the Township could not provide updates because the information was not known. She suggested that street closure information be included in the emergency notification information. Mr. Raths responded that the Township is in the process of adding that information for future notifications. Ms. Castriotta also recommended that the Township consider utilizing social networking sites such as Facebook and Twitter to inform the public about situations.

Ms. Castriotta asked Mr. Raths what outside help was offered to the Township during the storm. Mr. Raths responded that the County was working around the clock to repair county streets and bridges and that outside contractors were also used. She asked if the Township was receiving any type of aid. Mayor Rilee and Mr. Raths informed her that the Township is applying for FEMA aid.

Ralph Nappi
29 Ford Road, Landing

Mr. Nappi asked which municipalities were given the opportunity to purchase Horseshoe Lake beach badges. The Council informed him that only Mt. Arlington and Randolph residents were eligible. Mr. Raths added that Township residents are given the opportunity first; only excess badges are sold to out-of town resident.

Mr. Nappi asked Mr. Raths about the status of the Best 100 Communities application. Mr. Raths informed him that the organization amended the date of their final announcement to October.

The Council and Mr. Raths answered Mr. Nappi’s questions regarding the Best Practices check list.

Mr. Nappi asked the Council to get more involved in the earlier stages of the school district’s budget process. Mayor Rilee explained that the Council’s involvement in the school budget process is limited to only after a defeated budget situation, by statute.

Maureen Castriotta
21 Salmon Road, Landing

Ms. Castriotta said that the school board actually has a policy that suggests the Board of Education and the Township Council meet to review the school district’s budget. Mayor Rilee replied that there had been occasions in the past when the Board presented their budget to the Council before. Ms. Castriotta said that, in the future, she was going to request that the Board schedule meetings with the Council prior to adopting their final budget.

DRAFT ORDINANCES FOR DISCUSSION

None

INTRODUCTION OF PROPOSED ORDINANCES

None

HEARING AND ADOPTION OF ORDINANCES ON SECOND READING

None

INTRODUCTION AND ADOPTION OF RESOLUTIONS

11-269 RESOLUTION INCORPORATING BY REFERENCE HEREIN AND APPROVING THE FOLLOWING NUMBERED RESOLUTIONS LISTED ON THE REGULAR COUNCIL MEETING AGENDA FOR THIS DATE:

11-174 (amended), 11-270, 11-271, 11-272, 11-273, 11-274, 11-275, 11-276, 11-277, 11-278, 11-279, 11-280, 11-281, 11-282, 11-283

Councilman Schmidt made a motion to adopt Incorporating Resolution No.11-269. 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.

11-174 (amended)

A RESOLUTION AUTHORIZING AN APPLICATION FOR A NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS GRANT

11-270 RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE POSTED WITH THE TOWNSHIP IN CONNECTION WITH WORK PERFORMED AND ACCEPTED IN ACCORDANCE WITH A TOWNSHIP RIGHT-OF-WAY EXCAVATION PERMIT

11-271 A RESOLUTION AUTHORIZING THE REFUND OF UNUSED ENGINEERING INSPECTION FEES POSTED WITH THE TOWNSHIP IN CONNECTION WITH WORK PERFORMED IN ACCORDANCE WITH VARIOUS PROJECTS

11-272 A RESOLUTION APPROVING THE NJDOT RESOLUTION, APPLICATION, AND AGREEMENT FOR STATE AID TO MUNICIPALITIES FOR FISCAL YEAR 2012, UNDER THE NEW JERSEY TRANSPORTATION TRUST FUND AUTHORITY ACT MUNICIPAL AID PROGRAM FOR THE PHASE II PORTION OF THE DELL AVENUE RECONSTRUCTION PROJECT

11-273 A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO ABE SNYDER & COMPANY INC. FOR SNOW REMOVAL SERVICES

11-274 A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR SLABJACKING REPAIRS TO VARIOUS SIDEWALKS IN THE TOWNSHIP TO CRC, CONCRETE RAISING OF SOUTH JERSEY, INC

11-275 A RESOLUTION AUTHORIZING THE PURCHASE OF ONE 200 KW EMERGENCY GENERATOR FROM ATLANTIC POWER SYSTEMS

Mrs. Rhead said that she would make sure the typographical error within the body of the resolution would be corrected to read “generator”, as opposed to “truck”.

