

March 9, 2010

A Regular Meeting of the Township Council of the Township of Roxbury was held on March 9, 2010 at 1715 Route 46, 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: Notice was faxed to the Daily Record, the Newark Star Ledger and the Roxbury Register on December 18, 2009; notice was posted on the bulletin board in the main hallway of the Municipal Building on December 18, 2009.

ROLL CALL (Present): Councilman Gary Behrens, Councilwoman Kathy DeFillippo, Councilman Tim Smith, and Deputy Mayor Hall

Also Present: Christopher Raths, Township Manager; Anthony M. Bucco, Esq., Township Attorney; Janet Rieth, Deputy Township Clerk; and Amy Rhead, Administrative Aide

ABSENT: Councilman Martin Schmidt was representing the Township at a Community Development Block Grant meeting; Mayor Jim Rilee was on vacation; and Councilman Richard Zoschak was on vacation.

Deputy Mayor Hall presided over the meeting.

APPROVAL OF MINUTES

Minutes for Approval

February 23, 2010 - Executive Session

Mr. Smith made a motion to approve the minutes as listed above. Mrs. DeFillippo seconded the motion.

Roll Call: Mr. Smith – Yes
 Mrs. DeFillippo - Yes
 Mr. Behrens – Yes
 Deputy Mayor Hall – Yes

Motion Carried 4 to 0.

Executive Minutes to Be Released to the Public

None

PUBLIC PORTION

Frances Day

74 Orben Drive, Landing

Ms. Day reported that the Board of Education is requesting that the state return the excess surplus to their budget. She pointed out that last year's budget ended up with a surplus in the general fund even after the Council's recommended cuts were applied. She stated that the school district should be appointing a new auditor at least every ten years in order to prevent corruption. She mentioned that the Board of Education passed a resolution supporting the elimination of the public vote on the school budget. Ms. Day also stated that consideration should be given to consolidating the April school board elections with the General elections held in November. Ms. Day also reported on other cost saving ideas that the Board discussed, as well as, school calendar issues.

Deputy Mayor Hall and Mr. Bucco explained the 'excess surplus' term. Mr. Bucco stated that the state took away 100% of the undesignated excess surplus and only 25% of the designated excess surplus.

Mrs. DeFillippo stated that there would be a cost savings if the April elections were to be consolidated with the General election.

Deputy Mayor Hall amended the order of the agenda to address the following under MATTERS REQUESTED/REFERRED BY COUNCIL MEMBERS, MANAGER, ATTORNEY OR CLERK:

A. Presentation-Fire Prevention - Mike Pellek

Michael Pellek, Fire Prevention Officer, along with his dog, Bunker, demonstrated the effectiveness of the Accelerant Detection Canine Program and discussed the successfulness of the Township's safety and fire prevention efforts.

Deputy Mayor Hall and all the council members expressed their appreciation to Mr. Pellek for his time and effort in maintaining this worthwhile program.

Deputy Mayor Hall returned to the order of the agenda.

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

A. New Business

None

B. Old Business

1. Procurement Policy

Mr. Bucco and Mr. Rath stated that progress is being made in this area.

2. Zoning Board of Adjustment, Alternate #2 (unexpired term of Ken Grossman 1/1/09-12/31/10)

Mr. Smith asked about the vacancy. Mr. Grossman was appointed as Alternate #1, leaving the vacancy in the Alternate #2 position.

Mrs. DeFillippo made a motion to nominate Heather Darling to fill the unexpired term of Ken Grossman. Mr. Smith seconded the motion.

Roll Call: Mrs. DeFillippo – Yes
Mr. Smith - Yes
Mr. Behrens – Yes
Deputy Mayor Hall – Yes

Motion Carried 4 to 0.

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

A. Presentation-Fire Prevention - Mike Pellek – presented previously

B. One-Day Liquor License application

Mr. Smith made a motion to approve the one-day liquor license for the Swim and Sport Club for April 9, 2010. Mrs. DeFillippo seconded the motion.

Roll Call: Mr. Smith – Yes
Mrs. DeFillippo- Yes
Mr. Behrens – Yes
Deputy Mayor Hall – Yes

Motion Carried 4 to 0.

