

**March 23, 2010**

A Regular Meeting of the Township Council of the Township of Roxbury was held on March 23, 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 Fred Hall, Councilman Martin Schmidt, Councilman Timothy Smith, Councilman Richard Zoschak and Mayor Jim Rilee.

**ALSO PRESENT:** Michael Kobylarz, Township Engineer and Director of Public Utilities/Acting Township Manager; Anthony M. Bucco, Jr., Esq., Township Attorney; BettyLou DeCroce, Township Clerk; and Amy Rhead, Administrative Aide

**ABSENT:** Christopher Rath, Township Manager

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

**A. Presentation-Mike Daley Remembrance Plaque**

Mayor Rilee presented a plaque to the wife of Mike Daley in recognition for his years of service to the Township.

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

**APPROVAL OF MINUTES**

February 9, 2010 – Regular Meeting  
March 9, 2010 – Executive Session

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

Roll Call: Mr. Schmidt – Yes  
Mrs. DeFillippo - Yes  
Mr. Behrens – Yes  
Deputy Mayor Hall – Yes  
Mr. Smith – Yes  
Mr. Zoschak – Abstain  
Mayor Rilee – Yes on February 9, 2010 – Regular Meeting;  
Abstain on March 9, 2010 – Executive Session

Motion Carried 6 to 0, with 1 abstention for February 9, 2010 regular meeting; and 5 to 0 with 2 abstentions for March 9, 2010 executive session

**Executive Minutes to Be Released to the Public**

None

**PUBLIC PORTION**

None

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

**B. Ptl. Niemynski-Flag Presentation**

Patrolman Niemynski thanked the Mayor and Council for their support while he served our country and presented them with an American flag that flew over Iraq

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

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

Mr. Schmidt spoke about the number of years it would take to realize the savings from solar system for the roof.

Mr. Zoschak thanked Mr. Raths for calling the electrical inspector and having the power restored promptly for a resident who had lost power.

Mr. Zoschak reported on the recent Lake Hopatcong Committee meeting and the ongoing efforts to increase funding and work on the lake management plan.

Mr. Smith reported on the new plan being developed by the Open Space Committee.

Mr. Behrens reported on the Roxbury School Board meeting and their proposed cuts due to the reduction in state aid.

Mrs. DeFillippo reported on the recent Main Street Committee meeting. Mr. Kobylarz presented information on the remaining plans for the Main Street Streetscaping project.

Deputy Mayor Hall reported on the current financial position of the Imagination Station Committee's project to rebuild the playground. He stated that over four hundred people have already volunteered to assist in the construction..

Deputy Mayor Hall stated that he and Mayor Rilee recently attended a meeting regarding COAH.

Deputy Mayor Hall reported on the recent meeting of the Recreation Committee.

Deputy Mayor Hall stated that there were several students in attendance at the recent Board of Education meeting asking that various programs not be eliminated.

Mayor Rilee stated the Freeholders will be introducing the County budget on April 14<sup>th</sup> and Council members are invited to attend.

Mayor Rilee stated that there has been a 50% reduction in funding for ROMAC.

Mr. Zoschak stated that members of the Ever Young Senior Club expressed concern regarding rumors that the current senior transportation service could be outsourced to the Board of Education. Deputy Mayor Hall explained that Dr. Rossi had suggested to Mr. Raths that this might be a topic to explore at some time in the future, but has not been discussed further.

Mayor Rilee reported on the recent COAH Committee meeting and the decision to expedite the clean up of the Main Street property.

Mayor Rilee reported on the awards that were presented at last week's Neighborhood Meeting to volunteers who had served on Township committees for a period of ten years or more.

Mayor Rilee reported on last night's Master Plan meeting.

Mayor Rilee reminded everyone about the importance of the completing and submitting the Census questionnaire.

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

**A. Presentation-Mike Daley Remembrance Plaque** – *previously presented*

**B. Ptl. Niemynski-Flag Presentation** – *previously presented*

**C. Historic Properties Open Space Ordinance**

Mr. Andy Tybus, Acting Chair of Open Space Committee, reported on several properties that should receive attention due to their historic significance. The Open Space Committee has requested that the Council consider amending the ordinance for Open Space Tax to include historic preservation purposes. Council members discussed the desire to reduce the Open Space tax, but had no objections to allowing historic preservation to be included. Mr. Bucco stated that he will have an amendment to the current ordinance prepared for Council's consideration.

**D. HSL-Open Membership**

Council members discussed the possibility of allowing residents from neighboring towns to become members of Horseshoe Lake. Mr. Bucco stated that it is permissible to set parameters, such as geographical location, and to cap the number of non-residents that would be able to join. Discussion took place as to whether a different fee could be imposed to non-residents. Mr. Bucco stated that uniformity in policy is important and he would have to review the final policy in order to make a recommendation.

**DRAFT ORDINANCES FOR DISCUSSION**

None

**INTRODUCTION OF PROPOSED ORDINANCES**

None

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

**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. Schmidt made a motion to open Ordinance No. 05-10 to the public. Mr. Smith seconded the motion.

Roll Call:	Mr. Schmidt – Yes	Mr. Smith – Yes
	Mr. Behrens – Yes	Mrs. DeFillippo – Yes
	Deputy Mayor Hall – Yes	Mr. Zoschak – Yes
	Mayor Rilee – Yes	

Motion carried 7 to 0.

*No public comment*

Mr. Smith made a motion to close Ordinance No. 05-10 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	Mr. Zoschak – Yes
	Mayor Rilee – Yes	

Motion carried 7 to 0.

Mr. Zoschak made a motion to adopt Ordinance No. 05-10. Mr. Smith seconded the motion.