11-276 A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A DEED OF ROAD DEDICATION FROM LINDA S. SILCOX AND WILLIAM C. SILCOX III ACROSS A PORTION OF LOTS 7 AND 8, BLOCK 4001

11-277 A RESOLUTION AMENDING THE MEMBERSHIP OF THE TOWNSHIP FIRE DEPARTMENT

- 11-278** A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF ROXBURY IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY IN SUPPORT OF SENATE BILL NO. 2976 AMENDING THE OPEN PUBLIC RECORDS ACT (OPRA) LAW
- 11-279** A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP THEREIN FOR PERIOD OF OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2016
- 11-280** A RESOLUTION TO AFFIRM THE TOWNSHIP OF ROXBURY'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS
- 11-281** A RESOLUTION AUTHORIZING THE REFUND OF TAXES
- 11-282** A RESOLUTION AUTHORIZING THE REFUND OF SEWER UTILITY OVERPAYMENT
- 11-283** A RESOLUTION AUTHORIZING THE PAYMENT OF BILLS

PERSONNEL CHANGES

None

COMMUNICATIONS

August 26, 2011

#4 Petition from fifteen Township residents, to Russell Stern, Township Planner, dated July 21, 2011, re: request to change zoning rules to allow up to three (3) chickens in backyards as pets and subsequent correspondence from Mr. Stern to Mr. Rath

Councilwoman DeFillippo asked for an update on the status of the request to have chickens as pets. Mayor Rilee said that checks and balances would need to be in place to address concerns if zoning amendments were implemented. The Council asked Mr. Rath to provide additional information on this matter.

September 2, 2011

#12 Correspondence from Sam Robinson, President, Antique Fire Association of New Jersey, to Marty Schmidt, Councilman, re: Seeking possible future housing for headquarters of and museum for Antique Fire Association of New Jersey

The Council asked if the above correspondence was in reference to a donation or if the organization was looking to charge to the Township. Mr. Rath said he would look into it further.

September 9, 2011

#3 Correspondence from Christopher Rath, Township Manager, to John F. Whitley of D&H Alternative Risk Solutions, Inc., dated September 8, 2011 re: letter of authorization for D&H Alternative Risk Solutions, Inc., as our contracted Risk Management Consultant, to assign certain markets through a broker for Township of Roxbury's insurance

In response to a question from Councilman Zoschak, Mr. Rath provided an explanation on the protocol and reasons the wording and language were in the authorization letter.

#8 Correspondence from Christine Marion, County Planning Director, Morris County Dept. of Planning and Development, dated August 31, 2011, re: Progress Report on the NJDEP Wastewater Management Plan for Morris County

Mayor Rilee asked for the status on the sewer service issues. Mr. Rath said he would get back to Council with updated information.

#9 Correspondence from Patricia T. Korpos, Municipal Clerk, Township of Mine Hill, re: REVISED – “AN ORDINANCE OF THE TOWNSHIP OF MINE HILL, COUNTY OF MORRIS, PROVIDING FOR THE REGULATION OF THE INSTALLATION OF WIND GENERATORS WITHIN THE TOWNSHIP OF MINE HILL”, scheduled for public hearing and adoption on October 6, 2011

#10 Correspondence from Patricia T. Korpos, Municipal Clerk, Township of Mine Hill, re: REVISED – “AN ORDINANCE OF THE TOWNSHIP OF MINE HILL, COUNTY OF MORRIS, PROVIDING FOR THE REGULATION OF THE INSTALLATION OF SOLAR PANELS WITHIN THE TOWNSHIP OF MINE HILL”, scheduled for public hearing and adoption on October 6, 2011

Mayor Rilee asked if Mr. Bucco had completed the Wind and Solar ordinances. Mr. Rath responded that it was sent to Russell Stern for comments.

PUBLIC PORTION

None

EXECUTIVE SESSION

11-284 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

- PBA Contract Negotiations
- Local 102 Negotiations
- Fennimore Attorney Client Privilege

At 9:35PM, Councilman Zoschak made a motion to adopt Resolution No.11-284 for Executive Session. Councilwoman DeFillippo seconded the motion.

Roll Call: All in Favor – Yes

Motion carried 6 to 0.

At 11:15PM, the Council returned to the open session of the meeting.

ADJOURNMENT

At 11:15PM, Councilman Zoschak made a motion to adjourn the meeting. Councilman Behrens seconded the motion.

Roll Call: All in Favor – Yes

Motion carried 6 to 0.

Submitted By:

Amy E. Rhead
Acting Township Clerk

MINUTES APPROVED:

DATE: November 29, 2011

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