

January 24, 2012

A Regular Meeting of the Township Council of the Township of Roxbury was held on January 24, 2012 at the Municipal Building located at 1715 Route 46 in Ledgewood, New Jersey at 7:30PM.

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
Mayor Fred Hall

Absent: Councilman Martin Schmidt
Councilman Richard Zoschak

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

Public: approximately eight (8) members of the public were present

Staff: James Simonetti, Chief of Police
Robert Kuncken, Director of Information Technology
Rick Blood, Director of Public Works

APPROVAL OF MINUTES

October 25, 2011 – Regular Meeting

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

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

Motion carried 4 to 0 with one abstention.

Mayor Hall amended the order of the agenda to address the following “Old Business” and “Presentation” items listed in the agenda under REPORTS OF COUNCIL LIAISON REPRESENTATIVES, COUNCIL COMMITTEES AND NEW BUSINESS/OLD BUSINESS:

Access Agreement – Strategic Environmental Partners

Mr. Rath reported that he has had several conversations with the Developer, the NJDEP, the Senator’s office and the Township Attorney in continuing efforts to provide an alternate access route through the Ledgewood basin park into the former Fenimore Landfill site. In order to proceed, NJDEP permits are required and an exemption from Green Acres allowing the utility road to be used for this purpose. In addition, Mr. Rath informed Council that Senator Bucco was attempting to schedule a meeting with NJDEP Commissioner Martin to discuss further.

Stormwater Presentation – Paul Ferriero of Ferriero Engineering

Mr. Ferriero reviewed the current regulations. He spoke about the importance of stormwater regulations and maintaining properly functioning detention basins in order to avoid adverse impacts on surface, ground and drinking water. Mr. Rath reported that the Township has one detention basin in need of repair and one that would be considered an “orphan basin”. Mr. Rath agreed to provide an updated list of detention basins to Council which would include privately owned basins. Councilman Rilee noted that the Planning Board often makes detention basin maintenance a condition of the site plan approval but stressed the importance of ensuring compliance.

Computer & Technology New Website – Robert Kuncken

Mr. Kuncken, IT Director, reviewed plans for the improved website and pointed out that there have been an increasing number of hits received on the Township site over the past several years. Highlights of the new interactive site were reviewed, including:

- Important news and updates would be forwarded to social media accounts
- Electronic advertising of bids
- Access to Township maps
- Online payments
- Contact information for each department to be prominently displayed
- Easily accessible and accurate directions to all the parks and recreational fields
- Department Heads would have some control over maintaining content within their department portion of the site with monitoring and oversight

2012 Morris County CDBG Application – VFW Paving of Parking Lot

Mr. Rath explained that discussion of the VFW’s grant application during a Council Meeting was one of the requirements for their submission. Mr. Howard Dalrymple reviewed the plans for paving of the VFW lot. Mr. Rath offered to assist in any way. Chief Simonetti offered to photograph the area so that pictures could be included with the application. Mr. Rath agreed to prepare a letter stating the full support of the Mayor and Council.

Mayor Hall returned to the order of the agenda.

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

Councilman Behrens reported that topics of discussion at the recent Board of Education meeting included having permanent bleachers installed, approval of an energy management company, and the possibility of moving the School Board Elections to November.

Councilman Crowley reported that the Trails path on MUA property was a topic of discussion at the recent Open Space Committee meeting. Mayor Hall noted that there are bridge issues on the trails that need to be resolved, as well.

Deputy Mayor DeFillippo reported that she, Councilman Behrens, and Mayor Hall had attended the recent Strategic State Plan meeting. She felt it was not a very informative or productive meeting and the speaker seemed to have his own personal agenda. Mayor Hall spoke about the State Plan’s land use changes and its probable impact on people’s property rights. Councilman Behrens said it would be interesting to see what message would be relayed at the next meeting on the State Plan, scheduled for February 27, 2012. Councilman Rilee said that he was not up to date on the State Strategic Plan, yet, but encouraged a vigilant and thorough review.

Mayor Hall informed Council that the Board of Public Utilities would be hosting a meeting in Roxbury the following week to address the concerns of the municipalities. He said that attendance was limited to a Mayor and one staff member from each municipality. Deputy Mayor DeFillippo pointed out a scheduling conflict with the venue due to a Planning Board meeting being scheduled on the same night as the BPU meeting. Mr. Rath said the Planning Board meeting was cancelled and would be rescheduled. Mayor Hall provided an overview of some of the questions he planned to

ask, but if anyone had any other specific questions to please submit them to him to be addressed at the meeting. Items to be asked included:

Mayor Hall commented on the amazing efforts put forth by the Emergency Services volunteers.