DRAFT ORDINANCES FOR DISCUSSION

None

INTRODUCTION OF PROPOSED ORDINANCES

06-10 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER III OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROXBURY TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR INDIVIDUALS INVOLVED IN TOWNSHIP-SPONSORED YOUTH PROGRAMS

Mr. Smith asked if the background check is a nationwide search. Mr. Bucco stated that reference is made to checks being done by the FBI, so he assumes it is nationwide. Mr. Rath's will verify. Mr. Smith asked if this information is public information under the Open Public Records Act. Deputy Mayor Hall and Mr. Bucco stated that the only information received by the Township from the National Center for Safety Institute is whether the individual passed the background check. The actual results are not reported. The background check does not include fingerprinting. The cost of the search was discussed. Deputy Mayor Hall stated that Roxbury received a grant from the National Football League that will pay for fifty percent, or \$15.00 of the \$30.00 cost, for each background check for the first two years.

Mr. Smith made a motion to introduce Ordinance 06-10. Mr. Behrens seconded the motion.

Roll Call: Mr. Smith – Yes
Mr. Behrens – Yes
Mrs. DeFillippo- Yes
Deputy Mayor Hall – Yes

Motion Carried 4 to 0.

HEARING AND ADOPTION OF ORDINANCES ON SECOND READING

None

DRAFT RESOLUTION FOR DISCUSSION

None

INTRODUCTION AND ADOPTION OF RESOLUTIONS

10-65 A RESOLUTION INCORPORATING BY REFERENCE HEREIN AND APPROVING THE FOLLOWING NUMBERED RESOLUTIONS LISTED ON THE REGULAR COUNCIL MEETING AGENDA FOR THIS DATE: 10-66, 10-67, 10-68, 10-72, 10-73, 10-74, 10-75, 10-76, 10-77, 10-78, 10-79, 10-80

Mr. Bucco stated he has made a number of changes to Resolutions 10-72 through 10-77 and will forward them to the Clerk. These changes do not affect the substance of the Resolutions. Council members had no objections.

Mr. Smith made a motion to adopt Resolution 10-65. Mrs. DeFillippo seconded the motion.

Roll Call: Mr. Smith – Yes
Mrs. DeFillippo- Yes
Mr. Behrens – Yes
Deputy Mayor Hall – Yes

Motion Carried 4 to 0.

10-66 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

- 10-67** A RESOLUTION AUTHORIZING THE RELEASE OF A PAVEMENT RESTORATION BOND TO TD BANK, N.A. FOR A PROJECT KNOWN AS COMMERCE BANK NORTH, 204 ROUTE 10, SUCCASUNNA BLOCK 5201, LOTS 4, 5, 10, 11
- 10-68** A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS
- 10-69** **PULLED** - A RESOLUTION AMENDING THE TEMPORARY BUDGET FOR THE TOWNSHIP OF ROXBURY FOR THE FIRST THREE MONTHS OF 2010
- 10-70** **PULLED** - RESOLUTION AUTHORIZING THE PUBLICATION, PRINTING AND DISTRIBUTION OF A NOTICE OF SALE AND THE PUBLICATION OF A SUMMARY NOTICE OF SALE AND PRESCRIBING THE FORMS THEREOF FOR \$7,992,000 GENERAL IMPROVEMENT BONDS, DATED APRIL 1, 2010, APPROVING THE PREPARATION, DISTRIBUTION AND EXECUTION OF A PRELIMINARY AND A FINAL OFFICIAL STATEMENT FOR SUCH BONDS, UNDERTAKING TO PROVIDE CONTINUING DISCLOSURE OF FINANCIAL INFORMATION, COVENANTING TO COMPLY WITH THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, DESIGNATING SUCH BONDS AS "QUALIFIED TAX-EXEMPT OBLIGATIONS" FOR PURPOSES OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, AND AUTHORIZING VARIOUS MATTERS IN CONNECTION WITH ELECTRONIC BIDDING FOR THE BONDS
- 10-71** **PULLED** - RESOLUTION COMBINING SEVERAL AUTHORIZATIONS OF BONDS INTO A SINGLE ISSUE AND PRESCRIBING THE DETAILS AND BOND FORM THEREOF FOR \$7,992,000 GENERAL IMPROVEMENT BONDS DATED APRIL 1, 2010
- 10-72** A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO SUPERIOR INTERNATIONAL INDUSTRIES FOR PLAYGROUND EQUIPMENT FOR IMAGINATION STATION PLAYGROUND AT HORSESHOE LAKE PARK
- 10-73** A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO LEATHERS ASSOCIATES FOR SPECIALIZED PLAYGROUND EQUIPMENT FOR IMAGINATION STATION PLAYGROUND AT HORSESHOE LAKE PARK
- Deputy Mayor Hall discussed the success of the funding efforts for the Imagination Station project. He stated that the total cost for completing the project is currently estimated at \$125,000. \$27,000 has already been raised and approximately 400 people have signed up to volunteer with the building of the playground. Further details will be included in the next Council agenda.
- 10-74** A RESOLUTION AUTHORIZING THE REFUND OF PERMIT FEES FOR A CERTIFICATE OF CONTINUED OCCUPANCY
- 10-75** A RESOLUTION URGING THE STATE LEGISLATURE TO REFORM INTEREST ARBITRATION
- 10-76** A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF ROXBURY, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING PROCEEDING WITH THE APPLICATION FOR FUNDS FROM THE MORRIS COUNTY HISTORIC PRESERVATION TRUST FUND FOR FOUNDATION REPAIR AT THE HOMESTEAD MUSEUM, 209 MAIN STREET, LEDGEWOOD, NJ 07852

