

August 10, 2010

A Regular Meeting of the Township Council of the Township of Roxbury was held on August 10, 2010 at 1715 Route 46, Ledgewood, New Jersey at 7:30 PM.

PLEDGE OF ALLEGIANCE

Two local Boy Scouts led the Council in reciting 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 Timothy Smith
Mayor Jim Rilee

ALSO PRESENT: Christopher Raths, Township Manager
Anthony Bucco, Esq., Township Attorney
Amy Rhead, Acting Township Clerk

Absent: Councilman Martin Schmidt
Councilman Richard Zoschak

APPROVAL OF MINUTES

March 9, 2010 – Regular Meeting Minutes

Councilman Smith made a motion to approve the minutes listed above. Deputy Mayor Hall seconded the motion.

Roll Call: Councilman Smith – Yes Deputy Mayor Hall – Yes
Councilman Behrens – Yes Councilwoman DeFillippo – Yes
Mayor Rilee – Abstain

Motion carried 4 to 0 with one abstention.

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

Mayor Rilee amended the order of the agenda to allow for the following presentation:

Roxbury Historic Trust & Advisory Committee

Miriam Morris of the Roxbury Township Historic Advisory Committee distributed information to Council members regarding the scope of work for the 2010 Grant Application to New Jersey Historic Trust, Garden State Historic Preservation Trust Fund and recommendations for the continuation of the Phase I Exterior Rehabilitation of the King Store. Discussion took place regarding the ADA requirements associated with this grant and possible ramifications regarding handicapped accessibility at other historic sites in the Township. Mrs. Morris stated that \$5,200 dollars is being requested from the Township, which is the amount that was previously set aside for a grant application that was not awarded. Council members expressed a desire to see the entire plan laid out in a less ambiguous way. Issues regarding the lack of water utilities at this location were also considered. Members agreed that more research was necessary before moving ahead with the approval of this grant application. Mr. Raths will have the Construction Official, Rod Schmidt, contact Mrs. Morris to discuss further details.

Mr. Cramond reported on the status of the Roxbury Township Historic Advisory Committee's application to the Morris County Heritage Commission for nomination of the Ledgewood Historic District to be added to the State and National Register of Historic Places. Mr. Cramond stated that the first phase, consisting of a site map showing the contributing and non-contributing properties within the historic district, has been completed. Mr. Cramond distributed a map to members of the Council detailing the proposed area. Mr. Cramond stated that the Phase II portion of the application process requires a letter of approval from the Mayor and Council, as well as a community outreach component. Council members stated that they want to ensure that the residents support the designation, prior to making a decision either way.

Mayor Rilee returned to the order of the agenda.

Councilman Behrens reported that the Main Street Committee meeting, originally scheduled for tomorrow night, was cancelled.

Councilman Behrens reported on the recent Board of Education meeting. He noted that 140 credits are required to graduate from Roxbury High School which exceeds the State requirement by 20 credits.

Councilwoman DeFillippo expressed concerns about the safety of the relocation of the Horseshoe Lake Bikeway Path. Mike Kobylarz, Township Engineer, explained that the NJDEP has taken the position that the bike path cannot be located in any other area because the variable-sedge vegetation/grass needs to be protected. Mr. Bucco suggested that the Township schedule a site visit with NJDEP representatives and members of the State Legislature to discuss further. Mayor Rilee stated that safety still needs to be a priority and recommended that speed bumps be installed. Mr. Rath reminded Council members that the protection of the sedge grass is a federal mandate and the NJDEP is charged with enforcement. Council members asked Mr. Rath to get a letter of support from the County Freeholders.

Councilwoman DeFillippo announced that the Water & Sewer Committee would be meeting a week from Friday.

Councilwoman DeFillippo asked about the status of the removal of the trailer on Mount Arlington Road and if a Notice of Violation had been issued. Mr. Rath stated that the trailer contains remnants from the fire that occurred at the Clay Oven and that attempts were being made to find a more suitable location while the structure is being rebuilt.

Councilwoman DeFillippo expressed appreciation to Mr. Rath and staff members for addressing a complaint from a resident about the repair of a road and removal of a barrel that has been on top of a storm basin.

Councilwoman DeFillippo stated that she has a candidate that she would like to recommend to fill the Lake Musconetcong Regional Planning Board vacancy. She also said that the same individual has extensive knowledge of energy efficiency, especially in the area of electricity and street lighting, and would like Mr. Blood to meet with him.

