

February 9, 2010

A Regular Meeting of the Township Council of the Township of Roxbury was held on February 9, 2010 at 1715 Route 46, Ledgewood, New Jersey at 7:30 PM.

PLEDGE OF ALLEGIANCE

Boy Scout Troop 206 led the 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, Deputy Mayor Fred Hall, Councilman Martin Schmidt, Councilman Tim Smith and Mayor Jim Rilee

Also Present: Christopher Rath, Township Manager; Anthony Bucco, Esq., Township Attorney; and Janet Rieth, Deputy Township Clerk

ABSENT: Councilman Richard Zoschak was on vacation

Mayor Rilee advised Boy Scout Troop 206 is working on a merit badge and he took them on a tour of the building and answered questions regarding how local government works.

APPROVAL OF MINUTES

Minutes for Approval

February 2, 2010, Budget Meeting

January 19, 2010, Budget Meeting

October 27, 2010, Regular Meeting - **HOLD**

Mr. Schmidt made a motion to approve the Minutes of January 19, 2010 and February 2, 2010. Deputy Mayor Hall seconded the motion.

Roll Call:

Mr. Schmidt – yes Deputy Mayor Hall – yes

Mr. Behrens – yes Mrs. DeFillippo – yes (abstain on February 2, 2010)

Mr. Smith – yes (abstain on February 2, 2010)

Mayor Rilee – yes

Motion carried 6 – 0 with two abstentions on February 2, 2010

Executive Minutes to Be Released to the Public

Memo Dated: February 5, 2010

Deputy Mayor Hall made a motion to approve Executive Minutes for release per the attached memo. Mr. Schmidt seconded the motion.

Roll Call:

Deputy Mayor Hall – yes

Mr. Schmidt – yes

Mr. Behrens – yes

Mrs. DeFillippo – yes

Mr. Smith – yes

Mayor Rilee – yes

Motion carried 6 - 0

PUBLIC PORTION

No Comment

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

Mr. Schmidt stated that he attended the 100th Anniversary celebration of the Boy Scouts last evening.

Mr. Schmidt advised that the Environmental Commission will meet this Thursday, February 11th. There will be a presentation on solar energy.

Mr. Smith advised that the Economic Development Committee will meet at the end of this month.

Mr. Smith advised that the Open Space Committee is working on a draft of the Open Space plan. They met last week and looked at a vision statement, which Mr. Smith drafted. They also looked at the goals of the prior Open Space plan to determine what still seems relevant. The Committee hopes to have something to present to Council within the next few weeks.

Mayor Rilee asked about the use of PIG money and where we stand. Mr. Rath will check on this.

Mr. Behrens stated that he attended the School Board budget meeting. The high school and Lincoln/Roosevelt school presented their preliminary budgets, as well as Buildings & Grounds.

Mrs. DeFillippo advised that there will be a COAH meeting Friday morning at 8AM

Mrs. DeFillippo thanked everyone for the cards and flowers her family received following her sister's death.

Deputy Mayor Hall advised that a Recreation meeting will be held on Saturday. They will be reviewing the new bike plan for the back of Horseshoe Lake. This will be presented to Council in a couple of weeks.

Mr. Hall advised that he represented Council at Catholic Schools week.

Mayor Rilee advised that he, Mr. Smith and Mr. Schmidt attended the "100 Years in Scouting" celebration. It was a very nice gathering for a great organization.

Mayor Rilee attended a Fire Chiefs meeting a couple of weeks ago. They are meeting with Mr. Rath regarding County dispatch.

Mayor Rilee advised that Randolph has asked the Mayors to sign a Memorandum of Agreement for looking into health and construction shared services, for publicity purposes. Council had previously directed the Manager to sign, but they agreed to return to the original idea and have the Mayor sign the Agreement.

Mayor Rilee asked if Council received the information regarding the Raritan Highlands compact. Mr. Rath advised that he emailed the information to all Council members. Mr. Rath further stated that it has been several years since the Township was a member. Mayor Rilee would like Council to read the information before the next meeting.

Mr. Rath advised that the Department Heads are coming in with their revised budgets with an additional 5% reduction.

Mr. Rath advised there was a meeting with the County Administrator and dispatch regarding County dispatch. There will be several meetings with Fire Chiefs.

Mr. Rath advised that there are rumors going around the schools regarding the DARE Officers. He further advised that the DARE program will not be discontinued.

