

October 26, 2010

A Regular Meeting of the Township Council of the Township of Roxbury was held on October 26, 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): Councilwoman Kathy DeFillippo
Deputy Mayor Fred Hall
Councilman Martin Schmidt
Councilman Timothy Smith
Councilman Richard Zoschak
Mayor Jim Rilee

Absent: Councilman Gary Behrens

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

APPROVAL OF MINUTES

April 13, 2010 Regular/Budget Meeting

Councilman Zoschak made a motion to approve the minutes as listed above.
Councilman Schmidt seconded the motion.

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

Motion carried 6 to 0.

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:

Proclamation - Sam Wilson – Roxbury Fire Co. #1 – 50 years

Mayor Rilee presented Mr. Sam Wilson with a proclamation in appreciation for his fifty years of service. Additionally, New Jersey State Firemen's Association, President George H. Heflich, Sr. presented a certificate of recognition to Mr. Wilson on behalf of their organization.

Roxbury Police Swearing in Ceremony

Amy Rhead, Acting Township Clerk, publicly administered oaths to the following members of the Roxbury Police Department for the positions stated (*NOTE: official, informal swearing in took place on July 15, 2010 in Council chambers*):

Stephen Catalano – Sergeant
Marc Palanchi – Lieutenant
James Simonetti – Captain

Proclamation – Pancreatic Cancer Awareness Month

Mayor Rilee read the proclamation.

Roxbury Police 2010 Manpower Analysis

Chief Noll provided an analysis concerning the number of positions and duties currently held in the police department. Comparisons to similar, local departments were given. Several organizational options, and the pros and cons of each, were detailed for Council's consideration when making budget decisions. Council members asked questions regarding specific functions, shared services, the possibility of using civilian employees for some tasks,

Councilman Smith thanked Chief Noll for his proactive, forward thinking. Mr. Rath and Council members expressed similar sentiments and thanked Chief Noll for all his efforts.

Mayor Rilee returned to the order of the agenda

Councilman Smith reported on the events of the recent Government Efficiency Movement (GEM) meeting.

Councilman Smith discussed the highlights of the recent Community Development Block Grant meeting.

Councilman Smith congratulated Councilman Hall for his efforts and success of the recent 'Make a Difference Day' event.

Councilman Smith stated that he visited the McNear property and it appears to be a very well run operation.

Councilman Smith spoke about a conversation he had with Freeholder Director Gene Feyl regarding the request for ARRA grant money. Mr. Rath explained that the Transportation Authority determines where federal funds are to be dispersed.

Councilman Zoschak reported on the Lake Hopatcong Commission meeting. He stated that the lake harvesting had been completed, but that the weed harvesting machines are in poor condition and may have problems next year. The Water Level Management Plan is expected to be available in the near future. The draw down is scheduled to begin on November 1st.

Councilman Zoschak stated that there are wires down and barrels in the road on Logan Drive.

Councilman Zoschak asked for an update regarding the 'No Strangers in My Schools' signs all around the Township. Mr. Rath stated that if they are in violation of the Township sign ordinance, they are being removed.

Councilman Zoschak complimented Fire Co. No. 2 on their 'Haunted Beach'. He encouraged all to stop by and experience it.

Councilman Zoschak reported that Home Depot supplied the materials, plus approximately eight or nine employees to install a new bridge at Horseshoe Lake during 'Make a Difference Day'.

Councilman Smith stated that the Open Space Committee expects to make a presentation to the Council in the near future.

Councilman Smith reported that the Water and Sewer Committee are still attempting to determine if increases are necessary for the water utility.

Councilman Smith stated that the Economic Development Committee will meet Thursday night.

Councilwoman DeFillippo acknowledged the multiple efforts of several individuals in making the 'Make a Difference Day' a success.

Councilwoman DeFillippo reported on the recent Main Street Committee meeting.

Councilwoman DeFillippo stated that she and Councilman Behrens toured the McNear site.

Councilwoman DeFillippo reported that Maggie Peters of the Morris County Economic Development Committee would be attending the next Roxbury EDC meeting.

Councilwoman DeFillippo discussed the completion of the fifth year of Neighborhood Meetings. She thanked the Council members and the staff for their continued support of the concept.

Councilwoman DeFillippo asked about the status of leasing the building (previous Nutrition Center) on Berkshire Valley Road. Mr. Rath responded that the deal fell through when the interested group's ability to run the facility came into question.

Deputy Mayor Hall reported on topics of the recent Board of Education meeting, which included the possibility of becoming a Choice School to bring in extra revenue and the impact of special education costs. He also reported that the Board hired a transportation consultant to investigate privatization options.