Councilwoman DeFillippo spoke about her efforts addressing issues regarding poor scheduling and trains arriving on incorrect tracks at the Mount Arlington train station.

Deputy Mayor Hall reported that the Shared Services Committee meeting was cancelled and would be rescheduled.

Deputy Mayor Hall complimented the work that has been done on Dell Avenue.

Deputy Mayor Hall complimented Councilwoman DeFillippo on her recent article published in the Daily Record newspaper regarding issues at the train station in Mount Arlington.

Mayor Rilee reported that he attended the recent National Night Out event in Landing. He complimented the work that has been done on the grounds and stated that the park looks great.

Mayor Rilee reported that he attended a recent NJDEP meeting regarding the Highlands and that the format was more of a listening forum without much feedback from the NJDEP.

Mayor Rilee reported on the Fire Chief's meeting that he attended last week. He stated that he has reviewed some of the items with the manager and reminded Mr. Rath that the Chief's have not received a list of foreclosures, as previously discussed.

Mayor Rilee said that he and Deputy Mayor Hall were filmed by Cablevision in a brief segment about Roxbury.

Mr. Rath reported that the 2011 financial projections have been completed and illustrate the impact of the 2% cap. He stated that the documents will be distributed to the Council in the weekly packets.

Mr. Rath stated that the 'Budgeting 101' program is scheduled to be presented to department heads and shop stewards. He noted that it will be a financially difficult and challenging year.

Mayor Rilee asked about the status of documenting Roxbury's collection rates. Mr. Rath stated that the tax bills were recently mailed and a report would be provided after the next due date.

Councilman Smith reported on a meeting he attended today in which Governor Christie's Chief of Staff, Richard Bagger stated that there are no current plans to amend the deadlines for municipalities to submit their budgets even though election dates need to be taken into consideration to allow for a public vote if the 2% cap is exceeded. Councilman Smith spoke about the possibility of school boards being required to get voter approval to exceed the 2% cap and that Mr. Bagger was unable to describe the future role of municipalities and defeated school budget processes. Mr. Bucco and Mr. Rath explained the process, but agreed that some of the timing issues still need to be resolved.

General discussion took place regarding the costs associated with complying with mandates versus the amount of municipal aide.

A. New Business

1. None

B. Old Business

1. Procurement Policy – in process

C. Presentations

1. Roxbury Historic Trust & Advisory Committee - *previously discussed*

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

A. Block Party-Morgan Drive-September 4, 2010

B. One Day Liquor License-SSC-September 19, 2010

Councilwoman DeFillippo made a motion to approve both the Block Party request and the One Day Liquor License application listed above. Councilman Behrens seconded the motion.

Roll Call: Councilwoman DeFillippo – Yes Councilman Behrens – Yes
Deputy Mayor Hall – Yes Councilman Smith – Yes
Mayor Rilee – Yes

Motion carried 5 to 0.

PUBLIC PORTION

Dennis Wine

4 Holly Drive, Succasunna

Mr. Wine asked why the white bridge on Phyllis Drive is painted red. Mr. Rath stated that it was probably due to an act of vandalism and would have it looked into.

Mr. Wine asked if Item #9 listed in the August 6th Communications packet, itemized as “Correspondence from Adam Falk, Vice President Regulatory and Government Affairs for Cablevision, to Ms. Celeste Fasone, Director of NJ Board of Public Utilities, dated July 27, 2010, re: Channel Addition and Move in New Jersey”, meant that BPU was physically moving their business. Mr. Bucco explained that it is a letter from Cablevision, as mandated by BPU, providing notification that a channel change will be taking place.

Mr. Wine stated that he had previously submitted a letter to the Board of Education requesting that they discuss the “toolkit” and requesting that they identify the tools they thought would be useful, as well as, any additional tools they might need in order to get their job done. During the last meeting, the Board President mentioned that Dr. Rossi and their financial consultant would discuss it at their August 30th meeting and that the other Board members did not make any comments on the subject.

Mr. Wine stated that he supports Council’s Resolution 10-248 and the concept of the “Toolkit”.

Mr. Wine stated that he also asked Dr. Rossi and the Board about the status of their exploration of privatization in the areas of cafeteria (food service), transportation and building and grounds and that the response was that they “are working on it”.

Deputy Mayor Hall stated Mr. Rath has put a tremendous amount of effort into exploring the possibility of shared services with the Board of Education, especially in the area of buildings and grounds maintenance. Mr. Rath added that the Township will continue to investigate whether or not savings can be realized by outsourcing and that bids would be going out within the next four weeks for sanitation services, detention basins and maintenance and mowing of large grounds.

