

June 26, 2012

A Regular Meeting was held by the Township Council of the Township of Roxbury on June 26, 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
Mayor Fred Hall

Absent: Councilman Richard Zoschak

Also Present: Christopher Raths, Township Manager
Anthony M. Bucco, Township Attorney
Amy Rhead, Acting Township Clerk
Kathy Florio, Administrative Aide

Staff: Richard Blood, Director of the Dept. of Public Works

Public: approximately eighteen (18) members of the public were in attendance; Mike Condon, Roxbury Register Reporter

Mayor Hall amended the order of the agenda to make the following remarks:

“I don’t know whether people realize the events that happened over the last couple of weeks. I have something that I want to read to everybody and I think it is important that people know about this. I did get this cleared by Mr. Zoschak.

On Thursday night, June 14th, Police and Emergency Services units were dispatched to the house of Councilman Richard Zoschak. Mr. Zoschak was unconscious and was initially treated by our Emergency Services team before being transported to Morristown Memorial Hospital.

Frankly, the initial reports were not promising. Mr. Zoschak was treated in the Emergency Room and eventually moved to the ICU. On Friday, Mr. Zoschak regained consciousness and continued to fight and improve over the following days. He was released from the ICU.

Amazingly, Mr. Zoschak was allowed to return to his home this past weekend. Mr. Zoschak gave us quite a scare. Mr. Zoschak’s recovery is nothing short of remarkable. If he continues to recover at this rate we all expect to see him back at Council in the near future. We wish him the best as he continues his recovery process.

That being said, I do need to state that this Council is extremely proud of everyone involved in helping Mr. Zoschak and his wife Diana. The Township Police, Fire, and Emergency Services units need to be commended for their action and quick response to a very serious situation. Roxbury is very fortunate to have each and every one of them. A special thanks to our Chief, Kirk Keyes; over these last couple of weeks, I learned a lot about how caring and compassionate he is.

That didn't end it all; because last Saturday, the same Fire and Emergency Services units were back at work to attend to a structural fire on Frontage Road in Landing. The smoke was actually spotted by our Police and was addressed by our Fire Departments. Due to their quick action, they were able to save the house.

So, this is an ongoing, reoccurring theme we have in Roxbury Township. I think that on behalf of the entire Council we just need to congratulate our Fire, Police, and Emergency Services units within the Township of Roxbury. They are outstanding. Many of these people are volunteers and they are responsible for saving a lot of lives in Roxbury Township. I think that needed to be said. Thank you.”

Mayor Hall returned to the order of the agenda.

APPROVAL OF MINUTES

January 31, 2012 – Budget 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 – Yes	Councilman Rilee – Yes
	Councilman Schmidt – Yes	Mayor Hall – Yes

Motion carried 6 to 0.

Mayor Hall amended the order of the agenda to allow for the following items listed under REPORTS OF COUNCIL LIAISON REPRESENTATIVES, COUNCIL COMMITTEES AND NEW BUSINESS/OLD BUSINESS:

A. New Business

1. Introduction and welcome of the following newly hired members of the Roxbury Township School District administration team:

- Dr. Patrick Tierney, Superintendent of Schools; and
- Mr. John Gomez, School Business Administrator/Board Secretary

Mayor Hall welcomed Dr. Tierney and Mr. Gomez to Roxbury. Dr. Tierney spoke about looking forward to working together with the Council and exploring shared services opportunities.

B. Old Business

1. Access Agreement – Strategic Environmental Partners/Fenimore

Mr. Rath announced that the court hearing regarding NJDEP's attempt to shut down Strategic Environmental Partner's landfill project has been moved to July 11, 2012 (to be posted on Township website). He reported on issues including continual truck activity in the area prior to 7:00AM, results of OPRA request, SEP being granted a permit for by Morris County Soil Conservation, and a meeting with the NJDEP (scheduled to take place on Thursday) regarding final approvals of the access road to be allowed under a General Permit.

2. Andre Drive

Mr. Rath reported that attempts to schedule a meeting with the residents were ongoing.