Mr. Rath said that the Board of Education would be invited to attend the Township's Operating Budget presentation on January 31, 2012.

Mr. Rath informed Council that residents had been voicing their concerns about speeding trucks on Conkling Road and Mooney Road. Council agreed to move forward with changing the speed limit to 25mph in those areas.

Mr. Rath congratulated Mike Kobylarz for successfully achieving certification as a Water License Operator. He also informed Council that a net annual savings to the Township of approximately \$2,000 would be realized due to the elimination of the outside company that previously had to oversee the Water Utilities reporting process.

A. New Business

1. None

B. Old Business

1. **Access Agreement – Strategic Environmental Partners** – *previously addressed*

C. Presentations

1. **Stormwater Presentation – Paul Ferriero of Ferriero Engineering** – *previously addressed*
2. **Computer & Technology New Website – Robert Kuncken** – *previously addressed*
3. **2012 Morris County CDBG Application – VFW Paving of Parking Lot** – *previously addressed*

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

1. **Application for One Day Liquor License – New Jersey State Police Benevolent Association, Inc. (March 2, 2012)**

Councilman Rilee made a motion to approve the above-listed minutes. Deputy Mayor DeFillippo seconded the motion.

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

Motion carried 5 to 0.

PUBLIC PORTION

**Ralph Nappi
29 Ford Road, Landing**

Mr. Nappi asked for clarification on the time and location of the BPU meeting. Mayor Hall responded and also verified that, at the request of the BPU, it was not going to be a public meeting. However, Mayor Hall encouraged people to submit any questions to him so he could get answers from the representatives.

Mr. Nappi referred to recent legislation that enables a Board of Education, a governing body or public initiative to determine if a local school board election would be moved to the November General Election. Mr. Nappi expressed his concern about moving

the election date because of the caveat that would allow school boards to adopt their budgets without voter approval as long as it remained at or below a 2% CAP. Council members explained that they could not make any educated comments on the subject because they had not received any information on the particulars of the legislation.

Maureen Castriotta

21 Salmon Road, Landing

Ms. Castriotta asked Mr. Kuncken some questions about the previously presented PowerPoint slide show regarding the Township's new website. Mr. Kuncken responded as to what type of topics that would be under the heading of "Government" (ex: ordinances) and confirmed that links would be available to outside websites.

Disclaimer: Ms. Castriotta stated that she was speaking on her own behalf and not on behalf of the Board of Education.

Ms. Castriotta spoke in opposition of the legislation that provides the option of moving School Board elections to November and felt it was appalling that the voters would not have a say in the budget if it remains within the CAP. She also made general comments about other aspects of the legislation and said that the NJSBA was recommending that School Boards take immediate action. Discounting rumors to the contrary, members assured Ms. Castriotta that the Council had not had any conversations about opting to move the date of the school election. They reiterated their previous comments that the Council had not had discussions about the issue and they had not yet received information on it.

Mayor Hall closed the Public Portion.

DRAFT ORDINANCES FOR DISCUSSION

None

INTRODUCTION OF PROPOSED ORDINANCES

None

HEARING AND ADOPTION OF ORDINANCES ON SECOND READING

01-12 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER VII, TRAFFIC, 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.01-12 to the public for comment. Deputy Mayor DeFillippo seconded the motion.

Voice Vote: All in Favor – Yes

Motion carried unanimously, 5 to 0.

Public Comment - None

Councilman Rilee made a motion to close Ordinance No.01-12 to the public. Deputy Mayor DeFillippo seconded the motion.

Voice Vote: All in Favor – Yes

Motion carried unanimously, 5 to 0.

Deputy Mayor DeFillippo made a motion to adopt Ordinance No.01-12. Councilman Rilee seconded the motion.

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

Motion carried 5 to 0.

INTRODUCTION AND ADOPTION OF RESOLUTIONS

2012-31 A RESOLUTION INCORPORATING BY REFERENCE HEREIN AND APPROVING THE FOLLOWING NUMBERED RESOLUTIONS LISTED ON THE REGULAR COUNCIL MEETING AGENDA FOR THIS DATE:

2012-32, 2012-33, 2012-34, 2012-35, 2012-36, 2012-37,
2012-38, 2012-39, 2012-40, 2012-41, 2012-42, 2012-43

Councilman Rilee made a motion to adopt incorporating Resolution No.2012-31. Deputy Mayor DeFillippo seconded the motion.

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

Motion carried 5 to 0.

