

**May 8, 2012**

A Regular Meeting was held by the Township Council of the Township of Roxbury on May 8, 2012 in the Municipal Building located at 1715 Route 46 in 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: On December 19, 2011, notice was faxed to the Daily Record, the Newark Star Ledger, The Roxbury Register and published in the Daily Record; notice shall also remain posted throughout the year on the bulletin board in the main hallway of the Municipal Building.

**ROLL CALL (Present):** Councilman Gary Behrens  
Councilman Mark Crowley  
Deputy Mayor Kathy DeFillippo  
Councilman Jim Rilee  
Councilman Martin Schmidt  
Councilman Richard Zoschak  
Mayor Fred Hall

**Absent:** None

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

**Staff:** Russell Stern, Township Planner  
Lisa Spring, CFO/Treasurer  
Patricia Reiche, Assistant to the CFO  
William Schroeder, Township Accountant

**Public:** approximately twenty (20) members of the public were in attendance; Mike Condon, Roxbury Register Reporter

**Mr. Raths advised Council members that a revised agenda was on the dais as the resolution for the adoption of the 2012 Budget was inadvertently omitted from the previously distributed agenda.**

**APPROVAL OF MINUTES**

April 24, 2012 – Regular Meeting

Councilman Rilee made a motion to approve the above-listed minutes. Councilman Schmidt seconded the motion.

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

Motion carried 6 to 0 with one abstention.

**Mayor Hall amended the order of the agenda to address the following “Presentations” listed under REPORTS OF COUNCIL LIAISON REPRESENTATIVES, COUNCIL COMMITTEES AND NEW BUSINESS/OLD BUSINESS:**

**America’s Promise Alliance – 100 Best Communities presentation:**

Lauren Hepplewhite, David Stierli, Eric Renfors, Katie Marino, Sandie DiDomenico, Lynn Mahoney, and Russell Stern joined the meeting and were individually

introduced as the volunteers who were working on this year's application for the Americas Promise Alliance award. Lauren Hepplewhite narrated a PowerPoint presentation highlighting several community accomplishments and Roxbury's 2012 application for "America's Promise Alliance 100 Best Communities for Young People". Mr. Stern referred to the teamwork of the members as a rewarding and positive experience for all. Council members and Mr. Raths thanked the team for their hard work and dedication. Councilman Zoschak stated that the Roxbury volunteers exemplify "service above self". Congratulations were extended to the team for their success in being the first New Jersey community to have ever received the award (in 2011) and wished them luck with the current application submission.

#### **Hercules Retiree Group "Has Beens"**

Bob Reip, resident of 6 Condit Street in Succasunna spoke about the informal group of former Hercules employees that continue to gather together and who have a sentimental interest in preserving the Kenvil land or having some type of living memorial in remembrance of the company. Councilman Rilee said that a significant portion would be preserved as open space. There have been discussions in the past regarding the desire to house a museum or memorial on the site, which has neither been agreed nor dismissed as a possibility by the owners.

Harry Pascoe, resident of 187 Weldon Road in Hopatcong and retiree of the former Hercules, Inc. and Alliance Tech Systems, also joined the meeting and spoke about the history of Hercules Company. He spoke of the activities which included the production of high explosives, propellants, dynamite, munitions, airbags, heart medication and rocket loaders that supported the first rockets that travelled to the moon. The Kenvil plant closed in 1996. He mentioned several species of animals and wildlife that roam the property and said that any space that could be donated for preservation purposes would be greatly appreciated.

Mr. Pascoe noted that one of the individuals featured in a slide from the earlier America's Promise PowerPoint presentation was also a former Hercules employee, Peter Braxton (having his head shaved for the St. Baldrick's fundraising event). He also said that the Hercules Trap Club collected money to donate toward the fundraising event.

Although not yet available for distribution, it was noted that Mr. Pascoe has completed a book which provides a timeline and history of the Hercules plant that opened in 1871.

Robert Kluska, resident of 274 Emmans Road in Flanders, informed the public that the VFW Post #2833 in Kenvil had been given a plaque in memory of those who died in the 1940 explosion which was subsequently built into a memorial that sits in front of the VFW building.