Deputy Mayor Hall asked about the status of the Horseshoe Lake bike path. Mr. Rath explained the extensive process and cost of obtaining the permit.

Deputy Mayor Hall discussed the success of 'Make a Difference Day' and thanked the numerous individuals who volunteered. The hope is that this becomes an annual event.

A. New Business

None

B. Old Business

None

C. Presentations

1. **Roxbury Police Swearing In Ceremony** – *previously presented*
2. **Roxbury Police 2010 Manpower Analysis** – *previously presented*
3. **Proclamation-Sam Wilson-Roxbury Fire Co. No. 1 - 50 years** – *previously presented*
4. **Proclamation – Pancreatic Cancer Awareness Month** – *previously presented*

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

PUBLIC PORTION

Ralph Nappi

29 Ford Road, Landing

In reference to a handout from the Neighborhood Meeting, Mr. Nappi asked for clarification regarding the positions that were eliminated from 2002 through 2010. He also asked about the zero amounts shown in the health benefits column. Mr. Rath stated zero amounts were attributable to part-time employees who do not receive health benefits. In response to further inquiries regarding the financial situation of the Township, Mr. Rath stated that exact figures would not be available until the books are officially closed out for the year.

Mr. Nappi referenced Mayor Rilee's letter, dated October 6, 2010, regarding consolidation of police services and asked for an update. Mayor Rilee explained that cost effectiveness and public safety issues would need to be examined when exploring consolidation options.

Mayor Rilee returned to the order of the agenda.

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

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

Township of Roxbury Financial Statements for Period January 1, 2010 through September 30, 2020

Lisa Spring, CFO/Treasurer pointed out a few of the line items that are of concern. Questions were asked and answered regarding the cost of hiring the risk manager and the responsibilities that the Township Clerk previously assumed.

Mayor Rilee returned to the order of the agenda.

1. ROMAC Committee Appointment

None

2. Approval of St. Therese Carnival dates-June 8th, 9th, 10th, & 11th of 2011.

Councilman Zoschak made a motion to approve the dates as listed above for the 2011 St. Therese Carnival. Councilman Smith seconded the motion.

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

Motion carried 6 to 0.

3. Hercules House Disposition

Mr. Raths stated that the Township had received a bill of sale several months ago, but that he needed to revisit the issue to ascertain the current status of the property. Councilman Schmidt stated that the Township's original interest was to acquire the structure, restore it and create a historical museum for Hercules memorabilia. Discussion took place regarding the developer's willingness to possibly keep the structure as part of the overall Hercules property plan. Council members suggested local businesses that might be interested in donating labor and/or supplies for the restoration.

4. Township of Roxbury Financial Statements For Period January 1, 2010 through September 30, 2020 – *previously presented*

PUBLIC PORTION

None

DRAFT ORDINANCES FOR DISCUSSION

None

INTRODUCTION OF PROPOSED ORDINANCES

18-10 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER VII, TRAFFIC, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROXBURY, COUNTY OF MORRIS, AND STATE OF NEW JERSEY

Councilman Smith made a motion to introduce Ordinance No.18-10. Councilman Zoschak seconded the motion.

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

Motion carried 6 to 0.

19-10 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER II, ADMINISTRATIVE CODE, SECTION 2-17, OFFICERS AND EMPLOYEES GENERALLY, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROXBURY, COUNTY OF MORRIS, STATE OF NEW JERSEY

Mr. Rath explained that the Chief of a Police Department must, by statute, have a higher salary than that of the Captain. Therefore the above salary ordinance is necessary to increase the Chief's salary to be one dollar (\$1.00) more than that of the Captain's.

Councilman Smith made a motion to introduce Ordinance No.19-10. Councilman Zoschak seconded the motion.

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

Motion carried 6 to 0.

HEARING AND ADOPTION OF ORDINANCES ON SECOND READING

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 APROPRIATED SHALL BE RAISED FROM A COUNTY OF MORRIS COMMUNITY DEVELOPMENT BLOCK GRANT

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

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

Motion carried 6 to 0.

Public Comment – None

Councilman Smith made a motion to close Ordinance No. 17-10 to the public. Councilman Schmidt seconded the motion.

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

Motion carried 6 to 0.

Councilman Smith made a motion to adopt Ordinance No. 17-10. Councilman Schmidt seconded the motion.

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

Motion carried 6 to 0.

INTRODUCTION AND ADOPTION OF RESOLUTIONS

10-312 A RESOLUTION INCORPORATING BY REFERENCE HEREIN AND APPROVING THE FOLLOWING NUMBERED RESOLUTIONS LISTED ON THE REGULAR COUNCIL MEETING AGENDA FOR THIS DATE: 10-313, 10-314, 10-315, 10-316, 10-317, 10-318, 10-319, 10-320, 10-321, 10-322, 10-323, 10-324

Councilwoman DeFillippo made a motion to adopt Resolution No. 10-312. Councilman Smith seconded the motion.

