

**September 28, 2010**

A Regular Meeting of the Township Council of the Township of Roxbury was held on September 28, 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  
Deputy Mayor Fred Hall  
Councilman Martin Schmidt  
Councilman Richard Zoschak  
Mayor Jim Rilee

**Also Present:** Christopher Raths, Township Manager  
Anthony Bucco, Esq., Township Attorney  
Amy Rhead, Acting Township Clerk

**Absent:** Councilwoman Kathy DeFillippo  
Councilman Timothy Smith

**APPROVAL OF MINUTES**

None

**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:**

**2011 Budget Time Line**

Mr. Raths discussed potential dates for Budget meetings with Council members. He also said that he would like to make the Budget 101 presentation at the October Neighborhood meeting.

**Morris County Board of Chosen Freeholders “Big Check Presentation” to the Morris Canal Society**

Freeholder Director Gene Feyl and Freeholders Jack Schrier and Margaret Nordstrom presented a check to members of the Morris Canal Society for their recent Open Space acquisition.

**Letter of Extension Landing Road – County Grant**

Mr. Raths informed Council members that a letter needs to be written to the County by October 1<sup>st</sup> requesting an extension for the Landing Road Recreation project grant. Mr. Raths will draft the letter.

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

Councilman Schmidt reported that there would be a marching band competition on October 2, 2010 at Roxbury High School and stated that it would be open the public and all are invited to attend.

Councilman Schmidt reported that the “Left on Green” sign on Route 10 by Hillside Avenue had a broken bracket and was hanging upside down. Mr. Raths stated that he would follow-up.

Councilman Schmidt reported that he attended the recent meeting with the NJDEP regarding the sedge issue and that a biologist would be exploring the possibility of expanding the path by four feet. Mike Kobylarz is working on a possible alternate route.

Councilman Schmidt reported on a complaint received from a resident regarding cloudy, foul-tasting tap water in Poet's Peak. Mr. Rath stated that cloudy water usually is a result of air in the water but could not account for any odor or taste issues. Mr. Rath stated that the Engineering Department had received one similar complaint and the claims are being further investigated.

Councilman Schmidt stated that the "Wet Down" was a great event and there were no complaints that he was aware of.

Councilman Schmidt reported that some local Eagle Scouts have constructed steps and a compost bin at the Community Garden.

Councilman Schmidt reported on last week's Environmental Commission meeting. He stated that the High School will be reemphasizing the importance of recycling.

Councilman Zoschak reported on the Lake Hopatcong Committee meeting and the status of the weed harvesters, outflow of the lake and a grant received by the Lake Hopatcong Alliance.

Councilman Zoschak stated that he had received a complaint from a resident claiming that the recent blasting at the McNear pit did not originate in section two. Mr. Clayton, the McNear project manager, was in attendance and stated that the blast did occur in section two.

Councilman Zoschak also stated that the "Wet Down" was a great event.

Councilman Zoschak stated that the "Olde Suckasunny Day" event was a big success.

Councilman Behrens reported on the recent meeting with NJDEP representatives regarding the sedge issue at Horseshoe Lake.

Councilman Behrens stated that the "Olde Suckasunny Day" event was a success.

Councilman Behrens reported on highlights from the recent Board of Education meeting, including the powerful message that "Rachael's Challenge" program sent to the students and the mural painted on the high school symbolizing the message. He also reported that there were discussions about possibly privatizing custodial services, the 24/7 Student Code of Conduct and the Federal Grant that was received (approximately a \$250,000) but the Board was told not to use it because they would need it next year.

Councilman Behrens expressed his surprise that the Board did not mention the "Olde Suckasunny Day" event.

Deputy Mayor Hall reported on the shared services booth that was set up at the "Olde Suckasunny Day" event.

Deputy Mayor Hall reported that the Shared Services Committee was still working on reviewing their goals.

Deputy Mayor Hall reported on the recent meeting regarding the relocation of the Horseshoe Lake Bike Path due to NJDEP's identification of the endangered variable sedge grass.

Deputy Mayor Hall announced that Roxbury's "Make a Difference Day" event would be taking place on Saturday, October 23, 2010. He stated that the Home Depot would be replacing the bridge during the event. Informational flyers were distributed.

