

February 21, 2012

A Regular Meeting was held by the Township Council of the Township of Roxbury on February 21, 2012 in the Municipal Building located at 1715 Route 46 in Ledgewood, New Jersey at 7:30 PM.

PLEDGE OF ALLEGIANCE

Mayor Hall invited members of Boy Scout Troop 206 to lead the 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, Esq., Township Attorney
Amy Rhead, Acting Township Clerk
Kathy Florio, Administrative Aide

Staff:

None

Public:

Approximately seventeen (17) members of the public plus ten (10) members from Boy Scout Troop 206 were in attendance

APPROVAL OF MINUTES

November 29, 2011 – Regular Meeting Minutes

January 10, 2012 – Budget Meeting Minutes

January 17, 2012 – Budget Meeting Minutes – **HOLD**

January 31, 2012 – Budget Meeting Minutes – **HOLD**

Mayor Hall informed Council that the vote on the January 17, 2012 and January 31, 2012 meeting minutes would be carried to a future meeting as they had not been completed.

Councilman Rilee made a motion to approve the minutes for November 29, 2011 and January 10, 2012 listed above. Councilman Schmidt seconded the motion.

Deputy Mayor DeFillippo commented on the November 29, 2011 minutes, page three (3), first sentence, “The Roxbury Area Chamber of Commerce” should be added before the word Library. The fourth (4th) paragraph down, third (3rd) word from the end should read “private” instead of “privately”.

	November 29, 2011 Regular Meeting	January 10, 2012 Budget Meeting
Roll Call:		
Councilman Behrens	Yes	Yes
Councilman Crowley	Yes	Yes
Deputy Mayor DeFillippo	Yes	Yes
Councilman Rilee	Yes	Yes
Councilman Schmidt	Yes	Yes
Mayor Hall	Yes	Yes

Motion carried 6 to 0.

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

Councilman Schmidt reported that the Morris County Community Development Revenue Sharing Advisory Committee would be contemplating the award of Community Development Block Grant funding at their March 5, 2012 meeting from among approximately eight applications; the VFW facility and the Company 2 Annex project were the only two from Roxbury.

Councilman Schmidt reported that the Library Board was considering reducing their hours of operation to save money. He also reported that the Board was continuing their search for a new Director and were optimistic that the position would be filled by March.

Deputy Mayor DeFillippo asked when the next Water and Sewer Committee meeting would be held. Mr. Raths said that a date had not been confirmed and would have to get back to the Deputy Mayor with an answer.

Deputy Mayor DeFillippo announced that she and Mayor Hall would be participating in the "Read Across America" program on Friday, March 2, 2012.

Mayor Hall reported that he, Mr. Raths, and Senator Bucco would be meeting with the Commissioner of the NJDEP in Trenton on February 27, 2012 at 10:00 a.m. to discuss the permitting requirements for the alternate access route into the former Fenimore Landfill site.

Mayor Hall informed Council members that he, Deputy Mayor DeFillippo, and Councilman Behrens would be attending an informational meeting on February 27, 2012 in East Hanover regarding the State Strategic Plan.

Mayor Hall spoke about the municipal budget time tables implemented at the state level and said that Council would need to introduce the Township Budget on or before March 13, 2012.

Mayor Hall reviewed the dates and times for the following events and noted that he anticipated attending:

- "Read Across America" program on March 2, 2012
- Coaches Recognition event on March 10, 2012
- Easter Egg Hunt on March 24, 2012
- Neighborhood Meeting on March 29, 2012 (Congressman Lance expected to attend)

Assemblyman Bucco reported that the Legislature was continuing to work towards a 10% income tax cut.

Councilman Schmidt asked Mr. Bucco about the status of the Library Boiler Loan Agreement. Mr. Bucco said he was working on it.

Mr. Raths informed Council members that he would be out of the office on Friday.

Mayor Hall amended the order of the agenda to address the "Old Business" item listed under REPORTS OF COUNCIL LIAISON REPRESENTATIVES, COUNCIL COMMITTEES AND NEW BUSINESS/OLD BUSINESS

Access Agreement – Strategic Environmental Partners

Mr. Raths reported that, although they had not accepted any sludge, Strategic Environmental Partners had received approval to do so.

Mr. Raths also noted that he had been informed that the Right-of-Way is exempt from the Green Acres transfer thereby removing one of the obstacles for creating the alternate access road.

Mr. Rath said that as a result of safety concerns, the need for the NJDEP permitting process (for the alternate access road) must be expedited, and a source of funding for the project must be among the items discussed at the February 27th meeting with the NJDEP Commissioner.