#### **Mayor Hall continued amending the order of the agenda to address the following "Old Business" items listed under REPORTS OF COUNCIL LIAISON REPRESENTATIVES, COUNCIL COMMITTEES AND NEW BUSINESS/OLD BUSINESS:**

##### **Access Agreement – Strategic Environmental Partners/Fenimore**

Mr. Raths updated Council on a recent meeting held with the Commissioner of the NJDEP and informed the Council that the data that was supposed to be provided last week had not been received, but that correspondence received today from Gary W. Wolf II, Deputy Attorney General, advised that Strategic Environmental Partners had finally submitted a revised financial plan. However, Mr. Wolf would not provide a copy of the preliminary financial plan to the Township because it was still under review. Mr. Raths asked Mr. Wolf to reconsider his position because the information directly impacts the Township's ability to explore all options. Mr. Wolf has not responded.

Mr. Raths also informed Council that a grant application had been submitted to the NJDOT to assist with payment for the access road, but that a further consideration would be stalled because the financial situation is still unknown.

Mr. Rath also updated the Council on truck traffic and speeding on Mooney Mountain. One incident involved a claim of a truck going around a stopped school bus. While there have been a few issues with trucks exceeding the speed limit, Mr. Rath reported that most of the speeding violations are attributable to Roxbury residents and passenger vehicles as opposed to the trucks. Mr. Rath informed Council of the varying number of trucks and truck trips per day in and out of the site (averaging approximately forty-two trucks and eighty-four truck trips per day). He also advised that the police are spending an average of approximately twenty hours per day patrolling the area.

Mayor Hall added that he, Senator Bucco and Mr. Rath had another meeting with the NJDEP Commissioner where they emphatically expressed the concerns about the trucks causing a dangerous situation for the public and the urgency of rectifying it in order to protect the health, safety, and welfare of the people living and traveling in and around the area.

Mayor Hall also pointed out the extraordinary amount of time and effort that the staff, including administration and law enforcement, has devoted to this issue alone.

Due to the fact that the Township has been unable to ascertain what is being dumped at the site, Councilman Zoschak suggested that the Clerk file an OPRA request with the NJDEP to obtain the bill of ladings between the transporters and shippers detailing the type and quantity of fill that is being deposited at the site.

Mr. Rath advised that the Environmental Commission had not received the documents or information they had requested from SEP or the NJDEP, either.

Further discussion took place regarding hours of operation, amount of time it takes to unload, parameters and scope of project, and penalties. Council members were surprised that the NJDEP claims to have no idea how much money is in SEP's escrow account for the project.

Mr. Rath also advised that he had been informed that any further communications are to go through the Deputy Attorney General, Gary Wolf.

Councilman Zoschak made a motion for Mrs. Rhead to work with Mr. Stern to develop and submit an OPRA request asking the NJDEP to provide the documents that they have not yet been provided. Councilman Schmidt seconded the motion.

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

Motion carried 7 to 0.

In response to a question from Councilman Schmidt, Mr. Bucco advised that OPRA requests could be submitted as often as deemed necessary. Councilman Rilee suggested giving permission to the Manager and Clerk to submit OPRA requests to the NJDEP without having to obtain Council approval for each. Council members were in agreement with the approach.

#### **Andre Drive**

Mr. Rath said that he had no updates for Council as he was still waiting to hear back from the residents of Andre Drive.

#### **RoxPAC Lease**

Mayor Hall commended Mr. Bucco for doing a great job on the amendment to the lease. Mr. Bucco said that it went out last week and will advise Council when it is returned.

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

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

Councilman Schmidt announced the date, time and location of the next Environmental Committee and reminded the public that they are always welcome to attend.

Councilman Schmidt informed the Council and public that the Roxbury Public Library sponsors a Business Community Outreach Program on their website which includes a Business-to-Business directory, market research, and other useful information for the business community.

Councilman Zoschak reported on his attendance at the recent Grand Opening of Frozen Peaks frozen yogurt store in Roxbury. He noted that the business was using patios for outdoor seating that could only be accessed by walking across the street. Councilman Zoschak said it was unsafe and that the owner had indicated willingness to install signage and/or a crosswalk, if instructed to do so. The Zoning Officer will review the situation.