10-77 A RESOLUTION AUTHORIZING THE ROXBURY HISTORIC TRUST TO PROCEED WITH THE GRANT APPLICATION FROM THE MORRIS COUNTY HISTORIC PRESERVATION TRUST FUND FOR THE KING HOMESTEAD REHABILITATION PROJECT, 209 MAIN STREET, BLOCK 6408, LOT 1

Ms. Miriam Morris stated that Resolution 10-77 in the agenda refers to the Historic Advisory Committee and should be referenced as the Roxbury Historic Trust. The title will be corrected to refer to the correct entity applying for the grant: the Roxbury Historic Trust.

10-78 A RESOLUTION AMENDING THE MEMBERSHIP OF THE TOWNSHIP FIRE DEPARTMENT

10-79 A RESOLUTION AUTHORIZING THE REFUND OF TAXES

10-80 A RESOLUTION AUTHORIZING THE PAYMENT OF BILLS

Deputy Mayor Hall amended the order of the agenda to return to the following: REPORTS OF COUNCIL LIAISON REPRESENTATIVES, COUNCIL COMMITTEES AND NEW BUSINESS/OLD BUSINESS:

Mr. Smith stated that Council members received a letter from the Open Space Committee in regard to their opinion on the Open Space ordinance being amended to include historic preservation uses.

Mr. Smith stated that the Open Space Committee is continuing to work on goals and objectives and the new Plan.

Mr. Smith stated that the Economic Development Committee received an offer from a private company proposing to create a website in exchange for advertising. Mr. Smith asked Mr. Bucco if there would be any legal issues if there was a link to access it via the Township web site. Mr. Bucco stated that this offer may fall under the Local Public Contracts Law but he would need more details in order to give an opinion. Mr. Rath stated that he will forward the information to Mr. Bucco for his review.

Mrs. DeFillippo stated that the first Neighborhood Meeting for 2010 will take place on Tuesday, March 16, 2010 at the Roxbury Performing Arts Theater at 7:00pm. Mrs. DeFillippo reviewed some of the items that will be on the Neighborhood Meeting agenda and reminded residents that all members of Roxbury are welcome even though it is held in Ward 4.

Mrs. DeFillippo stated that the Economic Development Committee meeting was cancelled due to snow. They have rescheduled the meeting for later this month.

Mrs. DeFillippo reminded everyone to complete and submit their Census forms.

Mr. Behrens stated that he attended last night's Board of Education meeting. He stated that there were approximately one hundred residents in attendance to hear Dr. Rossi's plans to address reductions in the school budget.

Mr. Behrens stated that the Main Street Committee will be meeting tomorrow night.

Mr. Rath discussed the Open Space letter that Mr. Smith referred to earlier and clarified that it was in regards to amending the Township ordinance and the Township's use of open space funds to include historic purposes. Mr. Rath stated that he will be asking the Council to provide direction in order to proceed.

Mr. Rath stated that approximately seven or eight residents were in attendance last night at a CDBG presentation about the Gordon Road resurfacing project.

Mr. Rath informed Council members that Mr. Kuncken, IT Director, is currently looking into a program to provide free internet access to every resident in Roxbury. One town in the United States will be chosen for the program, sponsored by Google, called Google-Town.

Mr. Behrens reported that New Jersey was not successful in obtaining any of the monies available through the first round of the "Race to the Top" federal grant.

Mr. Bucco referred to a letter in the Communications packet that proposed hiring an outside private collection agency for collecting outstanding fines. Mr. Rath stated that the Township is owed over half a million dollars in uncollected fines. Mr. Rath stated that Pat Palazzola, Court Administrator, has already investigated this option and a proposal will be presented to the Council within the next few weeks.

Deputy Township Clerk Janet Rieth announced that tonight's meeting will be her last, as she is retiring at the end of the month. Council members wished her well and thanked her for her service.

Deputy Mayor Hall returned to the order of the agenda.

