

June 29, 2010

A Regular Meeting of the Township Council of the Township of Roxbury was held on June 29, 2010 at the Municipal Building located at 1715 Route 46 in Ledgewood, New Jersey 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 (arrived at 7:35 PM)
Deputy Mayor Fred Hall
Councilman Tim Smith
Councilman Richard Zoschak
Mayor Jim Rilee

Absent: Councilman Martin Schmidt

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

APPROVAL OF MINUTES

Minutes for Approval - *none*
Executive Minutes to be Released to the Public – *none*

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

- A. **New Business** – *none*
- B. **Old Business**
 - 1. **Procurement Policy** – *in progress*
- C. **Presentations** – *none*

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

Councilman Zoschak mentioned that the State had given permission to remove the “Corzine” political sign on Landing Road.

Councilman Zoschak asked about the issue involving prior fire hydrant fees that Mount Arlington owed to the Township. Mr. Raths replied that a response would be provided to the Council upon completion of the attorney’s review of all the documentation.

Councilman Smith reported on the recent Water and Sewer Committee meeting.

Councilman Smith said the Economic Development Committee met last week and reported that Jen and Michael Russo had designed a website to help promote local businesses. The website is www.shoproxburynj.com.

Councilman Smith reported that the Open Space Committee would be presenting their Green Acres plan in the near future. He also informed the Council that Mr. Jim Burns was interested in filling the vacancy on the Open Space Committee.

At 7:35PM, Councilwoman DeFillippo arrived to the meeting.

Councilman Behrens reported that he attended his first Shared Services Committee meeting. He said that Deputy Mayor Hall would be providing the report.

Councilman Behrens reported that he attended the previous evening's Board of Education meeting, but an inadequate sound system and the use of multiple fans made it difficult to hear. He said that detailed minutes of the meeting were available from Fran Day and would be provided to the Council.

Councilwoman DeFillippo spoke about the topics discussed at the recent Main Street Committee meeting, which included possible locations to install new decorative light posts and the estimated cost of electricity to operate them. She also reported that the Committee was continuing to explore various fundraising events.

Deputy Mayor Hall thanked Councilman Smith and the Roxbury Arts Alliance for dedicating the proceeds of the recent Beach Blast event to a scholarship fund for seniors planning on studying the arts in college.

Deputy Mayor Hall said that the details of the recent Shared Services Committee meeting would be in the Council's Communications packets.

Mayor Rilee advised the Council that he had contacted Senator Bucco's office about the redirection of the Horseshoe Lake bike path and was awaiting a response.

Mayor Rilee expressed discontent regarding the lack of communication from the NJDEP about plans they were discussing with the owner of the former Fenimore Landfill site.

Mr. Rath stated that budget information would be posted on the township website in the near future.

Mrs. Rhead updated the Council on the status of annual liquor license renewals and explained that liquor license number 1436-33-016-005 (Danielle's Pub) would not be on the agenda for approval until tax clearance certification was obtained from the Division of Taxation.

1. Reimbursement of Solid Waste Agreement-Lakeside Village Associates, LLC

Mr. Bucco reviewed the details of the agreement to reimburse Lakeside Village Associates for garbage disposal services at their Willow Walk complex. He said the reimbursement amounts were based on a sliding scale. He said the term of the agreement is January 1, 2009 through December 31, 2019. Deputy Mayor Hall asked if retroactive payments were due and Councilman Smith asked if the Township had budgeted for it. Mr. Rath verified that the reimbursements were due retroactively and that it had not been an anticipated expense. Councilman Zoschak asked why the Township was reimbursing the Association as opposed to simply providing the service. Mr. Rath stated that the Township did not have the proper vehicles and equipment to provide the service for the type of dumpsters they use and it would not be cost effective to purchase and maintain the trucks that would be needed to accomplish the job.

2. APPROVAL OF APPLICATION TABLED - SSC One Day Liquor License- July 30th, July 31st, and August 1st

Mayor Rilee asked that the Swim & Sport Club be reminded that there is a noise ordinance that they need to abide by when they are hosting events with music. Councilman Zoschak questioned the issuance of a one-day liquor license allowing a 2:00 a.m. closing time. Mr. Rath said he has left a voice mail message for Maggie Baker, Treasurer of the Swim and Sport Club, and would remind her of the rules and Council's concerns. Councilman Smith asked whether the loud music and noise emanated from inside the facility or if the event was outside. Councilwoman DeFillippo inquired about the Township's sound ordinance. Mr. Rath responded that the ordinance states "between 7:00 a.m. and 10:00 p.m., impulsive sound shall not equal or exceed eighty (80) decibels." Mayor Rilee requested to hold the approval of the application until Mr. Rath speaks with Swim and Sport Club representatives.