Councilman Zoschak reported that he and Deputy Mayor DeFillippo would be attending the 100<sup>th</sup> Girl Scout Anniversary Celebration on May 11<sup>th</sup>.

Councilman Rilee reported that the COAH Committee would be meeting to review RFP items.

Councilman Rilee reported on items discussed at the recent Fire Department Chief's meeting, including a request from the Taste of Roxbury event planners for Fire Department members to direct parking lot traffic during the event. Mr. Rath stated that he had already discussed parking with the Police Chief and that additional parking would be available at Town Hall on May 21<sup>st</sup>. Councilman Rilee asked Mr. Rath to coordinate efforts with Fire Department.

Councilman Behrens reported that the Main Street Committee would be meeting tomorrow evening.

Councilman Behrens reported on topics discussed at the recent Board of Education meeting, including:

- permanent Business Administrator hired with a start date of July 1<sup>st</sup> (one-year contract)
- new Superintendent and BA will be in attendance at the June 26<sup>th</sup> Council Meeting
- committee of the Board will be making a recommendation to the Board of Education to waive fees for Roxbury Day Care for one year
- opposition to proposed legislation that School Boards share in assuming a portion of responsibility of covering costs associated with successful property tax appeals
- annual resolution passed to reappoint tenured staff for the 2012-2013 school year

Councilman Crowley reported on topics discussed at the recent Open Space Committee meeting, including:

- awaiting decision on Green Acres Public Incentive grant funding decision
- continued efforts to meet the June 25<sup>th</sup> deadline for submission of the County application
- closing on the McNear property moving forward
- trail extension expected to be ready for Trails Day

Deputy Mayor DeFillippo reported that there would be a Trails Committee meeting on May 12<sup>th</sup> and that they would be working on the Yellow Trail at Veterans Park.

Deputy Mayor DeFillippo also reminded everyone about the Taste of Roxbury event sponsored jointly by the Economic Development Committee and the Roxbury Chamber of Commerce that is scheduled for May 21<sup>st</sup>.

Mayor Hall reported on the Grand Opening/ribbon cutting events of new businesses in Roxbury, including Frozen Peaks and Investors Bank. He recognized Investors Bank as a good corporate citizen to the Township of Roxbury.

Mayor Hall reported on the Annual Day of Prayer that he, Councilman Zoschak, and Mr. Rath attended.

Mayor Hall reported on the following upcoming events:

- Trails Opening - June 2<sup>nd</sup>.
- Beach Blast - June 28<sup>th</sup> (will include fireworks)
- Memorial Day Parade - May 28<sup>th</sup>

Deputy Mayor DeFillippo also expressed concern about the location of the outdoor seating area at Frozen Peaks and agreed that the safety aspect needs to be addressed as it could be dangerous for pedestrians.

Mrs. Rhead and Mayor Hall confirmed Council attendees for upcoming events. (Mrs. Rhead to RSVP to Girl Scout events on behalf of Councilman Zoschak for May 11<sup>th</sup> and June 1<sup>st</sup>; Deputy Mayor DeFillippo for May 11<sup>th</sup>).

**A. New Business - none**

**B. Old Business**

1. **Access Agreement – Strategic Environmental Partners/Fenimore – previously addressed**
2. **Andre Drive – previously addressed**
3. **RoxPAC Lease – previously addressed**

**C. Presentations**

1. **America’s Promise Alliance – 100 Best Communities – previously addressed**
2. **Hercules Retiree Group “Has Beens” – previously addressed**

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

**1. Block Party – West Maple Avenue (June 16, 2012)**

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

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

Motion carried 7 to 0.

**2. Nutrition Center Site Plan Minor Subdivision**

Mr. Rath reported that there were a number of issues with the site plan including encumbrances, and concerns with the septic, water, and parking. Mr. Rath said he would be referring the issues to the Township attorney for feedback and seeking opinions from an independent real estate professional regarding options for the site. Councilman Rilee expressed the importance of communicating with the area residents and receiving their input, as well. It was decided to solicit resident participation by making the issue the main topic for discussion at the next Neighborhood Meeting which is scheduled to be held at the Fire Company No.3 Berkshire Valley Firehouse on May 31, 2012.

