

November 29, 2011

A Regular Meeting of the Township Council of the Township of Roxbury was held on November 29, 2011 at the Municipal Building located at 1715 Route 46 in Ledgewood, New Jersey at 7:30 p.m.

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
Councilman Mark Crowley
Councilwoman Kathy DeFillippo
Deputy Mayor Fred Hall
Councilman Martin Schmidt
Councilman Richard Zoschak
Mayor Jim Rilee

Absent: None

Also Present: Christopher Rath, Township Manager
Anthony Bucco, Esq., Township Attorney (7:40PM arrival)
Amy Rhead, Acting Township Clerk

Staff: Richard Blood, Director of Public Works

Other: approximately six members of the public were present

APPROVAL OF MINUTES

September 13, 2011 – Regular Meeting Minutes
September 27, 2011 – Regular Meeting Minutes

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

Roll Call:	September 13, 2011 Regular Meeting	September 27, 2011 Regular Meeting
Councilman Behrens	Yes	Yes
Councilman Crowley	Abstain	Abstain
Councilwoman DeFillippo	Yes	Yes
Deputy Mayor Hall	Yes	Abstain
Councilman Schmidt	Yes	Yes
Councilman Zoschak	Yes	Yes
Mayor Rilee	Yes	Yes

September 13, 2011 Minutes – Motion carried 6 to 0 with one abstention.
September 27, 2011 Minutes – Motion carried 5 to 0 with two abstentions.

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

Councilman Schmidt reported that he had provided cost estimates to Mr. Rath for replacement of the boiler system at the Library.

Councilman Schmidt announced the date and time of the next Library Board of Trustees meeting.

Councilman Schmidt said that he had made Mr. Raths aware of a problem with standing water behind the property at 4 Meadowview. He suggested that the Township ensures that the Mosquito Commission sprays the area.

Councilman Zoschak welcomed Mr. Crowley to the Council.

Councilman Zoschak reported that the State had agreed to take over the weed harvesting for Lake Hopatcong and would be leasing the Commission's equipment for \$1.00 and assuming the associated insurance cost and maintenance, but that the Commission would continue to handle all phone calls. He said the State made the funds available through the NJDEP. Councilman Zoschak said the arrangement would allow the Commission's continued eligibility for the 319 and IBoat grants.

Councilman Zoschak noted that the Senior Club would begin receiving quarterly stipends in 2012 instead of having to submit vouchers for every purchase.

Councilman Zoschak asked when the Logan Drive street sign would be replaced. Mr. Raths explained that the Department of Public Works would replace it after completion of the necessary cleanup efforts associated with the recent unprecedented storm activity.

Councilman Zoschak asked if the police department reports traffic light outages and/or missing signs that they notice while patrolling. Mr. Raths replied that all of the departments report issues when they notice them.

Councilman Behrens reported that he had forwarded some complaints about brush pick-up to Mr. Raths, who, in turn, made sure it was taken care of.

Councilman Behrens reported that a resident concerned about the Fenimore issue was pleased to have contacted the NJDEP and received a response.

Councilman Behrens reported that the school's recent annual audit summary presentation demonstrated a better financial position than at the same time the previous year. He also reported that the School Board:

- is planning on participating in an energy audit program
- food services program is experiencing a deficit of approximately \$70,000
- tabled the resolution to extend the contracts for both the Interim Superintendent and the Interim Business Administrator
- would be reaching out to the senior citizen community to invite them to attend concerts, plays and other school events and offer them volunteer positions
- approved retroactive salary adjustments for several departments

Councilwoman DeFillippo congratulated Mr. Raths for being named the "Business Person of the Year" by the Roxbury Chamber of Commerce. She reported that the Chamber would be hosting a luncheon on December 21, 2011 to honor Mr. Raths for his award, and to recognize Kens Auto Body, Roxbury Auto and Portasoft for recent improvements to their businesses. She said that the new Chief of Police, James Simonetti, would also be introduced at the luncheon.