Deputy Mayor Hall announced that “Anna’s Run” is a fundraising event whose purpose is to bring awareness to domestic violence. It is scheduled for October 3, 2010.

Mayor Rilee also stated that the “Wet Down” event went well.

Mayor Rilee announced the specifics of the event to raise funds for lung cancer that was held at Horseshoe Lake.

As discussed at the recent Neighborhood Meeting, Mayor Rilee reminded everyone about the amount of taxes paid by Roxbury’s local businesses.

A discussion took place regarding the reappointment to the Morris County Freight Advisory Committee of which Councilwoman DeFillippo is liaison and Councilman Behrens is alternate liaison.

Deputy Mayor Hall made a motion to appoint Councilwoman DeFillippo as the Township of Roxbury’s liaison to the Morris County Freight Advisory Committee and Councilman Behrens as the alternate liaison. Councilman Schmidt seconded the motion.

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

Motion carried 5 to 0.

It was reported that the Environmental Commission won the ANJEC Award.

Mr. Rath stated that sanitation bids went out this week.

**A. New Business**

- 1. **2011 Budget Time Line** – *previously addressed*
- 2. **Letter of Extension Landing Road – County Grant** – *previously addressed*

**B. Old Business**

- 1. None

**C. Presentations**

- 1. **Morris County Board of Chosen Freeholders “Big Check Presentation” to the Morris Canal Society** – *previously presented*

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

**1. Proclamation-Domestic Abuse**

Mayor Rilee read the proclamation

**2. One Day Liquor License-SSC-October 23, 2010 6PM-2AM**

Councilman Schmidt made a motion to approve the One Day Liquor License listed above. Councilman Zoschak seconded the motion.

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

Motion carried 5 to 0.

**3. ROMAC Committee Appointment**

Councilman Zoschak stated that he may have a candidate for the vacant position.

**4. 2011 Regular Council Meeting Dates**

*Discussion tabled until next meeting.*

**PUBLIC PORTION**

**Dennis Wine**

**4 Holly, Succasunna**

Mr. Wine asked about the leasing and auctioning process of the police vehicles. Mr. Rath explained the process. Mr. Bucco stated that police vehicles cannot be financed by bonds.

Mr. Wine asked about a payment on the bills list for school crossing guards. Mr. Rath verified that the Township pays for them at a salary of approximately ten thousand (\$10,000) dollars to fifteen thousand (\$15,000) dollars per year and that all new hires must attend training classes. Mr. Rath added that the Township is opposed to crossing guards submitting unemployment claims during the summer months and has asked the legislature to investigate the appropriateness of the practice.

**Larry Martin**

**19 Sunset Lane, Landing**

Mr. Martin spoke about the deep meaning behind the “Rachel’s Challenge” mural at the high school and the tragedy at Columbine that inspired the message that we must be accepting of each other.

Councilman Hall spoke about the intense effect Rachel’s brother had on all attendees at last year’s “Rachel’s Challenge” program.

**DRAFT ORDINANCES FOR DISCUSSION**

NONE

**INTRODUCTION OF PROPOSED ORDINANCES**

**17-10** CAPITAL ORDINANCE OF THE TOWNSHIP OF ROXBURY, IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING THE INSTALLATION OF THE VEHICLE EXHAUST SYSTEM, FLOOR REPLACEMENT AND ROOF REPAIR AT FIRE CO. 3, IN, BY AND FOR THE TOWNSHIP, APPROPRIATING THEREFOR THE SUM OF \$10,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM A COUNTY OF MORRIS COMMUNITY DEVELOPMENT BLOCK GRANT

Councilman Zoschak made a motion to introduce Ordinance No. 17-10. Councilman Schmidt seconded the motion.

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

Motion carried 5 to 0.

