

**August 7, 2012**

A Regular Meeting was held by the Township Council of the Township of Roxbury on August 7, 2012 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 Meeting of the Township Council of the Township of Roxbury was given as required by the Open Public Meetings Act as follows: On December 19, 2011, notice was faxed to the Daily Record, the Newark Star Ledger, The Roxbury Register and published in the Daily Record; notice shall also remain posted throughout the year on the bulletin board in the main hallway of the Municipal Building.

**ROLL CALL (Present):** Councilman Gary Behrens  
Councilman Mark Crowley  
Councilman Jim Rilee  
Councilman Martin Schmidt  
Councilman Richard Zoschak  
Mayor Fred Hall

**Absent:** Deputy Mayor Kathy DeFillippo

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

**Staff:** Michael Kobylarz, Township Engineer/Director of Utilities  
Rick Blood, Director of the Dept. of Public Works  
Lieutenant Marc Palanchi, Roxbury Township Police  
Chief James Simonetti, Roxbury Township Police  
Captain James Quinn, Roxbury Township Police  
Sergeant Stephen Catalano, Roxbury Township Police

**Public/Other:** eight (8) members of the public were in attendance, including Retired Police Chief, Mark Noll; Mike Condon, Roxbury Register reporter

**Mayor Hall amended the order of the agenda to address the following presentation:**

**Lt. Marc Palanchi – FBI Academy Honors**

Mayor Hall read a Roxbury Township Police Department press release regarding the recent graduation of Lt Marc Palanchi from the Federal Bureau of Investigation National Academy in Quantico, Virginia.

Chief Simonetti noted that Lt. Palanchi was among an elite group selected to attend the Academy that has an acceptance rate of less than one percent. He added that, during his ten week training, Lt. Palanchi was nominated class President and class spokesman at their graduation. He was also selected for his leadership traits and received the Academy's Leadership Award. Chief Simonetti acknowledged Lt. Palanchi's dedication and strong work ethic and said the Township of Roxbury is fortunate to have him as a member of the Police Department. Chief Simonetti also thanked Roxbury resident, FBI Special Agent Doug Veivia, for assisting Lt. Palanchi with the FBI National Academy enrollment process.

Lt. Palanchi thanked Chief Simonetti, FBI Special Agent Doug Veivia, former Chief of Police Mark Noll, Mr. Raths, the Township Council and his wife and children for the opportunity to attend the three month long program.

Mayor Hall congratulated Lt. Palanchi for his accomplishments.

**Mayor Hall returned to the order of the agenda**

**APPROVAL OF MINUTES**

April 10, 2012 – Regular Meeting

July 10, 2012 – Regular Meeting

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

Councilman Behrens seconded the motion.

Roll Call:	<b>April 10, 2012 Regular Meeting</b>	<b>July 10, 2012 Regular Meeting</b>
Councilman Behrens	Yes	Yes
Councilman Crowley	Yes	Yes
Councilman Rilee	Yes	Yes
Councilman Schmidt	Yes	Yes
Councilman Zoschak	Yes	Yes
Mayor Hall	Yes	Yes

Motion carried 6 to 0.

**Mayor Hall amended the order of the agenda to address the following items listed under REPORTS OF COUNCIL LIAISON REPRESENTATIVES, COUNCIL COMMITTEES AND NEW BUSINESS/OLD BUSINESS**

**Access Agreement – Strategic Environmental Partners/Fenimore**

Mr. Rath reported on the status of the Access Agreement:

- approval had been received from the State Historical Commission
- Strategic Environmental Partners (SEP) and the Township Engineer have met and discussed the exact location for the proposed roadway
- interconnecting roadway design work is being done by the Township Engineer
- representative from the New Jersey Department of Environmental Protection will identify any potential habitat issues for the Indiana Bats during an on-site visit scheduled for August 9, 2012
- if the state funds the project; Township will seek advance payment as opposed to reimbursement
- NJDOT is concerned with the location of the entrance to the access road
- the possibility exists that services may need to be procured via an emergency process in order to expedite the project
- the Board of Education’s Transportation Director has been notified about residents’ concerns with truck traffic and school bus stops; the Township is awaiting a response as to whether they will consider modifying the bus routes

Mr. Bucco reported that:

- he had been notified that Mr. Bernardi had agreed to extend the internal haul road on his property to meet the proposed access road
- the Judge was waiting for responses from the parties before determining whether or not to schedule another hearing date between the NJDEP and SEP
- there continue to be ongoing discussions regarding the deficiencies with the Administrative Consent Order

**Proclamation – Olde Suckasunny Day**

Mayor Hall read a proclamation declaring September 8, 2012 “Olde Suckasunny Day” in the Township of Roxbury.