Councilwoman DeFillippo recommended that the Council appoint John Wetzel to fill the vacancy on the Zoning Board of Adjustment (due to Mr. Crowley's recent resignation). Mayor Rilee suggested taking action at the next council meeting.

At 7:40PM, Mr. Bucco arrived.

Councilwoman DeFillippo announced the scheduled dates and times for upcoming Economic Development Committee meetings.

Councilwoman DeFillippo reported that the Library, Roxbury Area Chamber of Commerce, and the Recreation Committee were working together to bring holiday programs to the township. She provided a summary of upcoming events occurring in Roxbury, including a Holiday Concert, Christmas Tree Lighting, Santa visiting the Library and arriving on a fire truck, and a Toys-for-Tots campaign. Councilman DeFillippo thanked Fire Company No.1 for their participation and assistance.

Councilwoman DeFillippo asked if the schools recycle paper. Councilman Schmidt and Board of Education member Maureen Castriotta confirmed that paper is recycled within all the schools.

Councilwoman DeFillippo reported that she has received feedback from residents about their brush being picked up. She also acknowledged witnessing crews working throughout the holiday weekend. Councilwoman DeFillippo thanked Mr. Blood and his department for all their efforts.

Councilwoman DeFillippo informed the Council that there was a group of residents from Mooney Mountain who were joining together to take action against the plans being considered for the former Fenimore landfill site by the private property owner.

Deputy Mayor Hall asked Mr. Raths about the drainage problem on Hillside Avenue near the Roxbury High School entrance. Mr. Raths said he would contact the County representative to find out the status of the situation.

Councilwoman DeFillippo also pointed out that there is a drainage issue on Route 10 near the railroad tracks. Mr. Raths said that he had already contacted the County about the situation and was awaiting a response.

Deputy Mayor Hall referred to Councilman Schmidt's previously mentioned comments about the library boiler and reiterated the importance of resolving the issue.

Deputy Mayor Hall reported that \$25,000 funding had been received for the Black River pathway. He asked Mr. Raths to call Dave Helmer and find out what else needed to be done in order to proceed as quickly as possible.

Mayor Rilee added that the Township was granted \$43,000 from the state for the Horseshoe Lake extension. Council members agreed that they wanted to get the project completed soon.

Deputy Mayor Hall asked how the \$2,500 "100 Best Communities" award money would be utilized. Mr. Raths said that he would be accepting the recommendations from the team that compiled and submitted the application. Council members had no objections.

Deputy Mayor Hall reported that \$350,000 was received for the Landing Road project. Mr. Raths informed Council that the Township would be taking a comprehensive approach to developing the park and noted that traffic studies would be a major component of the process.

Mr. Raths reported that the Township had received proposals for Property and Casualty Insurance from two companies: JIF & Statewide. He expected recommendations to be submitted to the Council by Friday.

Mr. Raths informed Council that the Township's letterhead had been changed to include the "100 Best Communities" logo and that the logo would be posted in entryways of Township buildings, on the website and other various locations throughout the municipality. He said that pricing for school signs and a banner were being looked into, as well.

Mr. Raths said that the Township would be focusing on smaller, less traveled roads during the post storm clean-up efforts because a four man crew is needed for the

busier, main roads. Mr. Rath advised Council that Mr. Blood would be hiring temporary help to provide assistance.

Mr. Rath spoke about the Library Board of Trustees' previous decision to be autonomous and fund their own capital projects with their allotted 1/3 million dollars and their current request for the Council to help pay for a new boiler system. Councilman Schmidt said that he had been under the impression that "no capital funding was to be taken out of the 1/3 Mil". Mr. Bucco confirmed that the Library could not borrow money for capital projects but that the Township could get a bond anticipation note and the Library could, in turn, appropriate payments to the Township out of the 1/3 million dollars. Council members decided to revisit the issue after further information was available.