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

**16-10** AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROXBURY AND ADOPTING REGULATIONS FOR THE MAINTENANCE OF REFUSE CONTAINERS AND THE RETROFITTING OF PRIVATE STORM DRAIN INLETS AS REQUIRED BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION IN CONNECTION WITH THE DEPARTMENT’S WATER QUALITY MANAGEMENT PLANNING RULES

Councilman Zoschak asked about the time line for implementation. Mr. Bucco responded. Deputy Mayor Hall spoke about this being another unfunded mandate inflicted by the State of New Jersey. Mr. Rath outlined the Township’s cost to comply. Mayor Rilee expressed opposition to unfunded mandates. It was mentioned

that Assemblyman Bucco would be introducing a bill that would allow municipalities to apply for a waiver and/or exceptions to complying with mandates. Council members agreed to adopt the ordinance, but directed Mr. Rath to file a challenge with the state agency on unfunded mandates.

Councilman Schmidt made a motion to open Ordinance No. 16-10 to the public. Councilman Zoschak seconded the motion.

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

Motion carried 5 to 0.

*Public Comment – none*

Councilman Schmidt made a motion to close Ordinance No. 16-10 to the public. Councilman Zoschak seconded the motion.

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

Motion carried 5 to 0.

Councilman Schmidt made a motion to adopt Ordinance No. 16-10. Councilman Zoschak seconded the motion.

Roll Call: Councilman Schmidt – Yes Councilman Zoschak – Yes  
Councilman Behrens – Yes Deputy Mayor Hall – Yes  
Mayor Rilee – No

Motion carried 4 to 1.

## **INTRODUCTION AND ADOPTION OF RESOLUTIONS**

**10-279** A RESOLUTION INCORPORATING BY REFERENCE HEREIN AND APPROVING THE FOLLOWING NUMBERED RESOLUTIONS LISTED ON THE REGULAR COUNCIL MEETING AGENDA FOR THIS DATE:  
10-280, 10-281, 10-282, 10-283, 10-284, 10-285, 10-286, 10-287, 10-288, 10-289, 10-290, 10-291, 10-292, 10-293

Councilman Schmidt made a motion to adopt Incorporating Resolution No. 10-279. Councilman Zoschak seconded the motion.

Roll Call: Councilman Schmidt – Yes  
Councilman Zoschak – Yes, recusal on check no. 064652 Res. No. 10-293  
Councilman Behrens – Yes  
Deputy Mayor Hall – Yes  
Mayor Rilee – Yes

Motion carried 5 to 0, with one recusal on check no. 064652, Resolution No. 10-293.

**10-280** A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO ACCURATE WASTE SYSTEMS, INC. FOR THE CLEANING OF THE POST AERATION BASIN AT THE AJAX TERRACE WATER POLLUTION CONTROL PLANT FOR THE SEWER UTILITY

**10-281** A RESOLUTION AUTHORIZING THE REFUND OF UNUSED ENGINEERING INSPECTION FEES TO DEWITT MARSH FOR SITE WORK PERFORMED WITHIN THE TOWNSHIP

**10-282** A RESOLUTION AUTHORIZING THE RELEASE OF AN IRREVOCABLE LETTER OF CREDIT POSTED BY DEWITT MARSH FOR THE OFF-TRACT ROAD IMPROVEMENTS ASSOCIATED WITH PINE STREET AS REQUIRED BY THE PRELIMINARY SITE PLAN APPROVAL FOR BLOCK 6901, LOT 7 (OLD BLOCK 10, LOT 7)

**10-283** A RESOLUTION AUTHORIZING THE SALE OF MUNICIPAL SURPLUS PROPERTY

In response to a question from Deputy Mayor Hall, Rick Blood, Director of Public Works, responded that GovDeals receives five (5%) percent of the selling price for their services. The fee is paid for by the purchaser.

**10-284** A RESOLUTION APPROVING CHANGE ORDER NO.5 TO THE CONTRACT WITH FINNE BUILDING AND INVESTMENT INC FOR THE CONSTRUCTION OF A PUBLIC WORKS FACILITY

Mr. Blood reviewed the reasons for the current change order and council members expressed their dissatisfaction with the number of amendments that have been submitted for the new DPW building. Council members asked Mr. Blood to attempt to receive a reimbursement from Verizon for the expense incurred for a second fire alarm inspection due to the phones not operating. Mr. Rath stated that the project was still coming in at less than was originally anticipated. Cost savings were attributed to economic conditions allowing for lower material costs and by Mr. Blood assuming the responsibility of Clerk of the Works, as opposed to hiring someone.

