

July 13, 2010

A Regular Meeting of the Township Council of the Township of Roxbury was held on July 13, 2010 at 1715 Route 46, LedgeWood at 7:30 p.m.

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 Richard Zoschak
Mayor Jim Rilee.

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

Absent: Councilman Tim 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 address the following items under presentations:

A. Proclamation-Old Suckasunny Day

Mayor Rilee read the proclamation announcing September 25, 2010 "Old Suckasunny Day" in the Township of Roxbury.

B. Proclamation-Mayor Wellness Campaign

Mayor Rilee read the "Mayor's Wellness Campaign" proclamation promoting exercise, eating properly and living healthier and better lives.

Councilman Zoschak asked about the status of the street sign at Laurie Road and Vail Road. Mr. Rath stated that he is having Mr. Blood look into it.

Councilman Zoschak reported that the fire hydrant located at Vail Road and Reed Road is hidden.

Councilman Zoschak reported that the Clayton camera is operating.

Councilman Zoschak stated that he received a complaint regarding soil movement at McNear Quarry.

Councilwoman DeFillippo reported on the items of discussion from today's Freight Railroad Advisory Committee meeting, including the Dover/Rockaway re-alignment, railway work at Horseshoe Lake, and transloading off of Route 46 and the Chester Branch in Flanders. She also informed the Council that Erik DeLine from the Morris County Division of Transportation offered to host a presentation for the Township entitled "Operation Lifesaver", an educational program geared toward safety at highway-rail grade crossings. Further information is available at <http://www.oli.org>.

Deputy Mayor Hall reported on the topics from the recent Recreation Committee meeting, including the New Jersey Department of Environmental Protection agency's discovery of the endangered foliage and the subsequent edict to re-route the Horseshoe Lake bike path. Deputy Mayor Hall also distributed a chart showing the usage of the Turf Field.

Deputy Mayor Hall reported on the topics that were discussed at the recent Board of Education meeting, including Pay-to-Play and a presentation by Energy Education Incorporated regarding the implementation of energy efficiency and cost saving practices.

Councilman Schmidt asked about the status of a previous inquiry regarding vendors willing to assist with grounds maintenance at Horseshoe Lake in exchange for an Adopt-A-Spot position.

Councilman Schmidt reported that he knows of a resident who is willing to coordinate a group of volunteers to maintain Horseshoe Lake on a regular basis.

Mayor Rilee reported that he and Deputy Mayor Hall were invited by Senator Bucco to meet with the owners of the former Fenimore Landfill site.

Mayor Rilee reported that flood conditions forced a Landing resident from her home this past weekend.

Mr. Raths notified Council that the Township is in the process of securing bids from private companies for the maintenance of Horseshoe Lake.

Mr. Raths reported on the balance due from Smiles II for previous smoking fines.

Mr. Raths updated Council members on the status of discussions involving salary caps and wording amendments for the Shared Services agreement with Randolph for Health Services.

Mr. Raths reported on correspondence from the Swim and Sport Club explaining the noise level on the night of the Relay for Life event and their corrective action plan for next year.

Mr. Raths reported that Berkshire Valley Auto Wreckers, a.k.a. Valley Auto Wreckers, has submitted a Zoning Board application and that the Township has been visiting the site on a weekly basis.

Mr. Raths reported that he has contacted Ray Chang from the Department of Planning and Development at the County, as well as the Diner Preservation Society regarding Tom's Diner. Mr. Raths learned that the chances of receiving grant funding is diminished if the location is not listed on the Federal Register of Historic Properties.

A. New Business

None

B. Old Business

1. Procurement Policy – ongoing

C. Presentations

1. Proclamation-Olde Suckasunny Day – *previously addressed*

2. Proclamation-Mayor Wellness Campaign – *previously addressed*

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

A. Planning Incentive Grant (PIG)

B. Police Promotions

Discussion took place regarding the decrease in patrol officers and the fact that no superior officers have been added. Mr. Rath's recommended no additional decrease in the superior officer staffing.