Mr. Rath provided updates on the status of the alternate access road and information on the following:

- draft design available for the route
- rough cost estimate established
- continuing work with State Historic Preservation Office (SHPO) regarding preservation of the old canal bed
- Green Acres – ROW exempt
- NJDEP sponsoring a public hearing scheduled for the latter part of April

Mr. Rath said he was hoping to have the roadway approved by the NJDEP prior to the April meeting. Mr. Rath quelled members concerns about additional delays due permitting and tree removal.

Mayor Hall continued amending the order of the agenda to address the item listed under the “Presentation” portion of the REPORTS OF COUNCIL LIAISON REPRESENTATIVES, COUNCIL COMMITTEES AND NEW BUSINESS/OLD BUSINESS Proclamation – Read Across America

Mayor Hall read the Proclamation.

Mayor Hall continued amending the order of the agenda to address the first PUBLIC PORTION listed in the agenda.

Lois Dege

204 Mooney Road, Flanders

Ms. Dege expressed her concern regarding the safety of children boarding and exiting school buses with the continuation of the heavy truck traffic.

John and Diane O’Neill

217 Mooney Road, Flanders

Mr. and Mrs. O’Neill discussed the videos that she and her husband posted on YouTube. Mrs. O’Neill spoke about the size of the vehicles that enter the landfill as being forty-foot trucks, not tri-axle trucks. She also said that the trucks continually block traffic trying to turn off of Route 206 and onto Mooney Road.

Mr. Rath informed residents that police presence has been increased in the Mooney Mountain area. He also said that the NJDOT has been looking into the traffic and truck issues that have been reported.

Deputy Mayor DeFillippo offered the use of her I Pad to Mayor Hall so that he could show the NJDEP Commissioner the YouTube videos that the O’Neill’s have posted.

Millie Pellito

4 Lincoln Drive, Flanders

Ms. Pellito expressed frustration with the operating procedures of NJDEP. She also requested that the “Landfill Truck Traffic” sign posted at the bottom of Mooney Road be replaced with a sign that only reads “Truck Traffic” so it is not advertised that the houses are built near a landfill. Mr. Rath said he would look into it.

Robert Kluska

274 Emmans Road, Flanders

Mr. Rath provided a detailed explanation and clarified the budget’s 2% Cap proposal.

Mr. Kluska said he thought that the County was in charge of carcass removals and asked why the municipality was paying a company by the name of “Deer Carcass Removal, Inc.”. Mr. Rath explained that, although the name of the company suggests they are only a deer carcass removal company, the \$700.00 payment to the company was for renting a wood chipper from them during the recent storm cleanup efforts.

Diana LaFemina-Rosa
15 Conkling Road, Flanders

Ms. LaFemina-Rosa expressed concern about pedestrian safety with the increased truck traffic on Mooney Mountain, especially on roads like Conkling Road and Lincoln Road that do not have sidewalks.

Mr. Rath said that police have been monitoring the area and that speeding tickets have been issued to truck drivers, as well as residents driving passenger vehicles.

Deputy Mayor DeFillippo also expressed concerns about the dangerous situation caused by the large trucks traveling through residential areas. She encouraged residents to attend meetings and write letters to state-level government officials voicing concerns about the Strategic Environmental Partners project.

Lois Dege
204 Mooney Road

Ms. Dege agreed with the need for a letter campaign to inform elected officials of the safety concerns.

Clyde McCutcheon
49 Jefferson Drive

Mr. McCutcheon said that work being performed by JCP&L has resulted in a muddy mess on the Jefferson Drive cul-de-sac and that they had destroyed his property marker by running over it with one of their trucks. Mr. Rath said he would contact JCP&L to inform them of the situation and report back to Mr. McCutcheon.

Mayor Hall closed the Public Portion and returned to the order of the agenda and items listed under REPORTS OF COUNCIL LIAISON REPRESENTATIVES, COUNCIL COMMITTEES AND NEW BUSINESS/OLD BUSINESS.

A. New Business

1. Introduction of Congressman Leonard Lance

Mayor Hall welcomed Congressman Leonard Lance, representative from the 7th Congressional District of New Jersey. Congressman Lance explained the recent post-Census reapportionment process which not only realigned districts, but also reduced the number of Congressional Districts in New Jersey from thirteen to twelve. He said he looked forward to being elected as Roxbury's Congressional representative.

Mayor Hall presented Congressman Lance with a framed "100 Best Communities" plaque, mug, and hat.