**10-285** A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO DONNELLY ENERGY SOLUTIONS FOR THE INSTALLATION OF VARIOUS ENERGY IMPROVEMENTS IN TOWNSHIP FACILITIES

Discussion took place regarding comparing the reduction in kilowatt usage after the first year to measure savings. Mr. Rath noted that Valarie Wyble led the effort in bringing this to fruition and thanked her for her efforts.

**10-286** A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO PANCIELLO CONSTRUCTION, LLC FOR EXTERIOR REPAIRS TO THE TOWNSHIP'S FACILITY AT 72 EYLAND AVENUE

Councilman Zoschak asked for more details regarding the type of exterior work to be performed. Mr. Rath stated that the stucco on the building was in need of repair.

**10-287** A RESOLUTION AUTHORIZING THE PURCHASE OF BLOODBORNE COMPLIANT GEAR FOR USE BY ROXBURY FIRE CO NO.2

**10-288** A RESOLUTION AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT BETWEEN THE TOWNSHIP OF ROXBURY AND LARRY AND CAMILLE MARTIN

Mr. Bucco answered questions regarding the license agreement in the event of a transfer of ownership.

**10-289** RESOLUTION SUPPORTING THE MORRIS COUNTY MUNICIPAL CLERKS AND URGING THE STATE LEGISLATURE TO REFORM THE OPEN PUBLIC RECORDS ACT (OPRA) LAW

**10-290** A RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE PURCHASE AGREEMENT BETWEEN THE TOWNSHIP OF ROXBURY AND KEY GOVERNMENT FINANCE, INC

- 10-291** A RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO JON P. BRODY, MAI, CRE, SCGRE, OF APPRAISAL CONSULTANTS CORP FOR APPRAISAL SERVICES IN CONNECTION WITH THE TAX APPEAL ROXVILLE ASSOCIATES V. ROXBURY TOWNSHIP (DOCKET NO. 009187-2009) AND RELATED CASES
- 10-292** A RESOLUTION AUTHORIZING THE REFUND OF TAXES
- 10-293** A RESOLUTION AUTHORIZING THE PAYMENT OF BILLS

#### **PERSONNEL CHANGES**

Memo Dated September 22, 2010 from Patty Reiche, Assistant to CFO

#### **COMMUNICATIONS**

September 17, 2010

##### **#12 Copy of Roxbury School District Custodial Outsourcing Analysis provided by Christopher Raths, Township Manager**

Discussion took place regarding the probability of the school board following through with privatizing custodial services.

September 24, 2010

##### **#2 Correspondence from Donna Marie Luciani, Township Clerk, Township of Randolph, to Morris County Planning Board, dated September 17, 2010, re: Resolution Opposing Assembly Bill – Emergency Medical Services/Medical Transport**

Council members supported this resolution and requested a resolution regarding same be on the next agenda.

##### **#4 Correspondence from Congressman Frelinghuysen, to Mayor Rilee, dated September 16, 2010, re: new Health Care law**

Councilman Zoschak commented that it should be mandatory for legislators to read the entire proposal prior to voting on it.

##### **#9 NJLM Mayors Fax Advisory, dated September 23, 2010, re: League urges action on Arbitration Reform**

Deputy Mayor Hall asked Mr. Bucco to provide clarification/details. Mr. Bucco responded.

#### **PUBLIC PORTION**

**Dennis Wine**

**4 Holly Drive, Succasunna**

Mr. Wine complimented the building and grounds of the recycling center/new DPW facility.

#### **EXECUTIVE SESSION**

**10-294** 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 8:45 PM, Councilman Zoschak made a motion to adopt Resolution No. 10-294 for Executive Session. Mayor Rilee seconded the motion.

Roll Call: All in Favor – Yes

Motion carried 5 to 0.

*At 9:15 PM, the council exited the closed session and returned to the open portion of the meeting.*

**ADJOURNMENT**

At 9:15 PM, Deputy Mayor Hall made a motion to adjourn the meeting. Councilman Behrens seconded the motion.

Roll Call: All in Favor – 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 – Abstain  
Deputy Mayor Hall – Yes  
Councilman Schmidt – Yes  
Councilman Smith – Abstain  
Mayor Rilee – Yes