C. SSC One Day Liquor License July 30th, July 31st, and August 1st

Councilwoman DeFillippo commented on music being played into the early morning hours at a recent SSC event, but felt that it was not excessively loud.

Wendy Stanton, President of the Swim and Sport Club, spoke about the noise level at their recent Relay for Life event and discussed noise control plans for next year's event.

Councilman Schmidt made a motion to approve the SSC One Day Liquor License for July 30th, July 31st, and August 1st. Councilman Zoschak seconded the motion.

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

Motion carried 6 to 0.

D. Historical Advisory Committee – Vacancies

- 01/01/08 – 12/31/11 (Unexpired term of Cynthia DiTaranto)
- 01/01/10 – 12/31/13 (Unexpired term of Jackie Albrecht)

E. Open Space Advisory Committee – Vacancy

- 01/01/10 – 12/31/12 (Unexpired term)

Mayor Rilee requested that discussions regarding the above committee vacancies be postponed until a list of all vacancies on all committees is available for review.

F. Block Party on Cynthia Drive from Yale to Phyllis.

Councilman Zoschak made a motion to approve the Block Party listed above. Councilman Schmidt seconded the motion.

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

Motion carried 6 to 0.

PUBLIC PORTION

Greg Somjen

42 Cornhollow Road, Succasunna

Mr. Somjen stated that he would be speaking as the Facilities Chairperson on behalf of the Board of Education.

Mr. Somjen spoke about the goal of Energy Education Incorporated to provide “best practices” for energy conservation, the expected savings, as well as the expenses that would be incurred if the Board implemented their plan. In response to a question from Councilman Zoschak regarding the education aspect of the program, Mr. Somjen explained that the Energy Manager would be responsible for auditing situations and training the end users. Councilman Schmidt spoke in support of the concept.

Ernest Gefert

Kings Highway, Landing

Mr. Gefert stated that he felt there should be better communication in the event of electrical outages. Mr. Rath stated that he had not been made aware of the recent event, but will draft a letter to JCP&L reminding them to notify the Township about significant electrical outages.

Dennis Wine

4 Holly Drive, Succasunna

Mr. Wine discussed similar past situations when BPU and JCP&L provided a designated phone number to police dispatch so residents could contact them. Mr. Rath stated that the relocation of the Township’s dispatch services will not impact the notification process.

DRAFT ORDINANCES FOR DISCUSSION

NONE

INTRODUCTION OF PROPOSED ORDINANCES

NONE

HEARING AND ADOPTION OF ORDINANCES ON SECOND READING

15-10 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

Councilman Zoschak made a motion to open Ordinance No.15-10 to the public.
Councilman Schmidt seconded the motion.

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

Motion carried 6 to 0.

No public comment.

Councilman Zoschak made a motion to close Ordinance No.15-10 to the public.
Deputy Mayor Hall seconded the motion.

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

Motion carried 6 to 0.

Councilwoman DeFillippo made a motion to adopt Ordinance No.15-10. Councilman Zoschak seconded the motion.

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

Motion carried 6 to 0.

INTRODUCTION AND ADOPTION OF RESOLUTIONS

10-212 A RESOLUTION INCORPORATING BY REFERENCE HEREIN AND APPROVING THE FOLLOWING NUMBERED RESOLUTIONS LISTED ON THE REGULAR COUNCIL MEETING AGENDA FOR THIS DATE: 10-213, 10-214, 10-215, 10-216, 10-217, 10-218, 10-219, 10-220, 10-221, 10-223

Deputy Mayor Hall made a motion to adopt Resolution No.10-212. Councilman Schmidt seconded the motion.

