

**July 24, 2012**

A Regular Meeting was held by the Township Council of the Township of Roxbury on July 24, 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  
Deputy Mayor Kathy DeFillippo (7:35 p.m. arrival)  
Councilman Jim Rilee  
Councilman Martin Schmidt  
Councilman Richard Zoschak  
Mayor Fred Hall

**Absent:** None

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

**Staff:** Rick Blood, Director of the Department of Public Works  
Dave Stierli, Director of Recreation (9:00 p.m. departure)

**Public:** approximately forty-four (44) members of the public were in attendance including reporters from the Roxbury Register and Daily Record newspapers (all except one member of the public departed at 10:00 p.m.)

**APPROVAL OF MINUTES**

February 14, 2012 – Budget Meeting Minutes  
May 8, 2012 – Regular Meeting Minutes  
June 26, 2012 – Regular Meeting Minutes

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

	<b>February 14, 2012 Budget Meeting</b>	<b>May 8, 2012 Regular Meeting</b>	<b>June 26, 2012 Regular Meeting</b>
Roll Call:			
Councilman Behrens	Yes	Yes	Yes
Councilman Crowley	Yes	Yes	Yes
Councilman Rilee	Yes	Yes	Yes
Councilman Schmidt	Yes	Yes	Yes
Councilman Zoschak	Abstain	Yes	Abstain
Mayor Hall	Yes	Yes	Yes
	Motion carried 5 to 0 with one abstention.	Motion carried unanimously, 6 to 0.	Motion carried 5 to 0 with one abstention.

**7:35PM: arrival of Deputy Mayor DeFillippo**

**Mayor Hall amended the order of the agenda to allow Mr. Mark Barbone of the Roxbury Arts Alliance to speak about the recent BBQ Beach Blast Event held at Horseshoe Lake**

Mr. Barbone expressed appreciation to the businesses that provided the funding for the fireworks display at the recent 2012 BBQ Beach Blast event. He also publicly thanked:

- Genevieve Schmidt, Vice President of the Roxbury Arts Alliance
- Outback Steakhouse
- Cliff's Ice Cream
- Investors Bank (Mr. Tom McMinn, VP Branch Manager in attendance)
- Mayor Hall and Council members
- Dave Stierli, Roxbury Recreation, including the staff and lifeguards
- Mike Pellek, Fire Prevention/Safety Official
- Fire Department members
- Police Department members

Due to the huge success of the event and in recognition of the support and efforts, the Arts Alliance presented checks to the following organizations to be used as described:

- Roxbury Recreation – towards payment for day camp for children whose families cannot afford it (amount: \$1,000; donation accepted by Dave Stierli)
- Roxbury Rotary Club – noted that three of the four companies who donated for the fireworks are members of the Rotary Club (amount not publicly stated; purpose of donation not specified; donation accepted by Councilman Schmidt on behalf of the Rotary Club)
- Cops Care – to be used towards the fundraising golf outing event scheduled for August (amount not publicly stated; donation accepted by Mr. Rath on behalf of the organization)
- Roxbury Fire Associations – three separate checks to be distributed at a later date (amounts not publicly stated; purpose of donation not specified)

The next BBQ Beach Blast event has been scheduled for Thursday, June 27, 2013.

Mr. Barbone also thanked the Council and Investors Bank for finalizing the five year extension of the Naming Rights Agreement. He said that the sizeable donation from Investors Bank would assist the Performing Arts Center with their operations over the next several years.

**Mayor Hall continued amending the order of the agenda to allow the following item to be addressed as listed under “Presentations” of REPORTS OF COUNCIL LIAISON REPRESENTATIVES, COUNCIL COMMITTEES AND NEW BUSINESS/OLD BUSINESS:**

**Acknowledgement of Acquisition of McNear Parcel**

Mr. Rath spoke about the long and difficult process that has finally concluded in the closing of the McNear parcel. Mr. Bucco noted that nine deeds were executed in order to finalize the transaction. Mr. Rath expressed gratitude to the Morris County Freeholders and the State of New Jersey for having the Open Space Trust Fund money fully-fund the acquisition. Mr. Rath recognized the efforts of Ms. Sandy Uργο of the Land Conservancy for bringing closure to the project. Mayor and Council and Mr. Bucco spoke about the extraordinary perseverance exhibited by those involved with the process, especially Sandy Uργο.