Mr. Rath spoke about a draft resolution received from the Atlantic County Freeholders urging legislation to address the unfairness caused by modifications passed into law under the SARLO bill. Mayor Rilee asked for the issue to be included on the next Council agenda.

Mrs. Rhead spoke about the 2012 calendar and a conflict between the dates for the Council meetings and the Planning Board meeting during the first week of the year. Discussion ensued and it was decided to reschedule Council's Reorganization Meeting to take place Monday, January 2nd, 2012 and to schedule the first regular meeting of the year on Tuesday, January 3rd, 2012. Councilwoman DeFillippo asked for the amendments to be posted on the website.

Mayor Rilee informed members that he had received a letter from the state regarding road mitigation along Route 46 advising that work would continue through May 2012.

Mayor Rilee requested an update from Mr. Bucco regarding the status of the group home scenario as introduced by the state. Mr. Bucco informed Council that Mr. Stern had reviewed the agreements and had suggested some changes. Mayor Rilee asked for the process to be expedited because the state was looking to proceed.

Mr. Rath reported that Investors Savings Bank had changed their name to Investors Bank and were requesting to amend the naming rights agreement and the signage on the RoxPac theatre to reflect the change. Council had no objections.

A. New Business

1. None

B. Old Business

1. ROMAC Committee Appointment – *no recommendations*

C. Presentations

1. None

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

None

PUBLIC PORTION

Bill Wilkins

199 Mooney Road, Ledgewood

Mr. Wilkins identified himself as a member of the Library Board of Trustees. He said that that the Library was struggling financially with the 1/3 million dollar budget they receive and that they would not be able to pay for capital projects. He cited wage and benefit requirements as factors impacting the financial situation. Mayor Rilee reminded everyone that the Library made the decision years ago to be autonomous and receive the 1/3 million dollars, as allowed, and was not open to a cooperative working relationship with the Council. Mr. Wilkins said that the current Board wants to pursue a mutually accommodating affiliation.

Robert Kluska
274 Emmans Road, Flanders

Mr. Kluska asked for confirmation of the start time for Saturday's Budget Meeting. Mayor Rilee responded.

Mr. Kluska thanked the Council for allowing the Senior Club to receive quarterly allotments as opposed to waiting for individual reimbursements for every minor purchase. Mr. Raths explained that the bus portion would still be paid directly to the bus companies.

Richard Keir
529 Curtis Road, Landing

Mr. Keir reiterated previous comments about the new members of the Library Board looking forward to working more cooperatively with the Council.

Mayor Rilee closed the public portion.

DRAFT ORDINANCES FOR DISCUSSION

None

INTRODUCTION OF PROPOSED ORDINANCES

13-11 CAPITAL ORDINANCE OF THE TOWNSHIP OF ROXBURY, IN THE COUNTY OF MORRIS, NEW JERSEY AUTHORIZING ENVIRONMENTAL STUDIES AND REMEDIATION PLANNING FOR THE FUTURE CONSTRUCTION OF ATHLETIC FIELDS IN, BY AND FOR THE TOWNSHIP, APPROPRIATING THEREFOR THE SUM OF \$100,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE OPEN SPACE TRUST FUND OF THE TOWNSHIP

Councilman Zoschak made a motion to adopt the introduction of Ordinance No.13-11. Councilman Schmidt seconded the motion.

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

Motion carried 7 to 0.

14-11 CAPITAL ORDINANCE OF THE TOWNSHIP OF ROXBURY, IN THE COUNTY OF MORRIS, NEW JERSEY AUTHORIZING THE UNDERTAKING OF THE HORSESHOE LAKE EXTENSION PROJECT IN, BY AND FOR THE TOWNSHIP, APPROPRIATING THEREFOR THE SUM OF \$270,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE OPEN SPACE TRUST FUND OF THE TOWNSHIP

Deputy Mayor Hall asked for clarification regarding Ordinance No.14-11. Mr. Raths explained that, even though the use was already approved, a separate ordinance is needed whenever money is taken out of the Open Space account.