**Mayor Hall continued to amend the order of the agenda to address the following items listed under MATTERS REQUESTED/REFERRED BY COUNCIL MEMBERS, MANAGER, ATTORNEY OR CLERK**

**Block Party – Main Street, Succasunna (September 8, 2012)**  
**Block Party – Brookside Road, Succasunna (August 18, 2012)**  
**Block Party – Leonard Place, Succasunna (August 11, 2012)**

Councilman Rilee made a motion to approve the above referenced block party requests. Councilman Schmidt seconded the motion.

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

Motion carried 6 to 0.

### **Roxbury Historic Trust**

Miriam Morris spoke about Roxbury Historic Trust's application submission for a planning grant. She advised that one of the requirements for the submission was for Council to adopt a resolution supporting the application. Mr. Rath said the resolution would be included on the August 21, 2012 agenda for Council consideration. Mrs. Morris thanked Mr. Bucco for reminding the Trust to apply for the grant.

### **Route 10 Improvements**

Mr. Kobylarz spoke about the design plans for the Route 10 and Commerce Boulevard improvements which included road widening, resurfacing, realigning the Route 10 exit ramp, relocating and adding traffic signals, and providing new curbing. Councilman Schmidt suggested implementing no parking rules in areas that would be experiencing a significant increase in traffic due to detouring. Mr. Kobylarz said that the NJDOT had not yet provided an estimated date of completion of the project. Mr. Kobylarz also informed Council that the NJDOT was requiring the following agreements to be executed in order for the Route 10 and Commerce Boulevard project to proceed:

1. Jurisdictional Agreement No. 4736 (ie: jurisdictional limit map)
2. Traffic Signal Agreement Route 10 & Mary Louise Avenue (request for Mr. Kobylarz to make sure that the NJDOT install at the beginning of the project)
3. Traffic Signal Agreement Commerce Boulevard & Main Street (*Route 10, Ramp D*)

General discussion ensued regarding sidewalks:

- Is the NJDOT making a recommendation for sidewalk installation or not? Mr. Kobylarz will seek clarification.
- Mr. Bucco cautioned Mr. Kobylarz that NJDOT often requires municipalities to provide sidewalk maintenance (shoveling, de-icing, etc.).
- Councilman Rilee suggested that the Township remind Developers that sidewalk construction is a requirement of the Township plan regardless of whether or not the State recommends it.

Mayor Hall and Councilman Rilee stressed the importance of having the Eyland Avenue project completed before the start of this project. Mr. Rath and Mr. Kobylarz assured the Council that they would speak to the County and State about the timeframes of the projects.

### **County Wastewater Sewer Map**

Mr. Rath credited Mr. Kobylarz and his staff for their efficiency and hard work on the current projects that are underway.

Mr. Kobylarz explained that the County of Morris had requested that a resolution be passed by the Township consenting to their Draft Future Waste Water Service Area

Map. He announced that the NJDEP would be in attendance and accepting comments during the County's public hearing scheduled for Monday, August 13, 2012, from 5:30 p.m. to 8:00 p.m. in the meeting room of the Morris County Library.

Mr. Kobylarz detailed the additions and revisions to the previously discussed Sewer Service Areas and responded to Council questions regarding Highlands and the possible exclusion of properties with the preservation area limit. Further general discussion ensued regarding areas that would be most impacted.

Mr. Kobylarz informed Council that the McNear parcel that was recently acquired by the Township is not included on the Map. Council members agreed that efforts should be made to have the NJDEP include both sides of the street of the McNear parcel to the Map. As far as the impact on COAH sites, Mr. Kobylarz informed Council that the Kingtown property would be affected.