3. RoxPAC Lease

Mr. Rath reported that he was still waiting for a response from the Chairman of the RoxPAC Alliance. Mayor Hall questioned the reason for the delay especially since Mr. Bucco had prepared the agreement swiftly at the request of the Alliance. Mayor Hall said he wanted the Agreement signed and the process completed soon.

Mayor Hall continued amending the order of the agenda to allow for items listed under MATTERS REQUESTED/REFERRED BY COUNCIL MEMBERS, MANAGER, ATTORNEY OR CLERK

1. Application for Special Permit – Swim & Sport Club (July 15, 2012)

2. Application for Special Permit – Swim & Sport Club (August 3, 4, 5, 2012)

Deputy Mayor DeFillippo reported that her past complaints regarding excessive noise at late hours seem to have been abated.

Councilman Rilee made a motion to approve items 1 & 2 listed above. Councilman Schmidt seconded the motion.

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

Motion carried 6 to 0.

3. TABLED – Open Space Application – Mooney Mountain
(rescheduled to the July 10, 2012 Regular Council)

4. TABLED – Open Space Application – Shippenport Greenway/Villages
(rescheduled to the July 10, 2012 Regular Council)

Mayor Hall continued amending the order of the agenda to allow for the first PUBLIC PORTION

John O’Neill

217 Mooney Road, Flanders

Mr. O’Neill reported that he had attended the Morris County Soil Conservation meeting and that the time line for completion appears to be extended. He said that Joseph Dunn reported that the project is so far behind that the project could go on for seven to ten years instead of the previously predicted four to five years. Mr. O’Neill said that the residents are now sending emails when they see violations instead of calling the Police. In order to enforce the trucking rules and maintain an accurate record of violations, Mr. Raths suggested that residents continue to call the police when they witness violations. Mr. Raths also reported that Mt. Olive Police have been notified about trucks lining up before the approved time of entry and would also be on the lookout for violations.

Jeannie Lopez

569 Rogers Drive, Landing

Ms. Lopez requested that the income restriction be lifted on the deed restricted, two-bedroom moderate income housing unit she has lived in for ten years. Sue Zellman, Executive Director of the Morris County Housing Partnership, was in attendance and spoke about costs, income restrictions, maximum retail price and unsuccessful attempts to market the house. Mr. Raths pointed out that Ms. Lopez has refused to put a “For Sale” sign in front of her house to improve marketability. Council members felt that Ms. Lopez was fortunate to have been accepted into a program that provided her with a way to afford home ownership and were not compelled to change the rules so that Ms. Lopez could make a profit. They noted that the economy has taken a toll on everyone. Ms. Zellman objected to the Housing Partnership and its affiliated programs being referred to in a negative manner by Ms. Lopez. Councilman Rilee noted that he has heard positive comments throughout the years and said that he has great respect for the work of the Housing Partnership.

Dennis Wine

4 Holly Drive, Succasunna

Mr. Wine spoke about a demographic study that was provided to the Board of Education wherein it stated that the municipality had provided tax breaks and/or incentives to area businesses. Mr. Raths had not seen the report Mr. Wine referred to, but assured him that no one is given tax breaks and that any information to the contrary was completely inaccurate.

Mr. Wine asked about changes in the reporting of the annual Water Quality Reports. Mr. Rath confirmed that the state had mandated changes in the reporting format.

Mr. Wine congratulated Ms. Rhead for becoming certified as a Registered Municipal Clerk and for Resolution No. 2012-187 being on the agenda for Council consideration to approve her as the Roxbury Township Clerk.

Mr. Wine said the bid results for the Main Street project looked great. Mr. Rath confirmed that the Township may realize a savings compared to the original cost projection for the lighting. On the other hand, Mr. Rath noted that bids for the Roxbury Library boiler came in higher than expected and that the project was slated to be re-bid.

Mayor Hall Closed the Public Portion.

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 and time of the next scheduled Library Board of Trustees meeting.