Councilman Schmidt made a motion to adopt the introduction of Ordinance No.14-11. Councilman Behrens seconded the motion.

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

Motion carried 7 to 0.

15-11 AN ORDINANCE AUTHORIZING THE EXECUTION OF THE FOURTH AMENDMENT TO THE TOWNSHIP’S AGREEMENT WITH THE MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY (MCMUA) FOR POTABLE WATER SUPPLY AND SERVICE

Councilman Behrens expressed his thoughts that the late fees seemed excessive. Mr. Rath explained that the amounts were mandated by the state, not the municipality. Councilman Zoschak asked if the agreement included Woodmont and Muscarelle water. Mr. Rath confirmed that the agreement covered the usage, but that Woodmont had not yet applied for it. Councilman Behrens also pointed out a typographical error on page twelve of the agreement (the date in the draft agreement that needed to be changed from September 30, 2011 to November 30, 2011).

Councilman Zoschak made a motion to adopt the introduction of Ordinance No.15-11. Councilman Schmidt seconded the motion.

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

Motion carried 7 to 0.

HEARING AND ADOPTION OF ORDINANCES ON SECOND READING

12-11 AN ORDINANCE TO AMEND CHAPTER XII, SEWER AND WATER, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROXBURY, COUNTY OF MORRIS, STATE OF NEW JERSEY, TO REVISE WATER RATES

Councilman Zoschak made a motion to open Ordinance No.12-11 to the public for comment. Councilman Schmidt seconded the motion.

Roll Call: All in Favor – Yes

Motion carried 7 to 0.

Public Comment - none

Councilman Zoschak made a motion to close Ordinance No.12-11 to the public. Councilman Behrens seconded the motion.

Roll Call: All in Favor – Yes

Motion carried 7 to 0.

Councilman Zoschak made a motion to adopt Ordinance No.12-11. Councilman Schmidt seconded the motion.

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

Motion carried 7 to 0.

INTRODUCTION AND ADOPTION OF RESOLUTIONS

11-339 A RESOLUTION INCORPORATING BY REFERENCE HEREIN AND APPROVING THE FOLLOWING NUMBERED RESOLUTIONS LISTED ON THE REGULAR COUNCIL MEETING AGENDA FOR THIS DATE:

11-340, 11-341, 11-342, 11-343, 11-344,
11-345, 11-347, 11-348, 11-349

Councilman Schmidt made a motion to adopt the incorporating Resolution No.11-339.
Councilman Zoschak seconded the motion.

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

Motion carried 7 to 0.

- 11-340** A RESOLUTION AUTHORIZING A PARTIAL REFUND OF THE UNUSED ENGINEERING INSPECTION FEES TO SENECA HILLS CORP. FOR A PROJECT KNOWN AS 15 N HILLSIDE AVENUE, SUCCASUNNA, BLOCK 5203, LOT 50
- 11-341** A RESOLUTION APPROVING CHANGE ORDER NO. 1 (FINAL) AUTHORIZING THE ACCEPTANCE OF THE MAINTENANCE BOND, APPROVING THE RELEASE OF THE PERFORMANCE GUARANTEE AND AUTHORIZING FINAL PAYMENT TO T.R. WENIGER, INC., GREEN BROOK, NEW JERSEY FOR THE LAURIE ROAD DRAINAGE PROJECT
- 11-342** A RESOLUTION AUTHORIZING A SANITARY SEWER ALLOCATION TO SENECA HILLS CORPORATION FOR THE PROPERTIES LOCATED AT 15 EYLAND PLACE, SUCCASUNNA, BLOCK 1901, LOT 18.01 AND 18 EYLAND PLACE, SUCCASUNNA, BLOCK 1901, LOT 18.03
- 11-343** 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
- 11-344** A RESOLUTION AUTHORIZING THE REFUND OF TAXES
- 11-345** A RESOLUTION AUTHORIZING THE REFUND OF WATER UTILITY OVERPAYMENT
- 11-346** **TABLED** – A RESOLUTION GRANTING SOIL MOVEMENT AND RELOCATION APPROVAL TO THE WILLIAM H. MCNEAR IRREVOCABLE TRUST AND MCNEAR EXCAVATING, INC. CONCERNING PROPERTY LOCATED AT LEDGEWOOD LANDING ROAD, TOWNSHIP OF ROXBURY, COUNTY OF MORRIS
- 11-347** A RESOLUTION AUTHORIZING THE INSERTION OF AN ITEM OF REVENUE IN THE 2011 BUDGET FOR FUNDING FOR BODY ARMOR GRANT
- 11-348** A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO GM FENCE FOR THE REMOVAL AND INSTALLATION OF FENCING AT THE SHORE HILLS PARK
- 11-349** A RESOLUTION AUTHORIZING THE PAYMENT OF BILLS