**PUBLIC PORTION**

**Dennis Wine**

**4 Holly Drive, Succasunna**

Mr. Wine reported that he supported the proposed legislation that would require school districts and fire districts to share in the responsibilities associated with successful tax appeals; currently the county and the municipalities bear the entire burden. Mr. Wine noted that the Superintendent had expressed his opposition to the proposed bill at the previous evening’s Board of Education meeting. Mayor Hall spoke in favor of shared sacrifice when sixty percent of the taxed amount is school imposed tax.

Mr. Wine reported on Governor Christie’s recent Town Hall meeting in Garfield that he and his wife attended. The Governor had informed the public that he would be putting a stop to the practice of municipalities trying to get around the 2% Cap by charging their local libraries multiple fees. After the meeting, Mr. Wine wrote a letter to the Governor (copies to be provided to Council) asking him to also be aware of school districts charging fees, such as the Roxbury School District’s recent discussions about possibly beginning to charge the Roxbury Day Care for use of the school facilities.

Mr. Wine also informed the Council that he wrote a second letter to the Governor about allowing municipalities to utilize COAH funds for group homes.

**John O’Neill**

**217 Mooney Road, Flanders**

In reference to the previous question about the amount of time it takes for trucks to unload at the former Fenimore Landfill site, Mr. O’Neill said the process takes approximately 25-35 minutes for tandem dump trucks and 35-45 minutes for larger, 40’ trucks. Mr. O’Neill spoke about the ongoing truck traffic dangers occurring on Mooney Mountain, including close calls with school buses, and the negative affect it is having on residents’ quality of life. Mr. O’Neill asked how many infractions must occur before the operating permit is revoked. Mr. Rath explained that the NJDEP has jurisdiction and was unable to provide the answer to Mr. O’Neill’s question.

**Robert Kluska**

**274 Emmans Road, Flanders**

As a member of the Friends of the Library, Mr. Kluska reported on the recent spring book sale event and commended all the volunteers for their efforts that resulted in another successful book drive that raised a lot of funds. Mayor Hall thanked Mr. Kluska for his extensive and continued dedication to the Township.

**DRAFT ORDINANCES FOR DISCUSSION**

None

**INTRODUCTION OF PROPOSED ORDINANCES**

**07-12** AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XIII, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROXBURY, LAND DEVELOPMENT ORDINANCE, ARTICLE VII, ZONING REGULATIONS BY INCLUSION OF A NEW SECTION 13-7.901G, ENTITLED “THE KEEPING OF CHICKENS ON RESIDENTIAL LOTS LESS THAN 5 ACRES”

Councilman Zoschak stated that he would be voting against the ordinance as he felt it was discriminatory towards residents who do not have the required acreage. Councilman Crowley spoke in support of the ordinance since the exception to the land requirement was included for members of a 4-H Club. Deputy Mayor DeFillippo was also pleased with the compromise and felt that it addressed the desires of those who want to keep chickens while maintaining respect for neighbors. Councilman Schmidt noted the potential of increased cost to taxpayers for staff to investigate complaints and enforce the rules as his reasons for opposing the ordinance.

Councilman Rilee made a motion to adopt the introduction of Ordinance No.07-12. Deputy Mayor DeFillippo seconded the motion.

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

Motion carried 5 to 2.

**At this time, Mayor Hall allowed for public comment from the members of the Morris County Poultry 4-H Club who thanked the Council. Club members had a group picture taken with Mayor Hall.**

**HEARING AND ADOPTION OF ORDINANCES ON SECOND READING  
12-12 AN ORDINANCE AUTHORIZING THE EXECUTION OF A  
CORRECTIVE DEED FOR A PORTION OF BLOCK 2301, LOT  
19.02 IN THE TOWNSHIP OF ROXBURY, COUNTY OF MORRIS  
AND STATE OF NEW JERSEY**

Councilman Rilee made a motion to open Ordinance No.12-12 to the public for comment. Councilman Schmidt seconded the motion.

Voice Vote: All in Favor – Yes

Motion carried unanimously, 7 to 0.

*Public Comment - none*

Councilman Rilee made a motion to close Ordinance No.12-12 to the public. Councilman Zoschak seconded the motion.

Voice Vote: All in Favor – Yes

Motion carried unanimously, 7 to 0.