**Mayor Hall continued amending the order of the agenda to allow the following item to be addressed as listed under “Old Business” of REPORTS OF COUNCIL LIAISON REPRESENTATIVES, COUNCIL COMMITTEES AND NEW BUSINESS/OLD BUSINESS:**

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

Mayor Hall read a prepared statement.

Mr. Rath updated the Council on the status of the alternate access road and noted that the entire process has been “incredibly frustrating”. Mr. Bucco spoke about the Judge’s decision to reschedule a hearing between the NJDEP and Strategic Environmental Partners. He also noted that the New Jersey Department of Health was expected to be at the former Fenimore Landfill site the next day and would be providing an opinion regarding the recent asbestos issue.

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

Mr. Bucco reminded everyone that all comments are recorded.

### **Diane O’Neill**

#### **217 Mooney Road, Flanders**

Mrs. O’Neill said that she felt there was no way to stop the plan to cap the landfill. She asked for more information about the expected start date of the alternate access road and expressed concern about dangerous situations caused by the excess truck traffic. She also voiced her concerns about the content of the fill that the NJDEP is allowing to be dumped at the site. In order to finalize the plans and obtain the remaining permits, Mr. Rath explained that permission from the land-owner allowing a portion of the access road to be built on their property was still needed. Mrs. O’Neill referenced a letter that was posted on the Facebook social media site. Mr. Bucco responded that neither he nor the Council had seen the letter she was referencing.

### **Vincent Antonello**

#### **76 Lazarus Drive, Ledgewood**

Mr. Antonello stated that he had received the aforementioned letter directly from Mr. Fredericks and posted it on Facebook so that people could be better informed about the situation.

### **Mike Maglio**

#### **60 Lazarus Drive, Ledgewood**

Mr. Maglio felt that additional publicity and awareness of the issue may adversely affect property values.

### **Millie Pellito**

#### **4 Lincoln Drive, Flanders**

Ms. Pellito asked about the funding for the access road. Mr. Rath stated that the NJDEP would be funding it with the exception of the portion belonging to SEP which was still being discussed. Ms. Pellito asked if the judge had provided any reason for her ruling. Mr. Bucco said that the transcript is available for the public to view. Ms. Pellito noted that the fill material is not being documented as supposedly required.

### **Julie Tantillo**

#### **51 Lazarus Drive, Ledgewood**

Ms. Tantillo thanked Mayor Hall for the comprehensive press release. She referenced the Notice of Violation and asked how a judge could override the immediate closure as mandated by the NJDEP via the ACO. Mr. Bucco said that he was surprised by the judge’s decision. She asked how the NJDEP could mandate something and not have the ability to ensure compliance.

Due to concern about excess truck traffic interfering with school buses on the streets and the possibility of jeopardizing safety at bus stops, Ms. Tantillo asked whether the Board of Education could modify the bus routes to avoid using Mountain Road. Mr. Rath said that he would have the Chief of Police discuss the idea with the Board of Education Transportation Director. Ms. Tantillo also advised the Council and the public that Mr. Bernardi has a website.

### **Andrew Ceacatura**

**15 Melissa Lane, Succasunna**

Mr. Ceacatura said that he has done some research on the geographic location of the former landfill site and expressed concerns about the health, safety and negative environmental impact on area ponds.

**Maureen Leuszler**

**12 Lookout Drive, Ledgewood**

Ms. Leuszler claimed that she had been given the impression by Township staff that Governor Christie had personally approved the landfill plan because of his push for solar energy and asked if he had ever personally visited the site. Councilman Zoschak responded that Governor Christie did not “green-light” the project and Councilman Rilee informed Ms. Leuszler that Mr. Bernardi began this process long before the Governor was elected. In regard to methane issues, Mr. Rath noted that, even at the objection of the Morris County Soil Conservation, the ACO approved by the NJDEP allowed the SEP to bury the trees. Ms. Leuszler said that she was never informed of the landfill when she purchased her property and felt that real estate agents should be required to disclose such information to potential buyers. She did not think the Township should have allowed a development to be built so close to a landfill. Mr. Rath pointed out that an extensive analysis conducted in 2005, prior to this additional fill being brought in, showed the risk level to be low to moderate. He said it was being capped now because the owner supposedly wants to put a solar field on the property. Mr. Bucco said that New Jersey publishes a list of Known Contaminated Sights that is available on line and is also on file with the Clerk’s Office in every municipality.