2012-32 A RESOLUTION AUTHORIZING THE REIMBURSEMENT OF ENGINEERING INSPECTION FEES TO METRO PCS NEW YORK, LLC IN CONNECTION WITH A MINOR SOIL RELOCATION PERMIT FOR A PROJECT LOCATED AT 7 ORBEN DRIVE, LEDGEWOOD BLOCK 8602, LOT 17

2012-33 A RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE POSTED WITH THE TOWNSHIP OF ROXBURY IN CONNECTION WITH WORK PERFORMED AND ACCEPTED IN ACCORDANCE WITH A TOWNSHIP RIGHT-OF-WAY EXCAVATION PERMIT

2012-34 A RESOLUTION AUTHORIZING THE REFUND OF AN UNUSED ENGINEERING INSPECTION FEE POSTED WITH THE TOWNSHIP IN CONNECTION WITH WORK PERFORMED IN ACCORDANCE WITH A TOWNSHIP DRAINAGE INSPECTION

2012-35 A RESOLUTION APPROVING A CHANGE ORDER #2 TO THE CONTRACT WITH TOMCO CONSTRUCTION, INC FOR ATHLETIC FIELD IMPROVEMENTS AT HORSESHOE LAKE

Mrs. Rhead was instructed by Mr. Bucco to correct the two typographical errors in the second “WHEREAS” statement to remove the word “the” prior to “...change order #1” and to add the word “an” (“in an amount”).

2012-36 A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO WELDON MATERIALS, INC. FOR PAVING MATERIALS

Mrs. Rhead was instructed by Mr. Bucco to correct the second “WHEREAS” statement to correctly state “quotes” instead of “quote” and to change “Pricing terms” to the word “quotes” under “NOW, THEREFORE, BE IT RESOLVED”, item # 2.

2012-37 A RESOLUTION AUTHORIZING THE AWARD OF AN EMERGENCY CONTRACT TO POW-R-SAVE, INC. PURSUANT TO N.J.S.A. 40A:11-6 FOR THE REPLACEMENT OF A 20 TON HEATING AND COOLING ROOF TOP UNIT SERVICING THE POLICE DEPARTMENT

Councilman Behrens said that advance notification of the problem would have been preferable to finding out about it by seeing the resolution on the agenda for the first time. Mr. Rath apologized for the oversight and assured Council that information on future similarly significant issues would be provided on his weekly Information Update.

2012-38 A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO SCHOUPPE ELECTRICAL SERVICES FOR THE INSTALLATION OF AN EMERGENCY GENERATOR AT THE MUNICIPAL BUILDING

2012-39 A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO STRYKER EMS EQUIPMENT FOR A PERFORMANCE PRO STRETCHER

Councilman Behrens asked if the above resolution was in regard to the motorized stretcher. Mr. Rath clarified that the above resolution was for a previously approved stretcher for Co. No. 2, not the motorized stretcher that has been a topic of discussion at recent Budget Meetings. Mrs. Rhead was instructed by Mr. Bucco to correct the second "NOW, THEREFORE, BE IT RESOLVED" statement to include the following words after the zip code: "in an amount not to exceed \$6,340.00".

2012-40 A RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO FOX ARCHITECTURAL DESIGN, P.C. FOR ARCHITECTURAL SERVICES FOR A ROOF ANALYSIS OF TOWNSHIP FACILITIES

2012-41 A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF ROXBURY IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY APPOINTING D&H ALTERNATIVE RISK SOLUTIONS, INC. AS THE RISK MANAGEMENT CONSULTANT FOR THE TOWNSHIP OF ROXBURY FOR CY2012

Deputy Mayor DeFillippo asked about the reason for the above resolution. Mr. Rath replied that it was simply procedural.

2012-42 A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO BRINKERHOFF ENVIRONMENTAL SERVICES, INC. FOR PHASE 3 ENVIRONMENTAL SERVICES (REMEDIAL INVESTIGATION REPORT AND REMEDIAL ACTION WORKPLAN) INVOLVING BLOCK 5203, LOT 57, 119 MAIN STREET (OLD DPW SITE)

Mr. Bucco advised that Pay-to-Play language must be added to Resolution No.2012-42. Council had no objections. Mrs. Rhead agreed to make the corrections.

2012-43 A RESOLUTION AUTHORIZING THE PAYMENT OF BILLS

PERSONNEL CHANGES

None

COMMUNICATIONS

January 20, 2012

#3 Correspondence from Senator Anthony R. Bucco to Mayor Fred Hall, dated January 13, 2012, re: Meeting scheduled for February 1, 2012 with Board of Public Utilities President and JCP&L representative Robert Hanna to discuss concerns about frequent power outages

Deputy Mayor DeFillippo asked if it was still necessary for JCP&L to have a separate meeting with Roxbury. Councilman Crowley said it would depend on the outcome of the above-referenced meeting. Councilman Rilee felt that it would still be advantageous for JCP&L and Roxbury to meet to discuss issues exclusive to the Township. Council agreed.