PUBLIC PORTION

Samuel Vaia

Hackettstown & Port Morris

Mr. Vaia spoke about his concerns regarding operations conducted at the McNear Quarry. He said that they were continuing to blast and crush rock at depths greater than twelve feet. Mr. Rath responded that an extensive investigation had revealed that McNear was not in compliance with the agreement and that a stop work order had been sent to them advising them that activity beyond the twelve foot contour line was not allowed. Mr. Vaia expressed concern that McNear might make an attempt to have their permit amended to exceed the maximum depth. Mayor Rilee responded that there had not been any communication to the Planning Board regarding such a request. Mayor Rilee also noted that the Township should be notified immediately if there was reason to believe that the company was not abiding by the rules.

Ernest Gefert

1 Riggs Avenue, Landing

Mr. Gefert commented that several hundred truckloads of gravel leave McNear Quarry and asked for an end to the project. Mayor Rilee replied and said that the Township has no choice but to honor the agreement that was approved many years ago.

Frances Day

7 Orben Drive, Landing

Ms. Day reported on the recent Board of Education meeting and updated the Council on several school issues. Ms. Day asked Mr. Bucco what the state was doing about the list of unfunded school district mandates. Mr. Bucco said that he would be asking the Commissioner of Education, Brett Schundler, to review the list and provide a response.

Deputy Mayor Hall suggested that the municipality compile a list of unfunded mandates to send to the legislators, too. Council members agreed.

Robert Kluska

274 Emmans Rd

Mr. Kluska spoke about the number of school buses the Board of Education purchased each year. He said the past six years of financing for the buses had cost taxpayers approximately \$25,000 to \$30,000 in interest.

Mr. Kluska asked Councilwoman DeFillippo why there was such a short distance between street lights on the Main Street Committee's Streetscaping plan. He questioned why so many lights were necessary and expressed concern about the cost of purchasing and operating them. Councilwoman DeFillippo responded that the original plan had been modified to decrease the number of fixtures and increase the distance between them. She also said that the lighting would be ornamental; therefore much smaller than regular street lights and would use less electricity.

Dennis Wine

4 Holly Drive, Succasunna

Mr. Wine asked for clarification regarding the reimbursement agreement with Lakeside Village Associates. Mr. Bucco explained that it was a standard agreement. Mayor Rilee mentioned that the cost of snow plowing was also included.

Mr. Wine asked when the new Department of Public Works building was expected to be completed. Mr. Rath responded that an open house was expected to take place around the end of July.

Mr. Wine asked for clarification of the realignment of the Horseshoe Lake bike path. Mayor Rilee and Mr. Rath reviewed the changes.

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

Kentwood Academy – request to lease township owned building on Mill Road
(previously leased to Morris County for their Nutrition Center operation)
Diane Richards, Owner/Director/Principal, Kentwood Academy

Mr. Rath stated that Mrs. Richards contacted him on Friday regarding attending the Council meeting to discuss her school, Kentwood Academy, leasing the facility located in Berkshire Valley.

Mrs. Richards shared information and answered questions from Council members regarding the number of students who attend Kentwood Academy, the parking needs of the school, the day to day activities of the students, the type of academic and social programs offered to the students and the types of social/emotional challenges the students face. Councilman Smith expressed concerns about some of the language in the proposal. He also asked why the school district wasn't utilizing the facility for Roxbury out-of-district placements. Mr. Rath said that the facility was offered to the school in the past but that laws requiring the least restrictive environment and inclusion did not allow the facility to be a viable option for placing in-district special education students. Council members agreed to consider the proposal from Mrs. Richards.

Mayor Rilee returned to the order of the agenda.

DRAFT ORDINANCES FOR DISCUSSION

None

INTRODUCTION OF PROPOSED ORDINANCES

None

HEARING AND ADOPTION OF ORDINANCES ON SECOND READING

15-10 POSTPONED - AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER I, 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. Bucco stated that Ordinance No. 15-10 was scheduled to be heard tonight but was not able to be published in time; therefore, the second reading date would be postponed until July 13, 2010. Mr. Bucco also informed Mrs. Rhead that ordinances scheduled for second reading and public hearing should be listed on the agenda even if they were not able to be heard. Mrs. Rhead said that the manager's office compiles the agenda, but she would add the information to the minutes.