**Victor Zamora**

**18 Fox Chase Lane, Ledgewood**

Mr. Zamora asked where the asbestos came from. Mr. Rath replied that the NJDEP was still investigating.

General Council discussion ensued regarding how the Township can remain apprised of the content of the fill and the issue of overweight vehicles depositing excess fill. Mrs. Rhead confirmed that she had not received any documents or monthly reports from SEP. Deputy Mayor DeFillippo discussed submitting another OPRA request to the NJDEP requesting copies of the bill of ladings. Further instruction was not given at this time.

**Michael Anthony**

**4 Auriemma Court, Landing**

Mr. Anthony spoke in opposition to the amount of his assessed property value. He claimed there is a way that the Tax Assessor can change his assessed value outside the appeals process. He said that a Chapter 101 Compliance Plan process can be instituted and filed prior to November. Mr. Rath said that he had received a legal opinion stating that the Township does not meet the ratio criteria required that would allow a Chapter 101 submittal to the County. Council members explained that the law provides property owners with an appeals process and recommended he utilize it. Mr. Rath offered to set up a meeting between Mr. Anthony, Mr. Semrau, Special Tax Counsel, and the Tax Assessor to further educate Mr. Anthony on the proper appeals process.

In regard to the overweight trucks traveling to the landfill, Mr. Anthony suggested implementing a daily vehicle safety check. Council members informed Mr. Anthony that the State is the only entity that has jurisdiction over tractor trailer and dump truck inspections. Mayor Hall reiterated the limitations on what the Township is able to do to alleviate the safety concerns of the citizens. He noted that the Township has taken whatever precautionary measures it can, such as reducing the speed limit, in attempts to minimize the potential danger of the trucks on the residential roadways.

**Ed Maas****10 Auriemma Court, Landing**

Mr. Maas claimed that the assessed property values on some of the Auriemma Court properties were unfair. Mr. Rath explained that he was willing to educate Mr. Maas and his neighbors about the tax appeal process. Mr. Maas felt that the Tax Assessor should be able to just correct the alleged disparity. Deputy Mayor DeFillippo suggested that Mr. Maas speak to a County Tax representative, as well. Councilman Rilee pointed out that the residents have not taken advantage of the legal process that is available to them every year. Mr. Maas said that there are no comps available in the area. Mayor Hall instructed Mr. Rath to schedule a meeting with the residents, Mr. Semrau and Mr. McKeon to address further.

**Marie McCarthy****214 Mooney Road, Flanders**

Ms. McCarthy identified herself as a Roxbury resident for the past forty-one years. She asked if the fill being dumped at the Fenimore site was coming from other states. Council members did not know where it was coming from but added that they were not aware of any stipulation requiring the fill to originate exclusively from New Jersey. Council members also explained that just because a truck might have an out-of-state license plate does not mean their load originated out-of-state. Ms. McCarthy reported that she watched ten tractor trailers in one morning, at 6:45AM, traveling toward the landfill to unload fill.

**Vincent Antonello****76 Lazarus Drive, Ledgewood**

Mr. Antonello asked whether the judge had ruled on whether or not to shut down SEP for failing to comply with the rules. Mr. Bucco said that he was in the process of preparing an amicus filing which would let the town file certifications and briefs in support of the NJDEP position that operations should cease at the landfill until SEP is compliant.

Discussion ensued regarding the consequences of not capping the site. Mr. Bucco responded that the project would need to be done appropriately and that there needs to be a guarantee that the owner has the financial ability to complete the process. If the owner walks away from the project, the municipality might end up being liable to finance its completion. Mr. Bucco pointed out that the Mayor and Council are not necessarily opposed to the capping of the landfill, but are concerned about the safety, welfare, and quality of life of the residents who have to contend with the truck traffic on roads that were not constructed to handle the size of the vehicles and amount of activity.

Mr. Antonello also said that continuing to publicly discuss the issue could bring negative publicity for the township residents and reduce property values.

