

August 21, 2012

A Regular Meeting was held by the Township Council of the Township of Roxbury on August 21, 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
Deputy Mayor Kathy DeFillippo
Councilman Jim Rilee
Councilman Martin Schmidt
Councilman Richard Zoschak
Mayor Fred Hall

Absent: Councilman Mark Crowley

Also Present: Christopher Rath, Township Manager
Anthony M. Bucco, Esq., Township Attorney
(exited meeting at 9:20PM during Executive Session)
Amy Rhead, Township Clerk

Staff: Dave Stierli, Director, Recreation Department
(exited meeting at approx. 8:10PM)

Public: approximately fifteen (15) members of the public were in attendance, including members of the Township's Recreation Committee (approx. five people exited meeting at 8:10PM)

Mayor Hall noted that Councilman Crowley was absent due to a death in the family.

PRESENTATIONS, AWARDS, ETC

Mr. Rath presented a PowerPoint presentation which outlined and updated the fiscal and physical aspects of the Landing Road Recreational Project. He referenced the 2005 Parks and Recreation Master Plan and the 2007 Stewardship Program and reported that Capital Improvement Trust, Grants and Open Space monies would be used to finance the project. Mr. Rath also spoke about the advantage to local businesses upon the completion of the Landing Road Recreational Project. The projected timeline for the project was also reviewed.

Jim Gordon of the Recreation Committee provided information on the design concept of the Landing Recreation facility pointing out the inclusion of lighting, cameras, and gates. The current proposal includes a walking path, playground and sports fields. Councilman Rilee thanked Mayor Hall, the Committee, and all the volunteers for their perseverance in seeing the project to completion. Mayor Hall also thanked Councilman Zoschak, Roger Turley and Sandie DiDomenico for their efforts.

Deputy Mayor DeFillippo asked if there could be an extension to Mount Arlington Boulevard. It was determined that the railroad track in the path of travel would prohibit such an extension.

Mayor Hall opened the meeting to the public for questions or comments regarding the Landing Road Recreational Project.

Ralph Nappi of 29 Ford Road in Landing asked if there has been any dialogue with the residents in the area. Mr. Rath replied affirmatively and said there are approximately three or four residents that will be affected.

Seeing no other public comments, Mayor Hall closed the meeting to the public for questions or comments regarding the Landing Road Recreational Project.

Deputy Mayor DeFillippo asked about a pre-existing drainage issue in the area of the project. Mr. Rath said that Mr. Blood would be investigating the area with hopes to improve the drainage situation.

Mayor Hall asked Mr. Rath if Morris County had agreed to amend their sewer service area in order to accommodate the new facility. Mr. Rath responded that the County agreed to make the changes, but approval still needs to be obtained from the State of New Jersey.

APPROVAL OF MINUTES

January 24, 2012 – Regular Meeting
 February 28, 2012 – Budget Meeting
 July 10, 2012 – Executive Session

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

Roll Call:	January 24, 2012 Regular Meeting	February 28, 2012 Budget Meeting	July 10, 2012 Executive Session
Councilman Behrens	Yes	Yes	Yes
Deputy Mayor DeFillippo	Yes	Yes	Yes
Councilman Rilee	Yes	Yes	Yes
Councilman Schmidt	Yes	Yes	Yes
Councilman Zoschak	Abstain	Abstain	Yes
Mayor Hall	Yes	Yes	Yes
	Motion carried 5 to 0, with 1 abstention	Motion carried 5 to 0, with 1 abstention	Motion carried unanimously, 6 to 0

PUBLIC PORTION

Dennis Wine
4 Holly Drive, Succasunna

Mr. Wine referred to a topic on the agenda regarding Chief Simonetti’s proposal to amend educational requirements for new police officers. Mayor Hall noted that the issue would be open to the public during the presentation and asked Mr. Wine to hold his questions until that time.