To summarize the situation for the public, it was explained that recent criteria changes at the state level had resulted in the removal of many properties from the sewer service area and placed the onus on property owners to provide proof that the parcel should be added back in.

### **Highlands Conformance Review**

Mr. Rath reviewed the documents Mr. Stern provided with the agenda and stated that a Conformance Plan would need to be submitted by the end of July 2012. Mr. Rath said that the scope of the property has changed and that the municipality would follow the rules, but it would be under protest. Mayor Hall described the locations of the property being discussed.

Councilman Rilee provided clarification regarding his role as both a member of the Township Council and the Chair of the Highlands Council. He stated that, pursuant to legal opinions provided by the Township's Legal Counsel as well as the State Attorney General, he can maintain his position as a Councilman for the Township of Roxbury because he a). recuses himself from any and all issues regarding Roxbury while sitting on the Highlands Council, and b). recuses himself from any discussion at the Council level that may be a potential conflict of interest due to his Highlands Council position.

### **Mayor Hall continued amending the order of the agenda to allow for the Public Portion.**

#### **Anthony Fiore**

##### **70 Fox Chase Lane, Ledgewood**

Mr. Fiore thanked the Manager and the Council for their diligence in attempting to help the residents with the issues of truck traffic and dumping at the former Fenimore Landfill site. Mr. Fiore asked who would be responsible for maintenance of the access road, specifically snow and ice removal. Mr. Rath and Mr. Bucco said it was a good question and acknowledged that they would have to look into the issue further.

Mr. Fiore asked if the results had been obtained from the New Jersey Department of Health's investigation of the landfill. Mr. Bucco said that the results had not yet been reported but he believes they will recommend capping the landfill to remediate any asbestos issues. Mr. Rath stated that Roxbury is waiting to hear from the NJDEP regarding the parameters of the air sample testing procedures for asbestos and methane gas.

#### **Robert Kluska**

##### **274 Emmans Road, Flanders**

Mr. Kluska voiced his dissatisfaction with the acoustics in the Council Room.

### **Mayor Hall closed the public portion and returned to the order of the agenda.**

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

Councilman Schmidt asked Mr. Rath about the status of the Canal Street Bridge project. Mr. Rath responded that approval had not yet been obtained from State Historic Preservation Office (SHPO) because there were some outstanding issues that needed to be worked out with the County. Mr. Rath also advised that there is a telephone pole that needs to be relocated because of right-of-way rules. Councilman Schmidt informed Council that the Historic Advisory Committee would be sending a letter to the State requesting that the bridge construction remain as it once was built (LaNell design) instead of being rebuilt as a stone-faced bridge.

Councilman Schmidt requested the rejection of all bids that were received for the Library boiler because the lowest bid substantially exceeded cost estimates for the project. Mr. Rath informed Council of provisions in the law that allow the Governing Body to enter into a negotiated contract when all bids are rejected due to bids coming in higher than anticipated. Councilman Schmidt asked Mr. Blood to proceed with the process of negotiating a price, in conjunction with the applicable laws of the state.

Councilman Schmidt also advised Council that the Library Board may be requesting that the repayment terms in the Boiler Loan Agreement be extended by approximately twelve months.

Councilman Schmidt asked Councilman Crowley to assist with reviewing and assessing the computer situation at the Library. Councilman Crowley responded affirmatively.

Councilman Zoschak thanked Mr. Blood and the Township of Roxbury for paving Logan Drive and other various areas in Landing that were in need of resurfacing.

Councilman Zoschak asked Mr. Rath for an update on the proposed group home in Landing. Mr. Rath replied that he had not been successful in reaching any of the principals involved with the group home; therefore, he had nothing to report.

Councilman Zoschak asked for an update on the graffiti issue at Shore Hills. Mr. Rath referred to Mr. Blood. Mr. Blood stated that the graffiti would be covered with paint as soon as the ordered supplies arrive. Councilman Zoschak asked if the cameras had proved helpful in identifying the vandals. Mr. Rath stated that the graffiti occurred prior to the installation of the cameras.