Deputy Mayor DeFillippo spoke about the NJDEP's approval to reopen the landfill and the fact that the owner has been allowed to bring in much more fill than needed for the solar project. SEP's financial viability is in question. Mr. Bernardi has not established an escrow account as required by the ACO and he is being allowed to bring in more fill than is needed to cap the landfill to create a solar farm for which a valid plan has not been submitted. Mr. Rath noted that the project is still in Phase I and there are an additional sixty more acres that the owner wants to open up for more fill to be dumped.

Mr. Antonello asked why the municipality has not sued the NJDEP. Mr. Bucco said that various strategies were being considered.

**Maureen Leuszler****12 Lookout Drive, Ledgewood**

Ms. Leuszler asked if there was going to be a court hearing between the NJDEP and SEP the next morning. Mr. Bucco said that the Judge had delayed further discussions until all parties had time to review documents. He confirmed that members of the public are allowed to attend and listen to the proceedings when they are held.

**Millie Pellito**

**4 Lincoln Drive, Flanders**

Ms. Pellito spoke about the recent Soil Conservation meeting and the Township Engineer's suggestion that Phase I should be completed before approval of the remainder of the project. She also said that every concern expressed by Deputy Mayor DeFillippo was voiced at the Soil Conservation meeting. Ms. Pellito felt that government was "pulling the wool over the taxpayer's eyes."

**Maureen Leuszler**

**12 Lookout Drive, Ledgewood**

Ms. Leuszler said that someone from the NJEP told her that the amount of money the Developer had in escrow was "none of her business". Deputy Mayor DeFillippo responded that the NJDEP had claimed several times that SEP was required to have an established escrow account and would be reimbursed for certain expenses only after meeting specific criteria. To date there still is no established escrow account.

**Bob Deutsch**

**61 Mountain Road, Ledgewood**

Mr. Deutsch thanked the Mayor for presiding at his recent marriage ceremony. He informed Council that he had made a donation to Parks and Recreation in Mayor Hall's name.

Mr. Deutsch told everyone that they should Google (internet search engine) the Fenimore site's owner to see what type of person the municipality is dealing with. Mr. Deutsch asked how a property owner could forbid the municipality from entering their property. Mr. Rath responded that landfills are exempt from local Land Use control. Mr. Bucco stated the municipality could not be denied access if there were a violation of the law. Mr. Deutsch suggested residents gather together and create a human roadblock to prevent truck access to the site. Council members said that such a demonstration would be against the law and advised against it.

**Anthony Fiore**

**70 Fox Chase Lane, Ledgewood**

Mr. Fiore expressed concern about the environmental impact of the unknown fill that has already been deposited.

Mr. Bucco stated that letters from SEP engineers to the NJDEP indicated that asbestos issue would be best handled by capping it.

If the Developer walks away from the project after receiving all the profit from acceptance of the fill, Mr. Fiore asked if Open Space money and/or NJDEP could possibly fund the proper capping of it. Mayor Hall did not know how the Township would be able to fund such a massive project.

**Mayor Hall closed the public portion and allowed for a 5 minute recess.**

**At 10:00PM, Council returned to the meeting and 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**

**Ajax Treatment Plant Discharge Violations**

Mr. Rath spoke about the discharge violations at the Ajax Treatment Plant and Hatch Mott MacDonald's assistance in directing the Township to utilize a temporary chemical treatment system to decrease of the ammonia concentrations and meet the lower limits. He also informed Council that there would be additional costs associated with sludge removal and that the consultants had recommended entering into an Administrative Consent Order with the NJDEP which would allow Roxbury to have twenty four months to make the repairs to the RBC units without accruing additional fines for ammonia exceedances. He said that the preparation of an ACO would cost approximately \$5,000. Mr. Rath explained that the ammonia level remained the same, but the staff knew that standards changed to the lower level in May and should

have addressed it much sooner. Additionally, staff spent too much time trying to figure out how to save money by installing the units in a more cost effective way and it ended up causing the Township to be assessed fines for violations. Deputy Mayor DeFillippo informed Council that the human error is being addressed administratively. She also pointed out that the \$7,000 was a minimum fine; it could be much more. Mayor Hall asked Mr. Rath to request relief from the violation from the NJDEP since the Township spent so much money on the landfill issues.

#### **Open Space Application – Mooney Mountain**

Mr. Rath informed Council that Blue Vista had emailed him and requested a postponement of their presentation (date to be determined).