Roll Call: Mr. Zoschak – Yes Mr. Smith – Yes  
Mr. Behrens – Yes Mrs. DeFillippo – Yes  
Deputy Mayor Hall – Yes Mr. Schmidt – Yes  
Mayor Rilee – Yes

Motion carried 7 to 0.

**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**

Mrs. DeCroce stated that the Morris County JIF is putting together a committee to solicit a company to represent all 40 municipalities in order to get a less expensive price for background checks. Deputy Mayor Hall stated that the current cost to the Township is \$15.00 per background check.

Mr. Zoschak made a motion to open Ordinance No. 06-10 to the public. Mr. Schmidt seconded the motion.

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

Motion carried 7 to 0.

*No public comment*

Deputy Mayor Hall made a motion to close Ordinance No. 06-10 to the public. Mr. Zoschak seconded the motion.

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

Motion carried 7 to 0.

Mr. Smith made a motion to adopt Ordinance No. 06-10. Mr. Schmidt seconded the motion.

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

Motion carried 7 to 0.

**DRAFT RESOLUTION FOR DISCUSSION**

None

**INTRODUCTION AND ADOPTION OF RESOLUTIONS**

**10-82 A RESOLUTION INCORPORATING BY REFERENCE HEREIN  
AND APPROVING THE FOLLOWING NUMBERED  
RESOLUTIONS LISTED ON THE REGULAR COUNCIL  
MEETING AGENDA FOR THIS DATE: 10-83, 10-84, 10-85, 10-86,  
10-87, 10-88, 10-89, 10-90, 10-91**

Mr. Behrens asked for details about two checks. Mr. Kobylarz stated that he would find out.

Mr. Schmidt made a motion to adopt Resolution No. 10-82. Mr. Zoschak seconded the motion.

Roll Call: Mr. Schmidt – Yes Mr. Zoschak – Yes  
Mr. Behrens – Yes Mrs. DeFillippo – Yes  
Deputy Mayor Hall – Yes Mr. Smith – Yes, with a recusal on check #62705  
Mayor Rilee – Yes

Motion carried 7 to 0, with one a recusal on check #62705

**10-83** 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

**10-84** A RESOLUTION AUTHORIZING THE REFUND OF UNUSED ENGINEERING INSPECTION FEES TO SANDRA ARMINIO IN CONNECTION WITH A PROJECT KNOWN AS ARMINIO'S LANDSCAPING, 150 SHIPPENPORT ROAD, LANDING; BLOCK 10101, LOT 2

**10-85** A RESOLUTION AUTHORIZING THE AWARD OF AN ENVIRONMENTAL SERVICES CONTRACT TO AGRA ENVIRONMENTAL AND LABORATORY SERVICES FOR A THREE (3) MONTH PERIOD FOR THE WATER UTILITY

**10-86** A RESOLUTION AUTHORIZING A SANITARY SEWER ALLOCATION TO ODD AND GUDRUN RIBE FOR THE PROPERTY LOCATED AT 11 LARSEN DRIVE, SUCCASUNNA; BLOCK 3104, LOT 1.01

**10-87** A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE MORRIS COUNTY OPEN SPACE AND HISTORIC PRESERVATION TRUST FUND

**10-88** A RESOLUTION AUTHORIZING THE TOWNSHIP TO APPLY TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE 2009 RECYCLING TONNAGE GRANT

**10-89** 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

**10-90** A RESOLUTION AUTHORIZING DUPLICATION OF TAX SALE CERTIFICATE NO. 05-02688

**10-91** A RESOLUTION AUTHORIZING THE PAYMENT OF BILLS

#### **PERSONNEL CHANGES**

None

#### **COMMUNICATIONS**

**March 12, 2010**

No discussion

**March 19, 2010**

**#10 Correspondence regarding Dial-A-Ride**

Mrs. DeCroce and Mayor Rilee will prepare responses to be mailed to residents who sent in concerns about rumors regarding changes in the current Dial-A-Ride senior transportation service.

**Public Portion**

**Gary LaSpisa**

**5 Cliff Court, Succasunna**

Mr. LaSpisa, representative from the Lake Musconetcong Regional Planning Board, reported on the issues regarding water chestnuts, weed harvesting, and current funding challenges.

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

Mayor Rilee informed Council members that Freeholder Director Feyl will be scheduling a meeting to discuss the outstanding railroad issues.

Council members agreed on April 1, 2010 as the date for the next Budget Meeting. Mr. Kobylarz will have Valarie Wyble send out reminders via email tomorrow.

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

**EXECUTIVE SESSION**

**10-92** 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 8:55 PM, Mr. Zoschak made a motion to adopt Resolution No. 10-92 for Executive Session. Mr. Smith seconded the motion.

Roll Call:	Mr. Zoschak – Yes	Mr. Smith – Yes
	Mr. Behrens – Yes	Mrs. DeFillippo – Yes
	Deputy Mayor Hall – Yes	Mr. Schmidt – Yes
	Mayor Rilee – Yes	

Motion Carried 7 to 0.

**ADJOURNMENT**

At 9:05 PM, Mr. Smith made a motion to adjourn the meeting. Mr. Zoschak seconded the motion.

Roll Call: All in Favor - Yes

Motion carried 7 to 0.

Submitted By:

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Amy E. Rhead  
Acting Township Clerk

**MINUTES APPROVED BY COUNCIL**

**DATE:** September 14, 2010  
**ROLL CALL:** Mr. Zoschak – Yes  
Mr. Smith – Yes  
Mr. Behrens – Yes  
Deputy Mayor Hall – Yes  
Mayor Rilee – Yes