Councilman Zoschak reported that he and Mayor Hall had attended the Port Morris National Night out earlier that evening and thought it was well attended and enjoyable.

Councilman Zoschak asked for an update regarding the plans for the Company No. 2 Firehouse. Mr. Rath said that Mr. Kobylarz would be reviewing the design proposals with the Committee in the near future and that a presentation to Council of the final plans was expected by the end of August.

Councilman Zoschak stated that after meeting with Roxbury's Special Tax Counsel, Fred Semrau, the attorney representing Auriemma Court resident, Ed Maas, concurred that his client needs to follow the legal tax appeal process as previously suggested by Council.

Councilman Rilee reported on his recent meeting with the Fire Chiefs. He said that information had been provide to Mr. Rath about some outstanding items that would like addressed and rectified.

Councilman Behrens reported that senior citizens had voiced concerns about construction and overgrown foliage blocking the view of drivers at certain intersections and advised that Mr. Blood had been made aware of the areas and was addressing the problems.

Councilman Behrens spoke about an ongoing issue of dumpsters that are overflowing and fencing that is in disrepair behind the mall on the corner of Route 46 and Howard Boulevard. Mr. Rath said that the Zoning Officer would be looking into the issues.

Councilman Behrens reported that the Roxbury Seniors would be having a picnic at Horseshoe Lake on August 9, 2012 and the Ever Young Seniors would be having a picnic at Horseshoe Lake on September 6, 2012.

Mayor Hall asked Councilman Crowley about his review of the paperless meeting proposals. Councilman Crowley said that the Computer Committee would provide feedback to Council after they receive a response from legal opinion. It was pointed out that other municipalities, such as Jefferson, Randolph, and Montville already utilize paperless meeting procedures.

Mayor Hall announced that area mayors would be meeting on August 14, 2012 from 6:00 p.m. to 10:00 p.m. to discuss the status of the Lake Hopatcong Commission.

Mr. Rath stated that the Council's Special Meeting regarding the Hercules property would have to be rescheduled.

Mayor Hall requested that information about Olde Suckasunny Day be distributed to Council.

Mayor Hall reported three different design options for the Landing Recreation project were presented at the recent Recreation Committee meeting. Mayor Hall asked Mr. Rath to get the plans from Mr. Stierli so they could be presented at a Council meeting in the near future.

Mr. Rath informed Council that the Township of Roxbury had been approached by Mine Hill about the possibility of sharing police services. He also noted that he had confirmed same with a Star Ledger reporter earlier in the day.

Mr. Rath informed the Council that a Lake Hopatcong organization had requested that the Roxbury Police Department provide personnel to patrol the lake. Chief Simonetti explained to them that Roxbury Police Department has no jurisdiction or authority to provide services for them.

Mr. Rath reported that the Main Street Streetscaping project has been started.

Mr. Rath stated that the second phase of the Dell Avenue, Gordon Road and Morgan Road projects would be started by week's end and completed soon. Mr. Blood confirmed.

**A. New Business – none**

**B. Old Business**

1. **Access Agreement – Strategic Environmental Partners/Fenimore – previously addressed**

**C. Presentations**

1. **Lt. Marc Palanchi – FBI Academy Honors – previously addressed**
2. **Proclamation – Olde Suckasunny Day – previously addressed**

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

1. **Block Party – Main Street, Succasunna (September 8, 2012) – previously addressed**
2. **Block Party – Brookside Road, Succasunna (August 18, 2012) – previously addressed**
3. **Block Party – Leonard Place, Succasunna (August 11, 2012) – previously addressed**
4. **Roxbury Historic Trust – previously addressed**
5. **Route 10 Improvements – previously addressed**
6. **County Wastewater Sewer Map – previously addressed**
7. **Highlands Conformance Review – previously addressed**

**PUBLIC PORTION** – *previously addressed*

**DRAFT ORDINANCES FOR DISCUSSION**

None

**INTRODUCTION OF PROPOSED ORDINANCES**

None

**HEARING AND ADOPTION OF ORDINANCES ON SECOND READING**

None

**INTRODUCTION AND ADOPTION OF RESOLUTIONS**

**2012-254** A RESOLUTION INCORPORATING BY REFERENCE HEREIN AND APPROVING THE FOLLOWING NUMBERED RESOLUTIONS LISTED ON THE REGULAR COUNCIL MEETING AGENDA FOR THIS DATE:

Councilman Rilee made a motion to adopt incorporating Resolution No.2012-254. Councilman Schmidt seconded the motion.