#### **Quarterly Reports**

Council members had no questions about the quarterly reports that were provided with the agenda. Mr. Rath reported on the new recording system used by the construction Department and the Police Department and said the intent was to have all departments report in similar manner.

#### **Donate Fire Apparatus**

Mr. Rath advised the Council about the possible donation of a 1979 fire truck (a surplus vehicle) to the Dominican Republic. A free trip to the Dominican Republic would be provided in exchange. Council authorized Mr. Blood to ask the representatives if they would be willing to pay an amount equal to the lowest bid that had been received on the vehicle if the Township opted out of the airfare and the trip.

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

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

Councilman Zoschak reported that the Computer Committee would be continuing their pursuit of moving toward paperless meetings.

Deputy Mayor DeFillippo noted that she had not experienced any recent power outages, but said she would still like to receive an update on the status of the improvements from JCP&L. Mr. Rath said he would get the information from JCP&L and forward to Council.

Mayor Hall said that the recent joint meeting between the Recreation Committee and staff regarding the Landing recreation facility was very constructive.

Mr. Rath informed the Council that he would be out of town the following week and Lisa Spring will be appointed Acting Township Manager in his absence.

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

**A. New Business – none**

#### **B. Old Business**

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

#### **C. Presentations**

**1. Acknowledgement of Acquisition of McNear Parcel – previously discussed**

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

**1. Ajax Treatment Plant Discharge Violations – previously discussed**

**2. Open Space Application – Mooney Mountain – postponed**

**3. Quarterly Reports – previously discussed**

**4. Donate Fire Apparatus – previously discussed**

**PUBLIC PORTION – *previously held***

**DRAFT ORDINANCES FOR DISCUSSION**

None

**INTRODUCTION OF PROPOSED ORDINANCES**

None

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

**15-12** 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

Councilman Zoschak asked for confirmation that the Tax Assessor’s salary was the only change. Councilman Rilee stated for the record that he would be opposing the adoption of the ordinance and did not support the raise for the Tax Assessor.

Councilman Zoschak made a motion to open Ordinance No.15-12 to the public. Councilman Schmidt seconded the motion.

Voice Vote: All in Favor – Yes

Motion carried unanimously, 7 to 0.

Public Comment: *none*

Councilman Zoschak made a motion to close Ordinance No.15-12 to the public. Deputy Mayor DeFillippo seconded the motion.

Voice Vote: All in Favor – Yes

Motion carried unanimously, 7 to 0.

Councilman Zoschak made a motion to adopt Ordinance No.15-12. Councilman Schmidt seconded the motion.

Roll Call:	Councilman Behrens – Yes	Councilman Crowley – Yes
	Deputy Mayor DeFillippo – Yes	Councilman Rilee – No
	Councilman Schmidt – Yes	Councilman Zoschak – Yes
	Mayor Hall – Yes	

Motion carried 6 to 1.

**INTRODUCTION AND ADOPTION OF RESOLUTIONS**

**2012-243** A RESOLUTION INCORPORATING BY REFERENCE HEREIN AND APPROVING THE FOLLOWING NUMBERED RESOLUTIONS LISTED ON THE REGULAR COUNCIL MEETING AGENDA FOR THIS DATE:

2012-244, 2012-245, 2012-246, 2012-247, 2012-248,  
2012-249, 2012-250, 2012-251, 2012-252

Councilman Rilee made a motion to adopt Incorporating Resolution No.2012-243. Deputy Mayor DeFillippo seconded the motion.

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

Motion carried unanimously, 7 to 0.