Mayor Rilee asked if there is any movement on the CAP levy. Mr. Bucco advised that as of the meeting, there has not been any further discussions in Trenton. He stated that the main focus has been on reforming pension and health benefits. The Governor has called for a joint session of the Legislature on Thursday. He believes that the Governor will deliver the news as to how he anticipates closing a \$2 billion budget gap in the current fiscal year budget and how he anticipates closing a potential \$10 billion budget gap in the next fiscal year budget.

Mr. Rath stated that he requested Bill Schroeder, Township Auditor to look at the Developer's Agreement for the Poet's Peak project to make sure the monies we received were allocated to the proper accounts within the Township. Mr. Schroeder advised that there was an agreement for the developer to contribute \$3.5 million, which was to be split as follows: \$1.6 million to COAH; \$1 million to sewer utility and \$900,000 to the water utility. The \$1 million came in on December 31, 1991 and went right in to the sewer account. When the project was resumed in 1993 or 1994, there was a revised agreement that reduced the overall contribution to \$3,375,000 with \$1.6 million to COAH, \$1 million to the sewer utility and \$775,000 to the water utility. The agreement is fine, but it was an internal allocation, which is usually split 50/50. If we reallocate this now, \$112,000 would go from the sewer utility to the water utility to help the deficit.

Mr. Bucco stated that the \$1.6 million that was allocated to COAH cannot be touched. He does not believe that there is an issue in reallocating the funds or that the developer would have any objection. Mr. Rath advised that the Township's Annual Financial Statement must be filed by tomorrow and a decision would need to be made tonight.

Discussion ensued regarding the possibility of reallocating money in the Poet's Peak Agreement from the sewer to the water utility.

Mrs. DeFillippo made a motion to reallocate \$112,000, plus the 3% interest that would have been earned, from the sewer utility to the water utility. Mr. Smith seconded the motion.

Roll Call:

Mrs. DeFillippo – yes	Mr. Smith – yes
Mr. Behrens – yes	Deputy Mayor Hall – no
Mr. Schmidt – yes	Mayor Rilee – no

Motion carried 4 - 2

Mr. Hall stated that he would have agreed to \$112,000, without the 3% interest.

A. New Business

B. Old Business

1. Procurement Policy

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

A. Flag Presentation Patrolman Niemnyski

This will be presented at a future meeting.

B. Rehabilitation of foundation and basement of King House

Miriam Morris, of the Roxbury Historic Trust, is asking for \$3,900 in additional funds. The Township's Open Space trust is not set up for money to be used for historic preservation purposes. The Open Space committee has stated that we could begin utilizing the money for such purposes if the Council authorizes same. Mr. Tybus will be writing a letter to the Council advising that the Open Space committee supports taking funds from the Open Space trust for historic preservation purposes.

Mr. Rath will ask Miriam for a clarification of the funds because there was a discrepancy in the math that was presented.

After the letter is received from the Open Space Committee and if Council agrees, the ordinance will be amended to reflect the change.

C. Incline Plane 2 East of Morris Canal

Mr. Rath spoke with Mr. Cramond regarding taking the money out of the historic trust and will confirm same with him tomorrow. If we can do this, then the Township will submit a \$1,100.00 application for the non-construction grant to the Morris County Historic Preservation Trust. Once we decide how we want to approach the Open Space Ordinance in general, then we can decide if we want to apply for the actual grant that is \$36,000.

DRAFT ORDINANCES FOR DISCUSSION

05-10 AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROXBURY AND PROHIBITING THE PAYMENT OF CLAIMS FOR FIRE LOSS PRIOR TO THE PAYMENT OF MUNICIPAL LIENS OR COSTS.

Mr. Smith commented about recent reports of fire departments sending people bills after they put fires out at residents' houses. The expectation is the homeowner's fire insurance will pay the municipal costs. Does this mean we will begin billing people? This will be put on for the next meeting.

INTRODUCTION OF PROPOSED ORDINANCES

None

HEARING AND ADOPTION OF ORDINANCES ON SECOND READING

04-10 AN ORDINANCE AMENDING CHAPTER IV, GENERAL LICENSING, SECTION 4-19, TOWING OPERATORS OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROXBURY AND ESTABLISHING A REVISED FEE SCHEDULE FOR TOWING AND VEHICLE STORAGE

Mr. Smith made a motion to open Ordinance 04-10 to the public. Mrs. DeFillippo seconded the motion.

Roll Call:

Mr. Smith – yes Mrs. DeFillippo – yes
Mr. Behrens – yes Deputy Mayor Hall – yes
Mr. Schmidt – yes Mayor Rilee – yes

Motion carried 6 – 0

There was no public comment.