Mr. Rath verified that the Board of Education uses an outside contractor for their sanitation services. There would be a capital cost involved for a truck if the Township were to assume that service.

Robert Kluska

274 Emmans Road, Flanders

Mr. Kluska stated that he was pleased to find the agenda available on the website, but that the most recent minutes available on the site are from February. Mayor Rilee explained that there has been a delay in completing and posting the minutes due to personnel changes and transitioning occurring in office of the Township Clerk.

DRAFT ORDINANCES FOR DISCUSSION

NONE

INTRODUCTION OF PROPOSED ORDINANCES

NONE

HEARING AND ADOPTION OF ORDINANCES ON SECOND READING

NONE

INTRODUCTION AND ADOPTION OF RESOLUTIONS

10-236 RESOLUTION INCORPORATING BY REFERENCE HEREIN AND APPROVING THE FOLLOWING NUMBERED RESOLUTIONS LISTED ON THE REGULAR COUNCIL MEETING AGENDA FOR THIS DATE: 10-237, 10-238, 10-239, 10-240, 10-241, 10-242, 10-243, 10-244, 10-245, 10-246, 10-247,10-248, 10-249

Councilwoman DeFillippo made a motion to adopt Resolution No.10-236.
Councilman Smith seconded the motion.

Roll Call: Councilwoman DeFillippo – Yes Councilman Smith – Yes
Councilman Behrens- Yes Deputy Mayor Hall – Yes
Mayor Rilee – Yes

Motion carried 5 to 0.

10-237 A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO DELTA CHEMICAL CORPORATION FOR THE PURCHASE OF THE SEWERAGE TREATMENT CHEMICAL POLYALUMINUM CHLORIDE FOR THE AJAX TERRACE WATER POLLUTION CONTROL PLANT

Councilman Behrens asked for reasons for the increase. Mr. Rath responded.

10-238 A RESOLUTION AUTHORIZING THE EXTENSION OF THE WATER ALLOCATION PERMIT APPROVED BY RESOLUTION NO. 07-367 AND AMENDING THE WATER ALLOCATION FOR WELLFLEET DEVELOPERS, INC. FOR THE PROJECT KNOWN AS THE VILLAGES AT ROXBURY LOCATED AT SHIPPENPORT ROAD, LANDING, BLOCK 11201 LOTS 1, 2, AND 3

10-239 A RESOLUTION APPROVING THE NJDOT RESOLUTION, APPLICATION, AND AGREEMENT FOR STATE AID TO MUNICIPALITIES FOR FISCAL YEAR 2011, UNDER THE NEW JERSEY TRANSPORTATION TRUST FUND AUTHORITY ACT MUNICIPAL AID PROGRAM FOR THE PHASE I PORTION OF THE DELL AVENUE RECONSTRUCTION PROJECT

10-240 A RESOLUTION APPROVING THE NJDOT RESOLUTION, APPLICATION, AND AGREEMENT FOR STATE AID TO MUNICIPALITIES FOR FISCAL YEAR 2011, UNDER NEW JERSEY TRANSPORTATION TRUST FUND AUTHORITY ACT SAFE STREETS TO TRANSIT PROGRAM FOR THE HOWARD BOULEVARD BICYCLE/PEDESTRIAN PATH PROJECT

10-241 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

10-242 A RESOLUTION APPROVING THE NJDOT RESOLUTION, APPLICATION, AND AGREEMENT FOR STATE AID TO MUNICIPALITIES FOR FISCAL YEAR 2011, UNDER THE NEW JERSEY TRANSPORTATION TRUST FUND AUTHORITY ACT BIKEWAY PROGRAM FOR THE DELAWARE, LACKAWANNA & WESTERN RAIL TRAIL-HORSESHOE LAKE CONNECTION BIKEWAY PROJECT

10-243 A RESOLUTION AUTHORIZING THE INSERTION OF AN ITEM OF REVENUE IN THE 2010 BUDGET FOR ADDITIONAL FUNDING FOR BULLETPROOF VEST PROGRAM GRANT

10-244 A RESOLUTION AUTHORIZING SALARIES AND COMPENSATION FOR EMPLOYEES FOR THE YEAR 2010

10-245 A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO POWER PLACE, INC. FOR TWO ZERO-TURN MOWERS