Councilman Behrens reported that he had attended the recent Board of Education meeting. He noted that the following items were discussed:

- excess revenue that is being transferred into reserves
- hiring of various new staff members
- Out of District placement costs and possibility of moving toward in-district programs; perhaps even generating revenue by creating a program and offering services to other districts

Councilman Behrens spoke about the Roxbury Seniors Club 50th Anniversary luncheon that was held at La Strada restaurant. It was a wonderful event.

Councilwoman DeFillippo spoke about joint efforts of the Economic Development Committee and Chamber of Commerce to host meetings for area business owners and managers. She noted that the new school leaders would be attending the upcoming meeting at Junction 46.

Mayor Hall announced the date and time of the Annual BBQ Beach Blast event at Horseshoe Lake. He said that local businesses had donated money for a fireworks display. He encouraged everyone to attend.

Councilman Schmidt offered to attend the Lake Hopatcong Blessing of the Fleet event on behalf of the Township Council.

Mayor Hall announced his recent attendance at a retirement celebration for Mary Elizabeth Davies who has served the St. Therese Parish who served for fifty-six years in the education field; twenty-one of which she was a Principal.

Mayor Hall reported that he and Councilman Crowley had attended the Roxbury High School Graduation.

Mr. Rath tried to schedule a date for a Hercules visioning session. Council was unable to determine a mutually convenient weekend date. Mr. Rath said he would revisit the thought of holding the session during a weeknight and come up with some new dates to consider.

Mrs. Rhead reported that she had received a phone call from Councilman Zoschak and promised to relay his appreciation to Council for the flowers and their support and well wishes during the past few weeks.

A. New Business

- 1. Introduction and welcome of the following newly hired members of the Roxbury Township School District administration team: – previously discussed**
 - Dr. Patrick Tierney, Superintendent of Schools; and
 - Mr. John Gomez, School Business Administrator/Board Secretary

B. Old Business

- 1. Access Agreement–Strategic Environmental Partners/Fenimore – previously discussed**
- 2. Andre Drive – previously discussed**
- 3. Roxpac Lease – previously discussed**

C. Presentations

1. None

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

- 1. Application for Special Permit-Swim & Sport Club (July 15, 2012) – previously approved**
- 2. Application for Special Permit-Swim & Sport Club (August 3, 4, 5, 2012) – previously approved**
- 3. Open Space Application – Mooney Mountain – previously tabled**
- 4. Open Space Application – Shippenport Greenway/Villages – previously tabled**

PUBLIC PORTION – previously addressed

DRAFT ORDINANCES FOR DISCUSSION

None

INTRODUCTION OF PROPOSED ORDINANCES

14-12 AN ORDINANCE AUTHORIZING THE CONVEYANCE OF TOWNSHIP OWNED REAL PROPERTY TO MORRIS HABITAT FOR HUMANITY, INC. (BLOCK 5203, LOT 57; BLOCK 11802, LOT 1; AND BLOCK 10502, LOT 5)

Councilman Rilee asked why the ordinance was being introduced prior to the approval of the resolution. Mr. Bucco said that delaying the introduction would cause the Township to miss the deadline. He explained that the resolution would be approved tonight; the public hearing, second reading and adoption of the ordinance would not take place until the next meeting.

Councilman Rilee made a motion to introduce Ordinance No.14-12. Councilman Schmidt Seconded the motion.

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

Motion carried 6 to 0.

HEARING AND ADOPTION OF ORDINANCES ON SECOND READING

None

INTRODUCTION AND ADOPTION OF RESOLUTIONS

2012-187 A RESOLUTION APPOINTING AMY RHEAD TOWNSHIP CLERK OF THE TOWNSHIP OF ROXBURY

Councilman Schmidt made a motion to adopt Resolution No.2012-187. Councilman Rilee Seconded the motion.

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

Motion carried 6 to 0.