Mr. Wine asked about the \$1,500.00 payment to Mr. Jesse Wolosky regarding an Open Public Records Act (OPRA) complaint that was made to the Government Records Council (GRC). Mayor Hall explained that there are certain people who look for loopholes in the law and try to profit from them. It was noted that it was less costly to pay the settlement fee than to argue it. He pointed out how much time and effort is expended by the staff responding to OPRA requests. Mrs. Rhead continued by stating that while well-intentioned, the Open Public Records Act is flawed. She said it allows people to take advantage of municipalities and make a profit. There is no consequence to a complainant even if the case is denied by the GRC, but it still costs the municipality thousands of dollars in legal fees to defend their case. There is also no provision against requestors bombarding multiple municipalities with numerous complicated requests all at once with the express purpose of attempting to catch a technical error that can be used to go after the Custodian of Records. She continued by explaining that OPRA provides protections to the public, such as standards and deadlines, in the event a municipality tries to block or delay access to a public record. However, it does not require the complainant to agree to mediation if

they run into a problem and it does not allow the municipality to make a counterclaim against deceptive or incongruous requests. While conceding that all municipalities may not be as forthcoming, she invited anyone to request documents from any department, anytime, in Roxbury and see for themselves the transparency and ease in which the public can access government documents, with or without a formal OPRA request form. To further provide an example of the impact of the Open Public Records Act, Mrs. Rhead pointed to a stack of requests available for public inspection and encouraged people to see for themselves some of the issues she previously described. She said that Roxbury was not alone in being a victim of the abuse, but noted that it was still frustrating, especially for a municipality that prides itself on providing access to public documents. She reiterated that the public's right to access government documents is recognized and respected by all departments within the Township of Roxbury.

Mr. Wine referenced the written proposal for the Mary Louise Avenue traffic signal and asked if it is standard practice for a municipality to pay for the electricity and lights. Mr. Rath responded that the Township covers the cost for some, but not all.

John O'Neill
217 Mooney Road, Flanders

Mr. O'Neill asked for information about the amount of truck traffic as documented by the road counters. Mr. Rath said that he would provide the information to Mr. O'Neill via email.

Mr. O'Neill offered to donate signs to the Township that state "Drive Like Your Children Live Here". He asked how many he should order and requested assistance with the installation once they are received. Mr. Rath thanked Mr. and Mrs. O'Neill and suggested that they order six signs. He further stated that the DPW Department would ensure the installation of the signs.

Mark Ramseyer
21 Ford Road, Landing

Mr. Ramseyer referenced the proposed location of the alternate access road into the former Fenimore landfill site and asked:

1. What the impact would be on Canal Park in Ledgewood, especially the walking trail portion?
2. Whether or not a remediation plan had been established to be implemented upon the conclusion of the project?
3. What would the roadway be used for on the weekends when the landfill was not operating?

Mr. Rath explained that the road would be paved and the use of the marked hiking trail would be suspended during the use of the one way access road. He also said that trucking is only allowed from 7:00 a.m. through 6:00 p.m., Monday through Friday and not on weekends. He said that after completion of the capping, the road would be considered a bikeway. Mr. Rath further stated that the NJDEP is handling all the environmental concerns.

Deputy Mayor DeFillippo stated that the Council's main concern is the safety of the residents of the Township of Roxbury and that the Council is adamantly opposed to allowing trucks and dumping activity during weekends.

Anthony Fiore
70 Fox Chase Lane, Ledgewood

Mr. Fiore asked about the functionality of SEP operating a one-way access road as both an entrance and an exit. Mayor Hall stated that Mr. Bucco was in the process of creating an Access Agreement that will be detailing the logistics involved with use of the road and addressing maintenance and enforcement issues.

Mayor Hall closed the public portion.