Councilman Rilee made a motion to adopt Ordinance No.12-12. Councilman Schmidt seconded the motion.

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

Motion carried 7 to 0.

**13-12 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 Rilee made a motion to open Ordinance No.13-12 to the public for comment. Councilman Crowley seconded the motion.

Voice Vote: All in Favor – Yes

Motion carried unanimously, 7 to 0.

*Public Comment - none*

Councilman Rilee made a motion to close Ordinance No.13-12 to the public.  
Councilman Schmidt seconded the motion.

Voice Vote: All in Favor – Yes

Motion carried unanimously, 7 to 0.

Councilman Rilee made a motion to adopt Ordinance No.13-12. Councilman Schmidt seconded the motion.

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

Motion carried 7 to 0.

#### **INTRODUCTION AND ADOPTION OF RESOLUTIONS**

**2012-116** A RESOLUTION INCORPORATING BY REFERENCE HEREIN AND APPROVING THE FOLLOWING NUMBERED RESOLUTIONS LISTED ON THE REGULAR COUNCIL MEETING AGENDA FOR THIS DATE:

2012-117, 2012-118, 2012-119, 2012-120, 2012-121,  
2012-122, 2012-123, 2012-124, 2012-125, 2012-126,  
2012-127, 2012-128, 2012-129, 2012-130, 2012-131,  
2012-132, 2012-133, 2012-134, 2012-135

Councilman Schmidt made a motion to adopt incorporating Resolution No.2012-116.  
Councilman Rilee seconded the motion.

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

Motion carried 7 to 0.

**2012-117** A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO HIGHLANDS WATER CO. FOR THE REPLACEMENT OF INTERNAL PIPING AND MISCELLANEOUS WORK AT WELL NO.10

Council members asked why Resolution Nos. 2012-117 & 2012-118 were awarded to two different companies. Mr. Rath responded that one of the companies did not respond to the first bid.

**2012-118** A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO CFM CONSTRUCTION, INC. FOR THE REPLACEMENT OF TWO (2) PRESSURE REDUCING VALVES AND ASSOCIATED WORK AT THE LEDGEWOOD-MT. ARLINGTON ROAD VALVE CHAMBER FOR THE WATER UTILITY

(See comments under Resolution No.2012-117).

**2012-119** A RESOLUTION AUTHORIZING THE REFUND OF UNUSED ENGINEERING INSPECTION FEES TO MERRY HEART (MARYS HEART LLC) LOCATED AT HILLSIDE AVENUE & ROUTE 10 BLOCK 5201, LOT 7, 8, 9, 12 & 13



- 2012-120** A RESOLUTION AUTHORIZING THE RELEASE OF A LETTER OF CREDIT POSTED BY MERRY HEART NURSING HOME, INC. FOR TREE REPLACEMENT ON PROPERTY LOCATED ON ROUTE 10, ALSO KNOWN AS BLOCK 5201, LOTS 7, 8, 9, 12 & 13
- 2012-121** A RESOLUTION AUTHORIZING THE RELEASE OF A CASH BOND POSTED BY MERRY HEART LLC FOR A TREE REMOVAL PERMIT ON PROPERTY LOCATED ON ROUTE 10, ALSO KNOWN AS BLOCK 5201, LOTS 7, 8, 9, 12 & 13
- 2012-122** A RESOLUTION AUTHORIZING THE RELEASE OF A CASH BOND POSTED BY MERRY HEART LLC FOR A SOIL RELOCATION PERMIT ON PROPERTY LOCATED ON ROUTE 10, ALSO KNOWN AS BLOCK 5201, LOTS 7, 8, 9, 12 & 13
- 2012-123** A RESOLUTION AUTHORIZING THE RELEASE OF A CASH BOND POSTED BY MERRY HEART NURSING HOME, INC. FOR FINAL SITE PLAN APPROVAL ON PROPERTY LOCATED ON ROUTE 10, ALSO KNOWN AS BLOCK 5201, LOTS 7, 8, 9, 12 & 13
- 2012-124** A RESOLUTION AUTHORIZING THE RELEASE OF A LETTER OF CREDIT POSTED BY MERRY HEART NURSING HOME, INC. FOR SOIL RELOCATION ON PROPERTY LOCATED ON ROUTE 10, ALSO KNOWN AS BLOCK 5201, LOTS 7, 8, 9, 12 & 13
- 2012-125** A RESOLUTION AUTHORIZING THE RELEASE OF A CASH BOND AND LETTER OF CREDIT POSTED BY MERRY HEART NURSING HOME, INC. AS A PERFORMANCE GUARANTEE FOR FINAL SITE PLAN PHASE II FOR PROPERTY LOCATED ON ROUTE 10, BLOCK 5201, LOTS 7, 8, 9, 12 & 13
- 2012-126** 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
- 2012-127** A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF ROXBURY SUPPORTING PROPOSED LEGISLATION TO REQUIRE FIRE DISTRICTS, SCHOOL DISTRICTS AND COUNTY GOVERNMENTS TO PAY THEIR FAIR SHARE OF TAX APPEAL REFUNDS AND SETTLEMENTS (S-2904 AND A-1503)