Mr. Smith made a motion to close Ordinance 04-10 to the public. Mrs. DeFillippo seconded the motion.

Roll Call:

Mr. Smith – yes Mrs. DeFillippo – yes
Mr. Behrens – yes Deputy Mayor Hall – yes
Mr. Schmidt – yes Mayor Rilee – yes

Motion carried 6 – 0

Mr. Smith made a motion to adopt Ordinance 04-10. Mrs. DeFillippo seconded the motion.

Roll Call:

Mr. Smith – yes Mrs. DeFillippo – yes
Mr. Behrens – yes Deputy Mayor Hall – yes
Mr. Schmidt – yes Mayor Rilee – yes

Motion carried 6 – 0

DRAFT RESOLUTION FOR DISCUSSION

None

INTRODUCTION AND ADOPTION OF RESOLUTIONS

10-46 A RESOLUTION INCORPORATING BY REFERENCE HEREIN AND APPROVING THE FOLLOWING NUMBERED RESOLUTIONS LISTED ON THE REGULAR COUNCIL MEETING AGENDA FOR THIS DATE: 10-47, 10-48, 10-49, 10-50, 10-51, 10-52

Deputy Mayor Hall made a motion to adopt Resolution 10-46. Mr. Smith seconded the motion.

Roll Call:

Deputy Mayor Hall – yes	Mr. Smith – yes (recuse on check #62149)
Mr. Behrens – yes	Mrs. DeFillippo – yes
Mr. Schmidt – yes	Mayor Rilee – yes

Motion carried 6 – 0 with one recusal on check #62149

10-47 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

10-48 A RESOLUTION AUTHORIZING THE REFUND OF UNUSED ENGINEERING INSPECTION FEES POSTED WITH THE TOWNSHIP IN CONNECTION WITH WORK PERFORMED IN ACCORDANCE WITH VARIOUS TOWNSHIP MINOR SOIL RELOCATION PERMITS

10-49 A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO PCS PUMP AND PROCESS FOR THE INSTALLATION OF REMOTE TERMINAL ALARM CONTROL UNITS AND MINOR UPGRADES TO TEN (10) PUMP STATIONS FOR THE SEWER UTILITY

10-50 STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES RESOLUTION AUTHORIZING AMENDMENT TO PROJECT AGREEMENT

10-51 A RESOLUTION AMENDING THE MEMBERSHIP OF THE TOWNSHIP FIRE DEPARTMENT

10-52 A RESOLUTION AUTHORIZING THE PAYMENT OF BILLS

PERSONNEL CHANGES

Memo dated February 4, 2010 from Judy Riley, Personnel Coordinator

COMMUNICATIONS

February 5, 2010

#11 Correspondence from Eileen Swan, Executive Director, Highlands Council, to Mayor Rilee, dated February 4, 2010, re: Petition for Plan Conformance; 2009 Plan Conformance Grant: Module 7

Mr. Rath will get an update on items that are not completed.

PUBLIC PORTION

Robert Kluska, 274 Emmans Road, stated that he feels the Open Space tax should be reduced. If the Council changes the ordinance to include historic trust purposes then

the title of the trust should be changed to Open Space/Recreation/Historic Trust Fund. Everyone believes money is going to purchase open space property to prevent expansion. Mayor Rilee stated that only Open Space money that went to recreation was for the purchase of property, which included passive or active recreation. Mr. Kluska stated we should use the recreation capital account if we have it. Mr. Rath stated the recreation committee made a presentation to council regarding the recreation master plan and use of the money. Mr. Smith questioned if it would make sense to reduce the Open Space tax money and spend the money on the improvements.

EXECUTIVE SESSION

10-53 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

Mr. Smith made a motion to adopt Resolution 10-53 for Executive Session. Mr. Schmidt seconded the motion.

Roll Call:

Mr. Smith – yes	Mr. Schmidt – yes
Mr. Behrens – yes	Mrs. DeFillippo – yes
Deputy Mayor Hall – yes	Mayor Rilee – yes

Motion carried 6 – 0

ADJOURNMENT

At 9:20 PM Mr. Smith made a motion to adjourn the Regular Meeting. Mr. Schmidt seconded the motion.

All In Favor – yes

Submitted By:

BettyLou DeCrocce
Township Clerk

MINUTES APPROVED BY COUNCIL

DATE: March 23, 2010
ROLL CALL: Mr. Schmidt – Yes Mrs. DeFillippo – Yes
Mr. Behrens – Yes Mr. Hall – Yes
Mr. Smith – Yes Mr. Zoschak – Abstain
Mayor Rilee – Yes