2012-188 A RESOLUTION INCORPORATING BY REFERENCE HEREIN AND APPROVING THE FOLLOWING NUMBERED RESOLUTIONS LISTED ON THE REGULAR COUNCIL MEETING AGENDA FOR THIS DATE:

2012-189, 2012-190, 2012-191, 2012-192, 2012-193,
2012-194, 2012-195, 2012-196, 2012-197, 2012-198,
2012-199, 2012-200, 2012-201, 2012-202, 2012-203,
2012-204, 2012-205, 2012-206, 2012-207, 2012-208,
2012-209, 2012-210, 2012-211, 2012-212, 2012-213,
2012-214, 2012-215, 2012-216, 2012-217, 2012-218,
2012-219, 2012-220, 2012-221, 2012-222, 2012-224

Councilman Rilee requested that Resolution No.2012-223 be excluded from the Incorporating Resolution. Councilman Schmidt made a motion to adopt Incorporating Resolution No.2012-188. Deputy Mayor DeFillippo seconded the motion.

Roll Call: Councilman Behrens – Yes
Councilman Crowley – Yes
Deputy Mayor DeFillippo – Yes
Councilman Rilee – Yes, with abstentions on 2012-189 through 2012-210
Councilman Schmidt – Yes
Mayor Hall – Yes

Motion carried 6 to 0 on all except Resolution Nos.2012-189 through 2012-210 which were carried 5 to 0 with one abstention each.

2012-189 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

2012-190 A RESOLUTION GRANTING RENEWAL OF LIQUOR LICENSE #1436-31-023-001 FOR SWIM & SPORT CLUB INC T/A SWIM AND SPORT CLUB AND DIRECTING LICENSING OFFICER TO DELIVER SAME

2012-191 A RESOLUTION GRANTING RENEWAL OF LIQUOR LICENSE #1436-31-024-001 FOR A & H MEEKER VFW POST #2833 INC T/A VFW POST 2833 AND DIRECTING LICENSING OFFICER TO DELIVER SAME

2012-192 A RESOLUTION GRANTING RENEWAL OF LIQUOR LICENSE #1436-33-001-003 FOR SHE KEV INC T/A SMILES II AND DIRECTING LICENSING OFFICER TO DELIVER SAME

2012-193 A RESOLUTION GRANTING RENEWAL OF LIQUOR LICENSE #1436-33-004-003 FOR BENSI OF ROXBURY LLC T/A BENSI RISTORANTE ITALIANO AND DIRECTING LICENSING OFFICER TO DELIVER SAME

- 2012-194** A RESOLUTION GRANTING RENEWAL OF LIQUOR LICENSE #1436-33-005-016 FOR OUTBACK STEAKHOUSE OF FLORIDA LLC T/A OUTBACK STEAKHOUSE AND DIRECTING LICENSING OFFICER TO DELIVER SAME
- 2012-195** A RESOLUTION GRANTING RENEWAL OF LIQUOR LICENSE #1436-33-009-003 FOR GMRI INC T/A RED LOBSTER #695 AND DIRECTING LICENSING OFFICER TO DELIVER SAME
- 2012-196** A RESOLUTION GRANTING RENEWAL OF LIQUOR LICENSE #1436-33-011-003 FOR LANDING OPERATING COMPANY AND CABARET T/A CABARET LOUNGE AND DIRECTING LICENSING OFFICER TO DELIVER SAME
- 2012-197** A RESOLUTION GRANTING RENEWAL OF LIQUOR LICENSE #1436-33-012-004 FOR RUBY TUESDAY INC T/A RUBY TUESDAY AND DIRECTING LICENSING OFFICER TO DELIVER SAME
- 2012-198** A RESOLUTION GRANTING RENEWAL OF LIQUOR LICENSE #1436-33-013-007 FOR 1447 ROUTE 46 ENTERPRISES LLC T/A MULDOON'S AND DIRECTING LICENSING OFFICER TO DELIVER SAME
- 2012-199** A RESOLUTION GRANTING RENEWAL OF LIQUOR LICENSE #1436-33-014-010 FOR TGI FRIDAYS INC T/A TGI FRIDAYS AND DIRECTING LICENSING OFFICER TO DELIVER SAME
- 2012-200** A RESOLUTION GRANTING RENEWAL OF LIQUOR LICENSE #1436-33-016-007 FOR LAKESIDE PUB INC AND DIRECTING LICENSING OFFICER TO DELIVER SAME
- 2012-201** A RESOLUTION GRANTING RENEWAL OF LIQUOR LICENSE #1436-33-017-010 FOR ROSSPARK ENTERPRISES INC T/A ROSSI'S AND DIRECTING LICENSING OFFICER TO DELIVER SAME
- 2012-202** A RESOLUTION GRANTING RENEWAL OF LIQUOR LICENSE #1436-33-025-006 FOR MELMAR LLC T/A RUMORS AND DIRECTING LICENSING OFFICER TO DELIVER SAME
- 2012-203** A RESOLUTION GRANTING RENEWAL OF LIQUOR LICENSE #1436-33-019-011 FOR O S REALTY LLC AND DIRECTING LICENSING OFFICER TO DELIVER SAME
- 2012-204** A RESOLUTION GRANTING RENEWAL OF LIQUOR LICENSE #1436-36-026-001 FOR JAI LAXMINARAYAN LLC T/A JUNCTION 46 AND DIRECTING LICENSING OFFICER TO DELIVER SAME
- 2012-205** A RESOLUTION GRANTING RENEWAL OF LIQUOR LICENSE #1436-44-002-005 FOR PATS BEVERAGE LLC T/A SHOPRITE WINE & SPIRITS AND DIRECTING LICENSING OFFICER TO DELIVER SAME
- 2012-206** A RESOLUTION GRANTING RENEWAL OF LIQUOR LICENSE #1436-44-006-005 FOR HET INC T/A KELLYS MARKET AND DIRECTING LICENSING OFFICER TO DELIVER SAME