Roll Call: Deputy Mayor Hall – Yes
Councilman Schmidt – Yes
Councilman Behrens – Yes
Councilwoman DeFillippo – Yes
Councilman Zoschak – Yes
Mayor Rilee – Yes on all, with an exception of ‘No’ on Resolution No. 217

Motion carried 6 to 0 on Resolution No.10-213, 10-214, 10-215, 10-216, 10-218, 10-219, 10-220, 10-221 and 10-223

Motion carried 5 to 1 on Resolution No.10-217

10-213 A RESOLUTION APPOINTING A HEALTH INSURANCE FUND COMMISSIONER AND ALTERNATE COMMISSIONER FOR THE TOWNSHIP OF ROXBURY

10-214 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

10-215 A RESOLUTION AUTHORIZING A SANITARY SEWER ALLOCATION TO FRANK ZACCARINO FOR THE PROPERTY LOCATED AT 317 CENTER STREET, LANDING, BLOCK 10401, LOT 4.01

10-216 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

10-217 A RESOLUTION AUTHORIZING SALARIES AND COMPENSATION FOR EMPLOYEES FOR THE YEAR 2010
Mr. Rath stated that the only change in salary was an increase in the Health Officer’s salary attributable to the receipt of grant monies due to the Health Department’s efforts with H1N1.

10-218 A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR REIMBURSEMENT OF SOLID WASTE COLLECTION WITH LAKESIDE VILLAGE ASSOCIATES, INC

10-219 RESOLUTION AUTHORIZING THE SETTLEMENT OF VARIOUS ROXBURY TOWNSHIP TAX APPEAL LITIGATION MATTERS

10-220 RESOLUTION AUTHORIZING THE SETTLEMENT OF VARIOUS ROXBURY TOWNSHIP TAX APPEAL LITIGATION MATTERS

10-221 A RESOLUTION AUTHORIZING THE REFUND OF TAXES

10-222 **PULLED - A RESOLUTION AUTHORIZING THE SOLICITATION OF BIDS FOR THE LEASE OF MUNICIPAL PROPERTY (BLOCK 13002, LOT 11, MILL STREET)**

10-223 A RESOLUTION AUTHORIZING THE PAYMENT OF BILLS

PERSONNEL CHANGES

None

COMMUNICATIONS

July 2, 2010

#2 Correspondence from Cuesta Settlement Administrator, to Township of Roxbury, dated June 22, 2010, re: Class action lawsuit pursuant to 2001-2003 model year Ford Super Duty Truck or Excursion

Councilman Zoschak asked if the Township would be part of the class action lawsuit. Mr. Raths is waiting on a response from Mr. Blood.

#4 Mayors Fax Advisory, dated June 25, 2010, re: Re-cap of Assembly and Senate Budget Committee Actions

Councilman Zoschak asked about the affect on the Township. Mr. Raths replied that it is good news for the Township.

#16 Correspondence from Todd Hirt, Project Engineer, Railroad Engineering & Safety Unit, NJDOT, to Christopher Raths, Township Manager, dated June 24, 2010, re: Initiation of Proceedings, Highbridge Branch Track and State Highway Route 10 crossing

In response to a question from Councilwoman DeFillippo, Mr. Raths stated that he had not yet received an report from staff members who attended the above-referenced meeting.

#21 Correspondence from Jean M. Scott, Library Director, to Lisa Spring, CFO, dated July 1, 2010, re: 2010 increases for library staff

Councilman Behrens noted an error on the percentages shown on the spreadsheet. Mayor Rilee commented on the range of increases. Deputy Mayor Hall suggested that Library Board resubmit the spreadsheet after the corrections are made.

July 9, 2010

No comment

PUBLIC PORTION

None

EXECUTIVE SESSION

10-224 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 8:40 PM, Councilman Zoschak made a motion to adopt Resolution No.10-224 for Executive Session. Deputy Mayor Hall seconded the motion.

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

Motion carried 6 to 0.

ADJOURNMENT

At 9:00 PM, Deputy Mayor Hall made a motion to adjourn the meeting. Councilman Schmidt 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: January 4, 2011

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