- 2012-244** A RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE POSTED WITH THE TOWNSHIP OF ROXBURY IN CONNECTION WITH WORK PERFORMED AND ACCEPTED IN ACCORDANCE WITH A TOWNSHIP RIGHT-OF-WAY EXCAVATION PERMIT
- 2012-245** A RESOLUTION AMENDING THE MEMBERSHIP OF THE TOWNSHIP FIRE DEPARTMENT
- 2012-246** A RESOLUTION AUTHORIZING THE RELEASE OF A CASH MAINTENANCE BOND POSTED BY ROXBURY 2002, LLC. FOR THE REPLACEMENT OF TREES AT THE PROPERTY KNOWN AS BLOCK 9501, LOT 9
- 2012-247** A RESOLUTION AUTHORIZING THE REFUND OF WATER UTILITY OVERPAYMENT
- 2012-248** A RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF ONE DUMP BODY WITH ACCESSORIES FROM TONY SANCHEZ, LTD
- 2012-249** A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO DENVILLE LINE PAINTING, INC. FOR LINE PAINTING VARIOUS TOWNSHIP ROADS
- 2012-250** A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO TILCON NEW YORK INCORPORATED FOR PAVING MATERIALS FOR TOWNSHIP ROADS
- 2012-251** A RESOLUTION AUTHORIZING SALARIES AND COMPENSATION FOR EMPLOYEES FOR THE YEAR 2012
- Mr. Rath advised Council that a revised resolution was on the dais that listed the correct Clerk's salary. Councilman Rilee said that he would support the resolution because the Clerk's salary needed to be corrected, but reiterated his opposition to tenure and stated that he still disagrees with the recent accommodations made for the position of Municipal Tax Assessor.
- 2012-252** RESOLUTION AUTHORIZING THE PAYMENT OF BILLS

## **PERSONNEL CHANGES**

Memo from Patricia Reiche, Asst to CFO, dated July 2, 2012

## **COMMUNICATIONS**

July 13, 2012

Councilman Rilee made a motion to file Communications for the week ending July 13, 2012. Councilman Schmidt seconded the motion.

Voice Vote: All in Favor – Yes

Motion carried unanimously, 7 to 0.

July 20, 2012

**#1, E. Correspondence from Christopher Rath, Township Manager, to Mayor and Council, dated July 20, 2012, re: Information Update: Commerce Blvd./Rt. 10/ Hillside Ave. Intersections**

Councilman Rilee asked when the Council would be able to review the design and sidewalk plans that Township Engineer approved. Mr. Rath corrected the wording used in his memo and stated that reference should have been made to the right-of-way,

not the final designs. Mr. Raths assured Councilman Rilee that nothing would be considered “final” until Council reviews.

**#1, H. Correspondence from Christopher Raths, Township Manager, to Mayor and Council, dated July 20, 2012, re: Information Update: Berkshire Valley Nutrition Site**

Deputy Mayor DeFillippo asked for more information about the person named as having a possible interest in the Nutrition Center. Councilman Schmidt explained that Barbara Cassidy is affiliated with the Historic Advisory Committee and also may have a personal interest in the building.

**#1, J. Correspondence from Christopher Raths, Township Manager, to Mayor and Council, dated July 20, 2012, re: Information Update: Health Insurance**

Councilman Schmidt informed Council that the Library Board was still interested in participating or discussing their possible participation in the Township’s health insurance plan.

**#1, M. Correspondence from Christopher Raths, Township Manager, to Mayor and Council, dated July 20, 2012, re: Information Update: Tom’s Diner**

Deputy Mayor DeFillippo asked about the status of Tom’s Diner. Mr. Raths said that a Notice of Violation had been issued due to the condition of the property.

**#3 Correspondence from James Simonetti, Chief of Police, to Christopher Raths, Township Manager, dated July 19, 2012, re: proposal to amend educational requirements for police officers**

Councilman Rilee and Deputy Mayor DeFillippo requested that the issue regarding the hiring practice for the Police Department be addressed. Mr. Raths said he would add it on a future agenda as a discussion item (no date specified).

**PUBLIC PORTION – none**

**EXECUTIVE SESSION**

**2012-253** 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. **Contract Negotiations** – PBA Superior Officers Union
2. **Contract Negotiations** – Clerical Union
3. **Contract Negotiations** – Library employees
4. **Attorney/Client Privilege** – Reality Series request
5. **Land Acquisition** – The Villages
6. **Litigation** – former Fenimore Landfill site

At 10:35 PM, Councilman Rilee made a motion to adopt Resolution No.2012-253 for Executive Session. Councilman Schmidt seconded the motion.

Voice Vote: All in Favor – Yes

Motion carried unanimously, 7 to 0.

**At 11:30PM, the Council returned to the open session of the meeting.**

**ADJOURNMENT**

At 11:30PM, Councilman Rilee made a motion to adjourn the meeting. Councilman Schmidt seconded the motion.

Voice Vote: All in Favor – Yes

Motion carried unanimously, 7 to 0.

Submitted By:

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Amy E. Rhead  
Township Clerk

**MINUTES APPROVED BY COUNCIL**

**DATE:** November 27, 2012

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