Deputy Mayor DeFillippo asked that the typographical error in the first sentence of the resolution be corrected. Mrs. Rhead acknowledged that the word “full” needed to be changed to “fully” and assured it would be corrected.

- 2012-128** A RESOLUTION AUTHORIZING THE EXECUTION OF A BOILER LOAN AGREEMENT WITH THE ROXBURY TOWNSHIP FREE PUBLIC LIBRARY

Deputy Mayor DeFillippo asked if the Township needed to take out a loan to subsidize the cost of the Library boiler project. Mr. Rath said that a loan was not going to be taken out to cover cost.

- 2012-129** A RESOLUTION GIVING FULL SUPPORT TO THOSE WHO FOLLOW THE PEACEFUL PRACTICE OF FALUN GONG

At the invitation of the Mayor, Falun Gong representatives approached Council and thanked members for considering the adoption of Resolution No. 2012-129. They provided an overview of the practice that they believe results in improvements to body, mind and health and is recognized in over 120 countries and has a following of more than 100,000 people.

- 2012-130** A RESOLUTION AUTHORIZING THE REFUND OF TAXES
- 2012-131** A RESOLUTION AUTHORIZING THE REFUND OF WATER UTILITY OVERPAYMENT
- 2012-132** A RESOLUTION TO FIX A 6% YEAR END PENALTY ON DELINQUENCIES IN EXCESS OF \$10,000 THAT REMAIN UNPAID AT THE END OF THE FISCAL YEAR
- 2012-133** A RESOLUTION AUTHORIZING THE PURCHASE OF A HURST JAWS OF LIFE AND RELATED MATERIALS FROM STATE LINE FIRE AND SAFETY, INC. FOR ROXBURY FIRE CO. # 2  
 Deputy Mayor DeFillippo asked if each Fire Department had a “Jaws-of-Life” tool. Mr. Rath responded affirmatively and stated that the Resolution No.2012-133 was to purchase an updated version. Deputy Mayor DeFillippo asked that the older “Jaws-of-Life” be traded-in, sold, or donated to benefit another community. Mr. Rath said he would notify Deputy Mayor DeFillippo of the final destination of the older one.

**2012-134** A RESOLUTION AUTHORIZING SALARIES AND COMPENSATION FOR EMPLOYEES FOR THE YEAR 2012

**2012-135** A RESOLUTION AUTHORIZING THE PAYMENT OF BILLS  
 Deputy Mayor DeFillippo asked about funding to repair the batting cages at Horseshoe Lake. Mr. Rath said that the repairs were covered under an insurance claim because the damage was from a fallen tree during Hurricane Irene.

Deputy Mayor DeFillippo also questioned the \$534.00 gift that was given to the Fire Chief. Mr. Rath said the gift amount is included in the annual budget and is given to the Chief by the Fire Department every year.

Deputy Mayor DeFillippo commented on the amount of \$913.49 to repair a camera. Mr. Rath pointed out that the camera is an extremely sophisticated and expensive piece of equipment and that the cost for the repair was in line with the value of the camera.