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

Motion carried 6 to 0.

**2012-255** A RESOLUTION AUTHORIZING ACCEPTANCE OF GIFTS

**2012-256** A RESOLUTION AUTHORIZING ACCEPTANCE OF GIFTS  
Mayor Hall asked Mr. Raths to clarify the rules associated with acceptances of gifts by the municipality. Mr. Raths explained that donations exceeding a value of a certain amount should be acknowledged and accepted through a resolution.

**2012-257** A RESOLUTION REJECTING ALL BIDS RECEIVED FOR THE BOILER REPLACEMENT AT THE ROXBURY PUBLIC LIBRARY

Mr. Bucco recommended the fifth “Whereas” statement be amended to read as follows: “WHEREAS, it is recommended that based on N.J.S.A. 40A:11-13.2, the Township reject all bids and attempt to negotiate a contract for the boiler replacement within the amount appropriated for this project”; and item #2 listed under the “Now, Therefore, Be It Resolved” clause be revised to read as follows: “The Purchasing Agent and the Director of Public Works are hereby authorized and directed to negotiate a contract for the boiler replacement within the amount appropriated for this project”. Council had no objection and directed Mrs. Rhead to make said changes.

**2012-258** A RESOLUTION AUTHORIZING THE REFUND OF TAXES

**2012-259** RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION FOR THE ROXBURY 2013 MUNICIPAL ALLIANCE GRANT

**2012-260** A RESOLUTION AUTHORIZING THE PAYMENT OF BILLS  
The adoption date on the resolution that was distributed with the original agenda was incorrectly printed as August 8, 2012. Mrs. Rhead corrected the typographical error to state the correct adoption date of August 7, 2012.

**PERSONNEL CHANGES**

None

## **COMMUNICATIONS**

July 27, 2012

Councilman Rilee made a motion to file Communications for July 27, 2012.  
Councilman Schmidt seconded the motion.

Roll Call: All in Favor – Yes

Motion carried unanimously, 6 to 0.

August 3, 2012

Councilman Rilee made a motion to file Communications for August 3, 2012.  
Councilman Schmidt seconded the motion.

Roll Call: All in Favor – Yes

Motion carried unanimously, 6 to 0.

## **PUBLIC PORTION**

**Ralph Nappi**

**29 Ford Road, Landing**

Mr. Nappi asked about the status of Mt. Arlington's previous inquiry to share police service with the Township. Mr. Rath responded that Mt. Arlington was no longer interested in pursuing. Mr. Nappi asked if other potential shared service initiatives were being discussed. Mr. Rath replied that there are currently no specific plans with any municipality, but that the Township is always open to the concept of shared services.

**Mayor Hall Closed the Public Portion.**

## **EXECUTIVE SESSION**

**2012-261** 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:

- 1. Land Acquisition** – The Villages
- 2. Attorney/Client Privilege** – former Fenimore Landfill site

At 9:30PM, Councilman Rilee made a motion to adopt Resolution No.2012-261 for Executive Session. Councilman Zoschak seconded the motion.

Voice Vote: All in Favor – Yes

Motion carried unanimously, 6 to 0.

**At 10:42PM, the Council returned to the open session of the meeting.**

Mayor Hall informed Council that September is Ovarian Cancer Month and that a member of the Environmental Commission had requested support in the "Paint the Town Teal" initiative to increase public awareness. Council members had no objection.

## **ADJOURNMENT**

At 10:45PM, Councilman Zoschak made a motion to adjourn the meeting.  
Councilman Schmidt seconded the motion.

Voice Vote: All in Favor – Yes

Motion carried unanimously, 6 to 0.

Submitted By:

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Amy E. Rhead  
Township Clerk

**MINUTES APPROVED BY COUNCIL**

**DATE:** September 25, 2012

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