- 10-246** A RESOLUTION AUTHORIZING THE REFUND OF TAXES
- 10-247** A RESOLUTION AUTHORIZING THE REFUND OF TAXES
- 10-248** RESOLUTION CALLING ON THE STATE LEGISLATURE AND THE GOVERNOR TO ENACT PROPERTY TAX REFORM WITH PASSAGE OF THE "MUNICIPAL TOOLKIT" AND MANDATES RELIEF
- 10-249** A RESOLUTION AUTHORIZING THE PAYMENT OF BILLS

PERSONNEL CHANGES

None

COMMUNICATIONS

July 30, 2010

#7 Correspondence from Gene Feyl, Freeholder Director, to Mayor Jim Rilee, dated July 22, 2010, re: invitation to Remembrance Service and Candlelight Vigil on Saturday, September 11, 2010

Councilwoman DeFillippo announced that she would be attending Roxbury Community Day and, therefore, would be unavailable to attend the candlelight vigil.

#11 Mayors Fax Advisory, dated July 26, 2010, re: Legislative Alert – COAH / Affordable Housing Reform

Mayor Rilee requested that the Township’s support of COAH reforms be relayed to Assembly representatives.

August 6, 2010

#4 Correspondence from Michael Kobylarz, Township Engineer, to Christopher Raths, Township Manager, dated August 4, 2010, re: New Jersey Department of Transportation (NJDOT) Grant Programs

Mayor Rilee asked Mr. Raths to get written support from Freeholders for the NJDOT grant efforts.

#5 Correspondence from Kellye Smith, Community Prevention Services Coordinator, to Mayor Jim Rilee, dated July 30, 2010, re: request for the Township to provide support to the Roxbury Municipal Alliance committee during leadership transition

Mr. Raths stated that several veteran members of ROMAC will be retiring from the committee and the County is requesting assistance in identifying potential new members. Mayor Rilee asked Mr. Raths to provide the Council with a list of current committee members as well as an overview of the program.

#6 Information provided by Gary Behrens on August 6, 2010, re: Shared Services Agreement for the Municipalities of Towns of Dover, Township of Mine Hill, Borough of Mt. Arlington, Borough of Rockaway and Borough of Wharton – Joint Municipal Court Facilities, Personnel and Resources

General discussion took place among Council members regarding the feasibility of shared court services. It was decided that Mr. Raths would gather assessment information from area municipalities that already operate shared court systems.

#7 Correspondence from Derron LaBrake, Matrix New World, to Property Owner, dated July 22, 2010, re: Former Fenimore Sanitary Landfill - notification of submission of application to NJ DEP for Flood Hazard Area Individual Permit for Mountain Road; Block 7404, Lot 1

Mayor Rilee asked Mr. Raths to include updates regarding the former Fenimore Landfill site in his weekly Information Update. Mr. Raths also explained that no work would be permitted until the applicant obtains a General Permit.

#8 Correspondence from Earl Riley, Chairman for Lake Musconetcong Regional Planning Board, to Mayor Rilee and Council, dated July 26, 2010, re: Notification of Board Removal of John Wetzel and request for Roxbury to appoint new member

Councilman Smith stated that he had a potential candidate for the Council to consider.

#11 NJLM Mayors Fax Advisory, dated August 5, 2010, re: Governor signs S-1804 – Permitting Special Emergency Appropriations for Accumulated Absence Payout upon Retirement or Layoff

Councilwoman DeFillippo asked for clarification on items that fall outside the 2% cap. Mr. Rath responded. Mr. Rath also noted that Roxbury already had caps in the buyout contracts.

PUBLIC PORTION

None

EXECUTIVE SESSION

10-250 NOT USED - 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. Rath made an announcement that the next Regular Meeting, originally scheduled for August 24, 2010, was cancelled and was rescheduled to take place on **August 31, 2010**, at **7:30PM** in the meeting room of the Municipal Building located at 1715 Route 46 in Ledgewood.

ADJOURNMENT

At 9:00 PM, Councilwoman DeFillippo made a motion to adjourn the meeting. Deputy Mayor Hall seconded the motion.

Roll Call: Councilwoman DeFillippo – Yes Deputy Mayor Hall – Yes
Councilman Behrens – Yes Councilman Smith – Yes
Mayor Rilee – Yes

Motion carried 5 to 0.

Submitted By:

Amy E. Rhead
Acting Township Clerk

MINUTES APPROVED BY COUNCIL

DATE: February 8, 2011

ROLL CALL: Councilman Behrens – Yes
Councilwoman DeFillippo – Yes
Deputy Mayor Hall – Yes
Councilman Schmidt – Abstain
Councilman Smith – Yes
Mayor Rilee – Yes