INTRODUCTION AND ADOPTION OF RESOLUTIONS

10-192 A RESOLUTION INCORPORATING BY REFERENCE HEREIN AND APPROVING THE FOLLOWING NUMBERED RESOLUTIONS LISTED ON THE REGULAR COUNCIL MEETING AGENDA FOR THIS DATE:

10-193, 10-194, 10-195, 10-197, 10-198, 10-199,
10-200, 10-201, 10-202, 10-203, 10-204, 10-205,
10-206, 10-207, 10-208, 10-209, 10-210

Councilman Zoschak made a motion to adopt incorporating Resolution No. 10-192. Councilwoman DeFillippo seconded the motion.

Roll Call: Councilman Behrens – Yes
Councilwoman DeFillippo – Yes
Deputy Mayor Hall – Yes
Councilman Smith – Yes, with a recusal on check #63758
Councilman Zoschak – Yes
Mayor Rilee – Yes, with abstentions on resolution numbers 10-198, 10-199, 10-200, 10-201, 10-202, 10-203 (*liquor license approvals*)

Motion carried 6 to 0 with the exception of 5 to 0 with one abstention on each of the following resolution numbers: 10-198, 10-199, 10-200, 10-201, 10-202, 10-203; and 5 to 0 with on recusal on check number #63758 within resolution number 10-210.

10-193 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 TOWNSHIPRIGHT-OF-WAY EXCAVATION PERMITS

10-194 A RESOLUTION AUTHORIZING THE PURCHASE OF ONE PHOTOCOPY MACHINE FROM XEROX CORPORATION FOR THE PUBLIC WORKS FACILITY

10-195 RESOLUTION AUTHORIZING THE AGREEMENT BETWEEN THE COUNTY OF MORRIS AND THE ROXBURY MUNICIPAL ALLIANCE FOR THE GRANT ADMINISTRATION OF THE ALLIANCE TO PREVENT ALCOHOLISM AND DRUG ABUSE

10-196 **PULLED** – A RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF RANDOLPH FOR THE FURNISHING OF PUBLIC HEALTH SERVICES IN ACCORDANCE WITH PUBLIC HEALTH PRACTICE STANDARDS OF PERFORMANCE FOR LOCAL BOARDS OF HEALTH IN NEW JERSEY, N.J.A.C. 8:52 FOR A TERM OF 10 YEARS COMMENCING JANUARY 1, 2011

Council members discussed the Shared Service Agreement referenced above. The Council requested further details about salary and support costs, the term of the contract and termination clause. Mr. Rath spoke about various options regarding staff for Dial-A-Ride, Animal Control and Senior Club.

10-197 A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF LIEN BETWEEN THE TOWNSHIP OF ROXBURY AND JEANANNE DREW FOR PROPERTY LOCATED AT 6 HELEN STREET, SUCCASUNNA, NEW JERSEY

Councilwoman DeFillippo asked if the above resolution was associated with a COAH home. Mr. Rath replied affirmatively and said the home would be dropped from the required number of units.

10-198 A RESOLUTION GRANTING RENEWAL OF LIQUOR LICENSE #1436-33-025-006 FOR MELMAR LLC TRADING AS RUMORS AND DIRECTING LICENSING OFFICER TO DELIVER SAME

10-199 A RESOLUTION OF THE TOWNSHIP OF ROXBURY COUNTY OF MORRIS, STATE OF NEW JERSEY GRANTING RENEWAL OF LIQUOR LICENSE #1436-33-001-003 FOR SHE-KEV INC TRADING AS SMILES II AND DIRECTING LICENSING OFFICER TO DELIVER SAME

Councilman Zoschak asked if Smiles was continuing to pay fines regarding violating indoor smoking ban violations from many years ago. Mr. Rath said they submit their payments to the court regularly.

10-200 A RESOLUTION GRANTING RENEWAL OF LIQUOR LICENSE #1436-31-022-001 FOR SHORE HILLS COUNTRY CLUB T/A SHORE HILLS COUNTRY CLUB AND DIRECTING LICENSING OFFICER TO DELIVER SAME

10-201 A RESOLUTION GRANTING RENEWAL OF LIQUOR LICENSE #1436-44-010-005 FOR LAKESIDE SPIRITS INC T/A LIQUOR FACTORY AND DIRECTING LICENSING OFFICER TO DELIVER SAME