- 2012-207** A RESOLUTION GRANTING RENEWAL OF LIQUOR LICENSE #1436-44-008-003 FOR THE GREAT ATLANTIC & PACIFIC TEA COMPANY INC T/A A & P WINES & LIQUORS AND DIRECTING LICENSING OFFICER TO DELIVER THE SAME
- 2012-208** A RESOLUTION GRANTING RENEWAL OF LIQUOR LICENSE #1436-44-010-006 FOR T&T LIQUORS INC T/A THE LIQUOR FACTORY AND DIRECTING LICENSING OFFICER TO DELIVER SAME
- 2012-209** A RESOLUTION GRANTING RENEWAL OF LIQUOR LICENSE #1436-44-015-006 FOR GBB ENTERPRISES LLC T/A THE MARKET PLACE @ ROXBURY AND DIRECTING LICENSING OFFICER TO DELIVER SAME
- 2012-210** A RESOLUTION GRANTING RENEWAL OF LIQUOR LICENSE #1436-44-018-007 FOR LEDGEWOOD BK INC T/A BOTTLE KING DISCOUNT LIQUORS T/A BOTTLE KING DISCOUNT WINES AND SPIRITS AND DIRECTING LICENSING OFFICER TO DELIVER SAME
- 2012-211** A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A MAINTENANCE BOND AND SUBSEQUENT RELEASE OF A PERFORMANCE GUARANTEE FOR THE DEVELOPMENT KNOWN AS DEER VIEW ESTATES, LLC, BLOCK 4201, LOT 11
- 2012-212** A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO BELLO-GRANDE CONTRACTING, LLC, HASBROUCK HEIGHTS, NJ FOR THE CONSTRUCTION OF THE MAIN STREET STREETScape PROJECT – PHASE I
- 2012-213** A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO M.L. RUBERTON CONSTRUCTION COMPANY FOR THE INSTALLATION OF GUIDE RAIL ALONG BERKSHIRE VALLEY ROAD
- 2012-214** A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO TILCON NEW YORK INCORPORATED FOR MILLING AND PAVING OF LITTLE LANE, GORDON ROAD AND MORGAN TERRACE
- 2012-215** RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO MICRO PAVE SYSTEMS, INC FOR CRACKSEALING VARIOUS TOWNSHIP ROADS
- Mr. Bucco questioned a discrepancy between contract numbers referred to within the resolution. Mr. Blood confirmed that Item #2 under the “NOW THEREFORE BE IT RESOLVED” portion of the resolution should be corrected to state “Contract No.6D” instead of “Contract No.6E”. Mrs. Rhead was authorized to make the corrections.
- 2012-216** A RESOLUTION AUTHORIZING THE REFUND OF SEWER UTILITY OVERPAYMENT
- 2012-217** A RESOLUTION AUTHORIZING THE PURCHASE OF MANHOLE AND DRAINAGE CASTINGS FROM CAMPBELL FOUNDRY COMPANY
- 2012-218** A RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO FOX ARCHITECTURAL DESIGN, P.C. FOR ARCHITECTURAL SERVICES FOR THE ROOF REPLACEMENT AT 72 EYLAND AVENUE