Mayor Rilee amended the order of the agenda to allow for discussion on TABLED Resolution 11-346 "A RESOLUTION GRANTING SOIL MOVEMENT AND RELOCATION APPROVAL TO THE WILLIAM H. MCNEAR IRREVOCABLE TRUST AND MCNEAR EXCAVATING, INC. CONCERNING PROPERTY LOCATED AT LEDGEWOOD LANDING ROAD, TOWNSHIP OF ROXBURY, COUNTY OF MORRIS"

Councilman Zoschak questioned the \$500 per day fine. Mr. Bucco noted that the fine would be reevaluated. General Council discussion ensued regarding the responsibilities of each of the involved parties. Mayor Rilee recommended that site inspections be conducted on a regular basis. Mr. Bucco said that the ordinance has a provision regarding inspection standards. Deputy Mayor Hall asked if the total number of blasts was included in the ordinance. Mr. Bucco confirmed that the ordinance specifically states that there would be ten blasts.

Mayor Rilee returned to the order of the agenda.

PERSONNEL CHANGES

None

COMMUNICATIONS

November 18, 2011

#5 Correspondence from Marilyn Regner, Secretary, Morris County MUA, to Amy Rhead, Acting Township Clerk, dated November 9, 2011, re: MCMUA Water Rate Amendment, adopted November 7, 2011

Councilman Zoschak asked Mr. Raths what the amount was prior to the adjustment. Mr. Raths said that he would get back to Council with an answer.

#6 Correspondence from Michael A. Kobylarz, P.E., P.P., C.M.E., Township Engineer/Director of Utilities, to Bert & Faith H. Mittelstadt, Kenvil residents, dated November 4, 2011, re: notification of possible abandonment of the Lake Silver Springs Stormwater Quality Device project due to repeated objections from above named residents

Mayor Rilee asked for an update on the status of the above referenced issue. Mr. Raths said that his attempts to contact the Mittelstadts have been unsuccessful.

November 23, 2011

#2 Correspondence from Highway Safety Fund 2011, to Christopher Raths, Township Manager, received November 21, 2011, re: Grant Application for State Aid to Counties and Municipalities Highway Safety Fund 2011

Councilman Schmidt asked if the Township had received the above referenced grant. Mr. Raths confirmed.

PUBLIC PORTION

None

EXECUTIVE SESSION

11-350 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:

Personnel:

- Township Manager's Evaluation

Attorney/Client Privilege:

- former Fenimore Landfill site

At 8:45 PM, Councilman Zoschak made a motion to adopt Resolution No.11-350 for Executive Session. Councilman Behrens seconded the motion.

Roll Call: All in Favor – Yes

Motion carried 7 to 0.

At 10:00PM, the Council returned to the open session of the meeting.

ADJOURNMENT

At 10:00PM, Councilman Zoschak 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: February 21, 2012

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