- 10-202** A RESOLUTION GRANTING RENEWAL OF LIQUOR LICENSE #1436-33-019-011 FOR OS REALTY INC AND DIRECTING LICENSING OFFICER TO DELIVER SAME
- 10-203** A RESOLUTION OF THE TOWNSHIP OF ROXBURY, COUNTY OF MORRIS, STATE OF NEW JERSEY, GRANTING RENEWAL OF LIQUOR LICENSE #1436-36-026-001 FOR JAI LAXMINARAYAN LLC T/A QUALITY INN T/A MERIDIAN BANQUETS & LOUNGE AND DIRECTING LICENSING OFFICER TO DELIVER SAME
- 10-204** A RESOLUTION AUTHORIZING THE PURCHASE OF TEN (10) MODEL XTS2500 AND TWENTY-FOUR (24) MODEL XTS1500 MOTOROLA PORTABLE RADIO
 Mayor Rilee asked for the title to be corrected to state “radios” as opposed to “radio”. Deputy Mayor Hall asked about the life span of the above-referenced radios and how often they need to be replaced. Mr. Raths said that radios are purchased on a fairly regular basis, but that the above capital expense was specifically for the purpose of providing a synchronized communication system between the Township of Roxbury and the County of Morris in preparation for the new shared service initiative for police dispatching.
- 10-205** A RESOLUTION AMENDING THE MEMBERSHIP OF THE TOWNSHIP FIRE DEPARTMENT
 Mayor Rilee directed Council to the revised resolution on the dais that included the approval of Brianna Westercamp as a Junior Firefighter and a Junior First Aider.
- 10-206** A RESOLUTION AUTHORIZING THE REFUND OF TAXES
- 10-207** A RESOLUTION AUTHORIZING THE REFUND OF TAXES
- 10-208** A RESOLUTION AUTHORIZING THE REFUND OF WATER UTILITY OVERPAYMENT
- 10-209** A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT OF SIGHT EASEMENT AND DEED OF DEDICATION FOR ROAD RIGHT-OF-WAY FROM VIVIEN E. LIST ACROSS LOTS 1.01, 1.02 AND 1.03 IN BLOCK 2604 IN THE TOWNSHIP OF ROXBURY
- 10-210** A RESOLUTION AUTHORIZING THE PAYMENT OF BILLS

PERSONNEL CHANGES

Noted

COMMUNICATIONS

June 18, 2010

#24 Correspondence from Chief Noll, to Christopher Raths, Township Manager, dated June 16, 2010, re: request for promotions in the Police Department

Mayor Rilee asked Mr. Raths to provide further information about staffing levels in the Police Department and the request for promotions. Councilman Zoschak asked if police receive compensation for interim positions. Mr. Raths replied.

June 25, 2010

#1, Item U. Interoffice Memo from Christopher Raths, Township Manager, to Mayor & Council, dated June 25, 2010 - “Resident Issues”

Councilman Zoschak asked for more information about the process used to resolve the drainage issue on Succasunna Road. Mr. Raths said the problem was rectified by increasing the size of the berm to provide protection from the weather. He added, however, that a homeowner was filing a tort claim against the township for previous water damage.

#8 Correspondence from Timothy P. Crowley, Director, Mitigation Division, U.S. Department of Homeland Security, to Mayor & Council, dated June 14, 2010, re: Interim flood hazard mapping coordination meetings

Councilwoman DeFillippo asked if the township would have representation at the above-referenced meetings. Mr. Rath replied that Mr. Kobylarz, Township Engineer, would be attending.

#13 Mayors Fax Advisory, dated June 24, 2010, re: Invitation to Join Mayor's Wellness Campaign

Mayor Rilee asked Mrs. Rhead to include a proclamation on the next agenda.

#16 Correspondence from James S. Simpson, Commissioner, NJDOT, to Mayor Rilee, dated June 18, 2010, re: Announcing the acceptance of applications to receive financial assistance under the NJDOT's *Municipal Aid, Bikeway, Centers of Place, Safe Streets to Transit and Transit Village Programs*

Mayor Rilee asked Mr. Rath if the Township had any projects that would fall into any of the grant categories. Mr. Rath said he would ask Mr. Kobylarz.

PUBLIC PORTION

None

EXECUTIVE SESSION

10-211 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

Matter(s) relating to:

- Litigation – Tilcon

At 9:15PM, Councilman Zoschak made a motion to adopt Resolution No.10-211 for Executive Session. Councilman Smith seconded the motion.

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

Motion carried 6 to 0.

At 9:30PM, the Council returned to the open session of the meeting.

ADJOURNMENT

At 9:30PM, Councilman Behrens made a motion to adjourn the meeting. Councilman Zoschak 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: December 13, 2011

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