2012-219 A RESOLUTION REJECTING ALL BIDS RECEIVED FOR THE BOILER REPLACEMENT AT THE ROXBURY PUBLIC LIBRARY
Councilman Behrens mentioned the Nixon School roof contractor was well under budget and suggested Mr. Blood might want to seek a price from that contractor.

2012-220 A RESOLUTION AUTHORIZING AWARD OF CONTRACT WITH COMPUTER SQUARE, INC. FOR DATA CONVERSION SERVICES FOR THE ROXBURY POLICE DEPARTMENT
Councilman Rilee pointed out that Item #1 under the “NOW THEREFORE BE IT RESOLVED” portion of the resolution should be corrected to state “amount not to exceed \$15,500.00” instead of “amount not to exceed \$19,400.00”. Mrs. Rhead was authorized to correct the final version of the resolution. Councilman Behrens asked if the Township had been made aware that there would be an additional cost to replace the software prior to entering into the shared Police Dispatch Service Agreement with the County. Mr. Rath stated that it was not known at the time the Agreement was signed, but Councilman Crowley pointed out that previous maintenance and support costs would be eliminated which would offset the cost of the conversion.

2012-221 A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF AN ESCROW ACCOUNT PURSUANT TO CONTRACTS OF SALE ENTERED INTO BETWEEN THE TOWNSHIP OF ROXBURY AND THE MORRIS HABITAT FOR HUMANITY, INC.

2012-222 A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF AN ESCROW ACCOUNT PURSUANT TO A CONTRACT ENTERED INTO BETWEEN THE TOWNSHIP OF ROXBURY FOR THE DELAMO/RENAISSANCE PROJECT

2012-223 **PULLED FROM INCORPORATING RESOLUTION –**
A RESOLUTION AUTHORIZING THE APPOINTMENT OF JOSEPH J. MCKEON, CTA, SCRREA AS ROXBURY TOWNSHIP TAX ASSESSOR

2012-224 A RESOLUTION AUTHORIZING THE PAYMENT OF BILLS

Mayor Hall amended the order of the agenda to allow for discussion in regard to Resolution No.2012-223 A RESOLUTION AUTHORIZING THE APPOINTMENT OF JOSEPH J. MCKEON, CTA, SCRREA AS ROXBURY TOWNSHIP TAX ASSESSOR
After much discussion about the attributes of the employee and value of his services, Council members were in agreement that they were not willing to reappoint because doing so would grant tenure. The Council spoke in firm opposition of tenure.

A legal opinion provided to Council stated that if Mr. McKeon was appointed after a “break in service”, he would not receive tenure. It was agreed that the Council would let Mr. McKeon’s term end on June 30, 2012, allow for a break in service on July 1, 2012 and have a Special Meeting on July 2, 2012 to appoint the Tax Assessor. There was no motion to adopt Resolution No.2012-223.

Mayor Hall returned to the order of the agenda.

PERSONNEL CHANGES

None

COMMUNICATIONS

June 15, 2012

#2 Correspondence from James Simonetti, Roxbury Township Police Chief, to Christopher Rath, Township Manager, dated June, 2012, re: announcement of the graduation of Lt. Marc Palanchi from the Federal Bureau of Investigation National Academy (Note: Lt. Palanchi will be in attendance at the June 26, 2012 Regular Council Meeting).