PERSONNEL CHANGES

None

COMMUNICATIONS

March 5, 2010

#1, Item H: Shared Services Committee

a). Dial-A-Ride

Mrs. DeFillippo asked Mr. Rath for more information about the Board of Education's inquiry about the Township's Dial-A-Ride statistics. Mr. Rath responded and detailed the type of statistics that were shared with Dr. Rossi, Superintendent of Schools. Mr. Rath stated that the Board of Education was looking into the possibility of providing a proposal to the Council to take over the program.

b). Field Maintenance

Mrs. DeFillippo asked Mr. Rath about the status of shared services for field maintenance. Mr. Rath is awaiting statistics from the Board of Education so that we can put a proposal together.

Mr. Rath also responded to Mrs. DeFillippo's questions about the possibility of the Board of Education utilizing the new DPW wash bay for school vehicles.

#1, Item L: Commerce BLVD/Rt 10/ Hillside Intersections

Mrs. DeFillippo asked Mr. Rath about the status of the above item. Mr. Rath stated that the Engineering Department will review the plans upon receipt from the County. Mr. Rath stated that the County has the money for the funding of this project.

#1, Item M: Morristown and Erie Railroad/Horseshoe Lake Improvements

Mrs. DeFillippo asked if there is a start date yet. Mr. Rath stated that there was an issue with the original bidding and that the County has to re-bid the project. The project may not start in the area of Horseshoe Lake until late summer. The plans to move the trail away from the railways has been sent to the County. The trail will be in place prior to the construction of the railway. In response to Mr. Smith's inquiry, Mr. Rath stated that the issue regarding the location of certain trees has been resolved.

#3. "Shared Services – New Opportunities", dated March 1, 2010

Deputy Mayor Hall spoke about the continued efforts to investigate potential Shared Services initiatives. Mr. Smith asked for permission to share the comprehensive list of shared services ideas with other municipalities. Mr. Rath stated that there is no problem sharing the ideas. Deputy Mayor Hall encouraged others to bring ideas forward, as well.

#11. “What’s Happening Around Town”, March 2010

Mrs. DeFillippo pointed out a typographical error in the recreational fee charged for a second child to join the softball program. Mr. Rath's will have this corrected.

PUBLIC PORTION

Frances Day

74 Orben Drive, Landing

Ms. Day stated that the Mt. Arlington Board of Education has an outstanding amount of money due to the Roxbury Board of Education since 2006 and 2007.

Ms. Day stated that it would be costly to add fingerprinting as part of the proposed criminal background ordinance.

Ms. Day stated that she prefers the hard copy (yellow paper) announcements regarding the Neighborhood Meetings, as opposed to a paperless approach. She also stated that in her opinion, the meetings could be advertised more effectively on the Township website. She suggested that the agenda items be included on the reminder fliers. Mrs. DeFillippo stated that the fliers would be sent home in student backpacks on Friday.

Ms. Day stated that the fundraising information for Imagination Station was not easily accessible from the Township website. Deputy Mayor Hall explained that access to all information is obtained via a link on the Township website because the fundraising website was created and is maintained by a volunteer outside source.

Ms. Day stated that buying gift certificates for Horseshoe Lake membership might be a great fundraiser.

Miriam Morris

208A Emmans Road, Flanders

Ms. Morris stated that Resolution 10-77 in the agenda refers to the Historic Advisory Committee and should be Roxbury Historic Trust.

Ms. Morris also commented that thirty six mailboxes on her street alone were damaged by a Township snowplow during a recent snowstorm. Mr. Rath's stated that the issue was caused by one employee and that the situation has been addressed. Council members apologized for the unfortunate incident(s).

EXECUTIVE SESSION

10-81 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

At 9:05 PM, Mr. Smith made a motion to adopt Resolution 10-81 for Executive Session. Mrs. DeFillippo seconded the motion.

Roll Call: Mr. Smith – Yes
Mrs. DeFillippo- Yes
Mr. Behrens – Yes
Deputy Mayor Hall – Yes

Motion Carried 4 to 0.

ADJOURNMENT

At 10:30 PM, Deputy Mayor Hall made a motion to adjourn the Regular Meeting. Mr. Smith seconded the motion.

Roll Call: All In Favor – Yes

Motion Carried 4 to 0.

Submitted By:

Amy E. Rhead
Acting Township Clerk

MINUTES APPROVED BY COUNCIL

DATE: August 10, 2010

ROLL CALL: Mr. Smith – Yes
Deputy Mayor Hall – Yes
Mr. Behrens – Yes
Mrs. DeFillippo – Yes
Mayor Rilee - Abstained