#4 Correspondence from Carol K. Banhart, New Jersey Conservation Foundation, Rally Program Committee, to Municipal Clerk, dated January 10, 2012, re: notification of the 2012 New Jersey Land Conservation Rally scheduled for Saturday, March 10, 2012

Deputy Mayor DeFillippo asked if staff would be attending the above event. Mr. Rath replied that it was not probable especially since it was being sponsored by outside agencies.

#7 Correspondence from resident Suellen Franz to Councilman Martin Schmidt, re: letter regarding traffic flow and parking issues within various sections of the municipality

Deputy Mayor DeFillippo asked Mr. Rath to send a response letter to the resident.

#11 Mayors Advisory, dated January 13, 2012, CORRECTION TO 2nd DATE UNDER III. RETROREFLECTIVITY OF SIGNS, re: Federal Road Sign Standards Update

General discussion ensued regarding the latest unfunded federal mandate requiring a "Sign Management Plan" to be in place by January 22, 2012 which would ensure future street signs would meet the new sign requirements which include having a mix of upper and lower case letters, specific heights of letters on signs (depending on speed limit of roadway) and retroreflectivity standards. Mr. Rath stated that the new standards would be applied as new road signs are mounted.

#12 Mayors Advisory, dated January 13, 2012, re: Two Upcoming Programs: Doing Business with the Private Sector (scheduled for April 16, 2012 and May 3, 2012)

Mr. Rath agreed to gather further information on the above-referenced item so that Deputy Mayor DeFillippo could share it with the Economic Development Committee.

#15 Mayors Advisory, dated January 18, 2012, re: PROPERTY TAX IN NEW JERSEY

Mr. Rath said he would make sure the link to the special report on property taxes is added to the Township website.

#17 Mayors Advisory, dated January 18, 2012, re: Governor Signs Bills

General Council discussion took place regarding S-3148/A-4394 allowing districts, municipalities or voters to opt to move the annual school election to November and eliminate vote on school budgets for such districts, except for separate proposals to spend above cap.

PUBLIC PORTION

Ralph Nappi

29 Ford Road, Landing

Mr. Nappi asked more questions about the options available to move the Board of Education annual election to November. Mr. Bucco explained that the Council could not prevent the Board from taking the action.

Robert Kluska

274 Emmans Road, Flanders

Mr. Kluska spoke about the Emmans Road Bridge which he was originally told would be completed by January and was now told that it might not be done until mid-February or March. He said he had observed work being done on the bridge one day and watched only two of the ten employees actually working. Mr. Rath said that the County assured him that the bridge would be done by February.

Mr. Kluska asked about the status of the overgrown vegetation covering the stormwater catch basin servicing Alexandria Estates which he said he had mentioned five years ago, as well. Mr. Rath said he would look into the issue.

Ralph Nappi

29 Ford Road, Landing

Mr. Nappi referred to an issue that had been discussed by a resident during a previous meeting and asked for an update on the resident's flooding issues on Andre Drive. Mr. Rath responded and said that they were trying to assist the resident in coming up with a solution.

Mayor Hall Closed the Public Portion

Mayor Hall asked Mr. Raths what was being done about the overflowing and flooding issues on Hillside Avenue. Mr. Raths said that he has spoken with Steve Hammond and said that the County was addressing the issues, but noted it was an extensive project.

EXECUTIVE SESSION

2012-44 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

NOTE: The Executive Session Resolution on page 86 of the originally distributed agenda was mistakenly titled as an incorporating resolution. Council acknowledged the inadvertent error. Mrs. Rhead agreed to correct the title on the resolution.

Matter(s) Relating to:

- Hercules Potential Redevelopment Agreement
- Contract Negotiations – Local 11
- Contract Negotiations – Local 102
- Potential Land Acquisition – Open Space

At 9:30PM, Councilman Rilee made a motion to adopt Resolution No.2012-44 for Executive Session. Councilman Behrens seconded the motion.

Voice Vote: All in Favor – Yes

Motion carried unanimously, 5 to 0.

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

ADJOURNMENT

At 10:05PM, Councilman Rilee made a motion to adjourn the meeting. Deputy Mayor DeFillippo seconded the motion.

Voice Vote: All in Favor – Yes

Motion carried unanimously, 5 to 0.

Submitted By:

Amy E. Rhead
Township Clerk

MINUTES APPROVED BY COUNCIL

DATE: August 21, 2012

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