Mayor Hall amended the order of the agenda to allow Mr. Rath to address the item listed under New Business/Old Business of REPORTS OF COUNCIL LIAISON REPRESENTATIVES, COUNCIL COMMITTEES AND NEW BUSINESS/OLD BUSINESS:

Access Agreement – Strategic Environmental Partners/Fenimore

Mr. Rath said the permits and conceptual design work had been submitted to the NJDEP but that SEP would still have to agree to the plans. He said that the new location for the roadway would cause a minor inconvenience on Main Street in Ledgewood. Deputy Mayor DeFillippo worried about the possibility of delays. Mr. Bucco said that the time frame had been clearly outlined for all involved parties. Councilman Rilee asked if the access road agreement would become part of the ACO. Mr. Bucco said he would ask the NJDEP. Deputy Mayor DeFillippo stated that she had seen an exorbitant amount of dust around the site the previous week and asked about measures being used to control it. Mr. Rath said that SEP hired an outside contractor who has been paying the Township for the use of hydrants to access water to wet down the site and is allegedly containing the dust, as required.

Mayor Hall returned to the order of the agenda

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

A. Reports of Council Liaison Representatives and Council Committees

Councilman Zoschak spoke about the recent Lake Hopatcong Commission meeting and reported that all the federal grant money would be gone by the end of the year. He said that the state legislators were working on a way to provide steady funding for the Commission going forward. Councilman Zoschak reported on the status of the weed harvesting disposal efforts and maintenance and repair of the machines.

Councilman Rilee asked about an email he had received in reference to the completion of a crosswalk on Mooney Road. Mr. Rath clarified that the email was not about the crosswalk, which had already been completed, but was about a request to construct a shoulder on the road or sidewalk. Mr. Rath stated that the request was not feasible.

Councilman Rilee informed members that a representative from Blue Vista had contacted him and requested to address the Council during the September 11, 2012 regular meeting in regards to an Open Space application. Mr. Rath said he would add the discussion to the next agenda.

Councilman Behrens announced the date, time and location of the next scheduled Economic Development Committee meeting and said that the owners of Ledgewood Mall would be in attendance.

Councilman Behrens announced the date, time and location of the next scheduled Board of Education meeting.

Councilman Behrens reported on his attendance at a recent Ever Young Seniors meeting. He said that an area Girl Scout troop had also attended and promoted a pancake breakfast and food and clothing collection scheduled to take place at the Recreation Building on September 30th. Councilman Behrens added that the Township Social Services Department was in need of donations.

Deputy Mayor DeFillippo reported that representatives from the NJDOT would be attending the next Economic Development Committee meeting to discuss the planned improvements on Route 10 and how the project may impact local businesses.

Deputy Mayor DeFillippo reminded those in attendance that the next Neighborhood Meeting was scheduled to take place on September 27, 2012 at 7:00 p.m. in the Company No.1 Firehouse located on Main Street in Succasunna.

Deputy Mayor DeFillippo reported that the Lake Musconetcong Regional Planning Board may be looking to have a meeting with residents in the Port Morris area to discuss the improvements on Lake Musconetcong.

Mayor Hall stated that he was in attendance at Assemblyman Bucco's press conference with the NJ Department of Labor and Workforce Development to launch the "Jobs 4 Jersey" program. The program provides a free job search service and assists with creating resumes. Mayor Hall requested that the link to the site be added to the Township website. Mr. Bucco further explained that the program matches users to jobs based on certain keywords, credentials, interests, and experience.

Mayor Hall announced that there would be a Ribbon Cutting ceremony Saturday morning for the new field on Righter Road.

Mayor Hall announced that the Kick-Off Classic event would be held on Friday, Saturday & Sunday. Deputy Mayor DeFillippo asked if the businesses have been informed that the Kick-Off Classic is occurring this weekend. Mr. Raths said that the Chamber of Commerce usually addresses those issues and was not sure what steps they had taken to advise the businesses.

Deputy Mayor DeFillippo announced that the Kiwanis Club would be hosting a silent auction & wine tasting event at Junction 46 on September 1, 2012 in celebration of their 65 year anniversary in Roxbury.

Mr. Raths announced the availability of federal funds to be released through the NJTPA for projects already listed on the County's TIP. He informed Council that the Landing Road Bridge project is eligible based on the criteria and that an application for funding will be submitted.

B. New Business/Old Business – *previously addressed*

1. Access Agreement – Strategic Environmental Partners/Fenimore

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

A. Application for Special Permit for a Social Affair (One-Day Liquor License Application) – Swim & Sport Club – VW Car Show (September 15 & 16, 2012)

B. Block Party – Melissa Lane, Succasunna (September 3, 2012)

Councilman Zoschak made a motion to approve the above-listed Block Party request and the One-Day Liquor License. Councilman Schmidt seconded the motion.