Deputy Mayor DeFillippo acknowledged Lt. Palanchi's recent achievement and graduation from the FBI academy.

#3 Correspondence from Christine Marion, PP/AICP, Planning Director, Morris County Department of Planning & Development, to Amy Rhead, Township Clerk, dated June 12, 2012, re: Request for Consent Resolution, Future Wastewater Service Area Map for Morris County Proposed Amendment to the Upper Delaware, Upper Raritan and Northeast Water Quality Management Plan (WQMP)

Councilman Rilee asked about the inclusion of Roxbury's previously identified amendments. Further discussion occurred and Mr. Raths assured Councilman Rilee that work with Ms. Marion would resume and the amendments in question would be revisited.

June 22, 2012

#3 Correspondence from Diane Ketchum, Clerk of the Board Morris County Board of Chosen Freeholders, to Mayor Fred Hall, dated June 14, 2012, re: request to adopt a resolution opposing the proposed "Commuter Tax" on New Jersey residents that work in New York City

Deputy Mayor DeFillippo encouraged the Council to support the resolution opposing the "Commuter Tax". It was agreed that a resolution would be included on the next Council agenda.

#4 Correspondence from Diane Ketchum, Clerk of the Board Morris County Board of Chosen Freeholders, to Amy Rhead, Township Clerk, dated June 14, 2012, re: "RESOLUTION SUPPORTING FUNDING FOR LAKE HOPATCONG AND LAKE MUSCONETCONG", adopted June 13, 2012

Deputy Mayor DeFillippo recommended that Council include the above resolution on the next agenda for approval. Council members agreed.

#6 Correspondence from Mark Herzberg, Office of Community Relations NJDEP, to Roxbury Residents, dated June 2012, re: potable well sampling near the Fenimore Landfill

Mr. Raths explained the water testing process that the NJDEP was initiating for residents living near the former Fenimore Landfill site.

PUBLIC PORTION

Dennis Wine

4 Holly Drive, Succasunna

Mr. Wine asked if the SEP court matter would be open to public. The hearing is open to the public. General Council discussion took place regarding Township representation at the hearing. Mr. Bucco explained that it was a hearing between the NJDEP and Strategic Environmental Partners and that the Township was not part of the hearing. Mr. Raths said that a staff member would be attending for the sole purpose of listening to the proceedings only.

Ralph Nappi

29 Ford Road, Landing

Mr. Nappi asked Mr. Raths for an update on the status of having a meeting with the owners of Tom's Diner. Mr. Raths said that, thus far, scheduling attempts have been unsuccessful.

Mayor Hall closed the Public Portion.

Mayor Hall amended the order of the agenda to allow for the following discussion:

Mr. Raths appealed to Council to reconsider adopting Resolution No.2012-223 reappointing the Township Tax Assessor.

Mayor hall returned to the order of the agenda.

EXECUTIVE SESSION

2012-225 A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF ROXBURY OF ROXBURY, IN THE COUNTY OF MORRIS, NEW JERSEY AUTHORIZING CONFERENCE OF THE TOWNSHIP COUNCIL WITH THE PUBLIC EXCLUDED

Matter(s) Relating to:

- 1. Litigation** – SEP v. Township of Roxbury
- 2. Contract Negotiations** – PBA Superior Officers
- 3. Land Acquisition** – McNear
- 4. Potential Land Acquisition** – Mooney Mountain

At 9:10PM, Deputy Mayor DeFillippo made a motion to adopt Resolution No. 2012-225 for Executive Session. Councilman Rilee seconded the motion.

Voice Vote: All in Favor – Yes

Motion carried unanimously, 6 to 0.

At 10:05PM, the Council returned to the open session of the meeting.

ADJOURNMENT

At 10:05PM, Councilman Behrens made a motion to adjourn the meeting. Councilman Cowley seconded the motion.

Voice Vote: All in Favor – Yes

Motion carried unanimously, 6 to 0.

Submitted By:

Amy E. Rhead
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 – Abstain
 Mayor Hall – Yes