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

Motion carried 6 to 0.

10-313 A RESOLUTION AUTHORIZING THE REFUND OF UNUSED ENGINEERING INSPECTION FEES TO CK GENERAL CONTRACTORS, INC. FOR A PROJECT KNOWN AS CHUNG SUBDIVISION, 103 S. HILLSIDE AVENUE, SUCCASUNNA, BLOCK 3103, LOTS 5 & 5.01

Councilman Zoschak asked about the refund of the fees for the above resolution. Mr. Rath stated that they were not going to be doing any further work.

10-314 A RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEES POSTED WITH THE TOWNSHIP OF ROXBURY IN CONNECTION WITH WORK PERFORMED AND ACCEPTED IN ACCORDANCE WITH VARIOUS TOWNSHIP RIGHT-OF-WAY EXCAVATION PERMITS

10-315 A RESOLUTION AUTHORIZING THE REFUND OF UNUSED ENGINEERING INSPECTION FEES POSTED WITH THE TOWNSHIP IN CONNECTION WITH WORK PERFORMED IN ACCORDANCE WITH A TOWNSHIP MINOR SOIL RELOCATION PERMIT

10-316 A RESOLUTION AUTHORIZING THE PURCHASE OF 100 WATER METERS WITH RADIO INTERFACE UNITS FOR THE WATER UTILITY FROM RIO SUPPLY, INC

10-317 A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO CLOUGH HARBOUR & ASSOC., LLP (CHA) FOR PROFESSIONAL ENGINEERING SERVICES FOR THE PREPARATION OF AN INTERIM EMERGENCY ACTION PLAN FOR THE LEDGEWOOD POND DAM LOCATED ON BLOCK 7501, LOT 11

10-318 A RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF RADIO EQUIPMENT FROM PINNACLE WIRELESS INC. FOR THE PUBLIC WORKS FACILITY

- 10-319** A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO TILCON NEW YORK INCORPORATED FOR MILLING AND PAVING OF PINE STREET
- 10-320** RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION FOR THE ROXBURY 2011 MUNICIPAL ALLIANCE GRANT
- 10-321** A RESOLUTION OPPOSING ASSEMBLY BILL NO.2095 WHICH REVISES REQUIREMENTS FOR MEDICAL SERVICE DELIVERY
- 10-322** A RESOLUTION AUTHORIZING THE INSERTION OF AN ITEM OF REVENUE IN THE 2010 BUDGET FOR ADDITIONAL FUNDING FOR BODY ARMOR GRANT
- 10-323** A RESOLUTION AMMENDING CHANGE ORDER NOS. 2 & 5 TO THE CONTRACT WITH FINNE BUILDING AND INVESTMENT INC. FOR THE CONSTRUCTION OF A PUBLIC WORKS FACILITY
- Councilwoman DeFillippo asked for an explanation of this change order. Mr. Rath stated that it was due to a typographical error in the numbers.
- 10-324** RESOLUTION AMENDING THE MEMBERSHIP OF THE TOWNSHIP FIRE DEPARTMENT
- 10-325** A RESOLUTION AUTHORIZING THE REFUND OF TAXES
- 10-326** A RESOLUTION AUTHORIZING THE PAYMENT OF BILLS

PERSONNEL CHANGES

None

COMMUNICATIONS

October 15, 2010

No discussion

October 22, 2010

#3 Correspondence from Kathleen Florio, Administrative Aide, to Mayor and Council, dated October 21, 2010, re: Freeholders Meeting in Roxbury

Councilwoman DeFillippo mentioned that this request was supposed to be for a Passport Night being hosted in Roxbury. She suggested offering the service with other municipalities.

PUBLIC PORTION

None

EXECUTIVE SESSION

- 10-327** 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 9:45 PM, Councilman Zoschak made a motion to adopt Resolution No. 10-327 for Executive Session. Councilman Smith seconded the motion.

Roll Call: All in Favor – Yes

Motion carried 6 to 0.

At 10:05 PM, the Council exited the closed session and returned to the open portion of the meeting.

ADJOURNMENT

At 10:05 PM, Councilman Zoschak made a motion to adjourn the meeting. Councilwoman DeFillippo seconded the motion.

Roll Call: All in Favor – Yes

Motion carried 6 to 0.

Submitted By:

Amy E. Rhead
Acting Township Clerk

MINUTES APPROVED BY COUNCIL

DATE: February 22, 2011

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