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

Motion carried unanimously, 6 to 0.

Mayor Hall amended the order of the agenda to allow the following Block Party application to be added to the agenda.

ADD ON: Block Party – Morgan Drive (August 24, 2012)

Councilman Rilee made a motion to approve the Block Party request for the Morgan Drive annual block party to be held on August 24th from 4:00PM – 9:00PM. Councilman Schmidt seconded the motion.

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

Motion carried 6 to 0.

Mayor Hall returned to the order of the agenda.

C. Police Education Requirements – tabled to future agenda

D. Sale of Property

Mr. Rath informed the Council that he received an inquiry from someone interested in purchasing a Township owned .083 acre parcel of land known as Block 2619, Lot 8. He said that it is a vacant lot and is not a buildable parcel. He also said that tax loss ramifications would be minimal. Council directed Mr. Rath to move forward with this transaction as long as all associated costs are borne by the purchaser.

Mr. Rath also advised Council that the property owner of Block 2604, Lot 4 requested that the Township vacate a portion of Chester Avenue which is parallel to the railroad tracks. Council concluded that there would be no advantage to the municipality in vacating Block 2604, Lot 4. Mr. Rath noted that the issue was not time sensitive and could be revisited at a later date if desired.

INTRODUCTION OF PROPOSED ORDINANCES

None

HEARING AND ADOPTION OF ORDINANCES ON SECOND READING

None

INTRODUCTION AND ADOPTION OF RESOLUTIONS

2012-262 A RESOLUTION INCORPORATING BY REFERENCE HEREIN AND APPROVING THE FOLLOWING NUMBERED RESOLUTIONS LISTED ON THE REGULAR COUNCIL MEETING AGENDA FOR THIS DATE:

2012-263, 2012-264, 2012-265, 2012-266, 2012-267,
2012-268, 2012-269, 2012-270, 2012-271, 2012-272,
2012-273, 2012-274, 2012-275, 2012-276

Councilman Rilee made a motion to adopt incorporating Resolution No.2012-262. Councilman Schmidt seconded the motion.

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

Motion carried 6 to 0.

2012-263 A RESOLUTION AUTHORIZING THE SETTLEMENT OF LEGAL FEES IN THE WOLOSKY V. THE TOWNSHIP OF ROXBURY, GRC COMPLAINT NO.2010-183 AND OAL DOCKET NO.GRC 03435-2012

2012-264 A RESOLUTION AUTHORIZING THE EXECUTION OF JURISDICTIONAL AGREEMENT 4736 BETWEEN THE TOWNSHIP OF ROXBURY AND THE NJDOT WITH REFERENCE TO CERTAIN INTERSECTIONS OF ROUTE 10 AND STREETS WITHIN THE TOWNSHIP OF ROXBURY

2012-265 A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE STATE OF NEW JERSEY AND THE TOWNSHIP OF ROXBURY FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF A TRAFFIC CONTROL SIGNAL AT THE INTERSECTION OF ROUTE 10 AND MARY LOUISE AVENUE IN THE TOWNSHIP OF ROXBURY