**ADOPTION OF 2012 MUNICIPAL BUDGET**

**2012-113** A RESOLUTION TO ADOPT THE 2012 BUDGET  
 The adoption of the 2012 Municipal Budget was carried from the April 24, 2012 Regular Meeting to allow more time for the State of New Jersey to finalize their review of the budget. Mr. Bill Schroeder, Township Accountant, noted that state certification had now been granted and that no changes had been made. The Resolution had been opened to the public at the previously held meeting.

Councilman Rilee made a motion to reopen Resolution No.2012-113 for public comment on the annual budget. Councilman Zoschak seconded the motion.

Voice Vote: All in Favor – Yes

Motion carried unanimously, 7 to 0.

*Public Comment - none*

Councilman Zoschak made a motion to close Resolution No.2012-113 to the public. Councilman Schmidt seconded the motion.

Voice Vote: All in Favor – Yes

Motion carried unanimously, 7 to 0.

Councilman Zoschak made a motion to adopt Resolution No.2012-113. Councilman Schmidt seconded the motion.

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

Motion carried 7 to 0.

## PERSONNEL CHANGES

None

## COMMUNICATIONS

April 27, 2012

**#7 Correspondence from Spencer Scalamoni to Mayor and Council, received April 12, 2012, re: letter of thanks for answering his questions at the recent Neighborhood Meeting which assisted him in earning his “Citizenship Badge”**

Mayor Hall and Councilman Zoschak commented that Spencer Scalamoni showed a lot of courage by standing before Council (at the previous Neighborhood Meeting) and asking questions.

May 4, 2012

**#7 Correspondence from James Simonetti, Roxbury Police Chief, to Christopher Rath, Township Manager, dated May 2, 2012, re: Motor Vehicle and Criminal Enforcement**

Councilman Rilee asked if the Council should support the above-referenced Amnesty Program. Mr. Rath said he would provide Council with more information after he received input from Judge Wronko (expected to meet with him later in the month).

**#9 Correspondence from Thomas Neff, Director Division of Local Government Services, State of New Jersey Department of Community Affairs, to Mayor and Council, dated April 25, 2012, re: approval of second one-year appointment for Amy Rhead as Acting Municipal Clerk**

After confirmation of Certification, Mrs. Rhead will be eligible to be appointed by Council as the Township Clerk retroactively to April 11, 2012 (date of exam). However, since the examination results were not expected to be available until after the expiration of Mrs. Rhead’s current term, the above referenced DLGS approval is required in order for the Council to employ an Acting Clerk for a second one-year term.

**#11 Correspondence from William Huber, President/Business Manager, International Brotherhood of Electrical Workers Local 827, to Township Mayor, dated April 27, 2012, re: Consumer Alert! Has Verizon lived up to the statewide franchise agreement in your municipality?**

Councilman Zoschak expressed disappointment that Verizon had not provided FiOS broadband capability to the entire community as per the terms of the statewide franchise granted to Verizon in 2006 by the Board of Public Utilities.

**#15 Correspondence from William Gilchrist, LSRP, Senior Hydrogeologist/Project Manager, Roux Associates Inc., to NJDEP, Bureau of Case Assignment & Initial Notice, Site Remediation Program, dated April 27, 2012, re: Public Notification of sign posing regarding remedial investigation and remedial activities at NJ Transit Port Morris Rail Yard, Palmer Street; Port Morris, NJ**

Mr. Rath confirmed for Councilman Zoschak that the reason for the public notification was about the removal of an oil tank.

**PUBLIC PORTION**

**Dennis Wine**

**4 Holly Drive, Succasunna**

Mr. Wine wondered if an injunction could be obtained to shut down the activities at the former Fenimore Landfill site.

**Mayor Hall closed the public portion.**

**EXECUTIVE SESSION**

**2012-136 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**

**ADJOURNMENT**

At 9:15 PM, Councilman Schmidt made a motion to adjourn the meeting. Councilman Zoschak seconded the motion.

Voice Vote: All in Favor – Yes

Motion carried unanimously, 7 to 0.

Submitted By:

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Amy E. Rhead  
Acting Township Clerk

**MINUTES APPROVED BY COUNCIL**

**DATE:** July 24, 2012

**ROLL CALL:** Councilman Behrens – Yes  
Councilman Crowley – Yes  
Councilman Rilee – Yes  
Councilman Schmidt – Yes  
Councilman Zoschak – Yes  
Mayor Hall – Yes