- 2012-266** A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE STATE OF NEW JERSEY AND THE TOWNSHIP OF ROXBURY FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF A TRAFFIC CONTROL, SIGNAL AT THE INTERSECTION OF COMMERCE BOULEVARD (ROUTE 10 RAMP D)-MAIN STREET IN THE TOWNSHIP OF ROXBURY
- 2012-267** A RESOLUTION AUTHORIZING AWARD OF CONTRACT TO USALCO BALTIMORE PLANT, LLC FOR POLYALUMINUM CHLORIDE TO BE USED IN THE AJAX WASTEWATER TREATMENT PLANT
- 2012-268** A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO ROUTE 23 AUTOMALL, LLC FOR A FORD GWV DUMP TRUCK SPREADER AND PLOW
- 2012-269** A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO FIRE FIGHTER ONE TO PROVIDE EMS GEAR TO BE UTILIZED BY THE ROXBURY FIRST AID SQUAD
- 2012-270** A RESOLUTION AUTHORIZING AWARD OF A CONTRACT TO POW-R-SAVE FOR THE INSTALLATION OF A BOILER AT THE ROXBURY PUBLIC LIBRARY
- Council members acknowledged receipt of the revised resolution available on the dais that contained modifications made by Mr. Bucco.
- 2012-271** A RESOLUTION AUTHORIZING ACCEPTANCE OF GIFTS
- 2012-272** A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF ROXBURY, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING PROCEEDING WITH AN APPLICATION TO THE GARDEN STATE HISTORIC PRESERVATION TRUST FUND FOR A HISTORIC SITE MANAGEMENT GRANT TO FUND THE PREPARATION OF THE KING PROPERTY HISTORIC SITE PLAN AND DESIGN DOCUMENTS
- 2012-273** A RESOLUTION AMENDING THE MEMBERSHIP OF THE TOWNSHIP FIRE DEPARTMENT
- 2012-274** 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
- 2012-275** A RESOLUTION AUTHORIZING THE REFUND OF TAXES
- 2012-276** A RESOLUTION AUTHORIZING THE PAYMENT OF BILLS

PERSONNEL CHANGES

None

COMMUNICATIONS

August 10, 2012

Councilman Schmidt made a motion to file Communications for August 10, 2012. Councilman Zoschak seconded the motion.

Voice Vote: All in Favor – Yes

Motion carried unanimously, 6 to 0.

August 17, 2012

#7 Mayors Advisory, dated August 10, 2012, re: League Opposes A-2405/S-1651, removing the statute of limitations on civil actions for sexual abuse

Councilman Zoschak requested the next agenda to include a resolution opposing the removal of the statute of limitations on civil actions for sexual abuse.

PUBLIC PORTION

Robert Kluska

274 Emmans Road, Flanders

In reference to the August 17, 2012 Communications Item #8, “Mayors Advisory, dated August 13, 2012, re: Updated Guidance on Affordable Housing Trust Fund Dollars”, Mr. Kluska asked if Roxbury had to turn any COAH money over to the state. Mr. Rath replied that since the Township had allocated all the monies appropriately, no COAH funds were forfeited.

Miriam Morris of Roxbury Historic Trust

208A Emmans Road, Flanders

Ms. Morris thanked the Council for approving the resolution to allow the Trust to apply for state grant money to create a site management plan at the King House and the King Store. She also announced that Living History Day would be held on October 14, 2012.

Sue Anderson

14 Kenvil Avenue, Succasunna

Ms. Anderson announced that the “Value This” fundraising event would be held on September 29, 2012 at Horseshoe Lake in the RoxPac building with proceeds to benefit the Main Street Streetscaping project. Deputy Mayor DeFillippo requested information regarding the event to be posted on the Township website.

Mayor Hall closed the public portion

EXECUTIVE SESSION

2012-277 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** – Wellfleet
- 2. Contract Negotiations** – PBA Supervisors Union
- 3. Potential Shared Services** – police services to Mine Hill

(Note: Due to holding the position of Municipal Attorney for both Mine Hill and Roxbury, Mr. Bucco announced that he would be recusing himself from any discussions regarding potential shared services between the two entities as any participation in same would be a conflict of interest).

At 9:10PM, Councilman Zoschak made a motion to adopt Resolution No.2012-277 for Executive Session. Councilman Rilee seconded the motion.

Voice Vote: All in Favor – Yes

Motion carried unanimously, 6 to 0.

At 9:40PM, the Council returned to the open session of the meeting.

ADJOURNMENT

At 9:40PM, Councilman Behrens 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:

Amy E. Rhead
Township Clerk

MINUTES APPROVED BY COUNCIL:

DATE: March 5, 2013

ROLL CALL: Councilman Behrens - Yes
Councilman Crowley - Yes
Deputy Mayor DeFillippo - Yes
Mayor Hall - Yes