B. Old Business

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

C. Presentations

1. Proclamation – Read Across America – *previously addressed*

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

None

PUBLIC PORTION – *previously presented*

DRAFT ORDINANCES FOR DISCUSSION

None

INTRODUCTION OF PROPOSED ORDINANCES

02-12 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER VII, TRAFFIC, SECTION 7-11, SPEED LIMITS OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROXBURY, COUNTY OF MORRIS, STATE OF NEW JERSEY

Councilman Rilee made a motion to introduce Ordinance No.02-12. 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.

03-12 CALENDAR YEAR 2012 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

Deputy Mayor DeFillippo made a motion to introduce Ordinance No.03-12. Councilman Behrens 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.

04-12 AN ORDINANCE TO VACATE A DRAINAGE EASEMENT ACROSS A PORTION OF LOT 2 IN BLOCK 11302 LOCATED IN THE TOWNSHIP OF ROXBURY, COUNTY OF MORRIS AND STATE OF NEW JERSEY

Deputy Mayor DeFillippo asked about the location and why the Township of Roxbury is vacating this easement. Mr. Raths responded and said it was located on Laurie Road and Bell Court and the easement was not needed.

Councilman Schmidt made a motion to introduce Ordinance No.04-12. 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.

05-12 AN ORDINANCE TO AMEND CHAPTER XIII OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROXBURY, LAND DEVELOPMENT ORDINANCE, ARTICLE VII, ZONING REGULATIONS, SECTION 13-7.4, ZONE DISTRICTS, SECTION 13-7.5, ZONING MAP, AND SECTION 13-7.8, GENERAL PROVISIONS FOR ALL ZONES, SUBSECTION 13-7.815, PROHIBITED USES, PARAGRAPH A, AND TO SUPPLEMENT ARTICLE VII, ZONING REGULATIONS BY INCLUSION OF A NEW SECTION 13-7.37, Q-O QUARRY OVERLAY DISTRICT

Councilman Crowley pointed out a clerical error in a sentence contained in Section A of 13-7.3702 that read “no more then” which needed to be changed to “no more than”.

Councilman Schmidt questioned the written language in item “A. Quarrying” under the “Definitions” section regarding the crushing and screening of quarried materials.

Mr. Bucco felt the language was already clear and concise and did not recommend any modifications to the current verbiage.

Councilman Behrens asked if the reference to “fugitive” dust emissions in item #4 of “Site Plan Requirements” was correct terminology. Mr. Bucco said he would look into it and report back to Council.

Deputy Mayor DeFillippo pointed out that the elevation above sea level needed to be inserted in the blank space listed under item “E” of “Required Conditions”.

Mayor Hall pointed out two punctuation errors that need to be corrected.

Councilman Crowley requested that a map be included as part of the ordinance. Mr. Rath felt that such an inclusion would cause the location to be too narrowly defined and recommended against it.

Councilman Behrens made a motion to introduce Ordinance No.05-12. 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.

06-12 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 13-7.38, ENTITLED “SOLAR ENERGY FACILITIES”

Deputy Mayor DeFillippo stated, for the record, that the solar ordinance was not associated with the Fenimore situation, but was being introduced as a general measure to provide design practice and safety regulations. Municipalities all over the state are adopting similar guidelines. General Council discussion ensued regarding

- roof-mounted installations as an accessory use; size allowances
- possibility for the need to obtain variances for certain ground-mounted installations (depending on property’s zoning district, lot size requirements, and other conformance issues)
- abandonment in relation to the clean up of solar panels
- vegetative surface requirement and property liens for solar panel removal (not necessarily applicable for landscaping restoration)

Councilman Schmidt asked when the Council could expect to review a draft “Wind Energy Ordinance”. Mr. Rath responded that an ordinance would be presented within the next few weeks.

Mayor Hall questioned why item A. sub item 4 under Required Conditions had different requirements than item C. sub item 3. Mr. Bucco responded that item A was specifically for Principal Use and Item C was specifically for Accessory Use.

Councilman Schmidt made a motion to introduce Ordinance No.06-12. 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.

HEARING AND ADOPTION OF ORDINANCES ON SECOND READING

None

INTRODUCTION AND ADOPTION OF RESOLUTIONS

2012-56 A RESOLUTION INCORPORATING BY REFERENCE HEREIN AND APPROVING THE FOLLOWING NUMBERED RESOLUTIONS LISTED ON THE REGULAR COUNCIL MEETING AGENDA FOR THIS DATE:

2012-57, 2012-58, 2012-59, 2012-60, 2012-61, 2012-62, 2012-63, 2012-64, 2012-65, 2012-66, 2012-67

Councilman Schmidt made a motion to adopt the incorporating Resolution No. 2012-56. Deputy Mayor DeFillippo 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.

2012-57 A RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL ENGINEERING SERVICES CONTRACT TO HATCH MOTT MACDONALD FOR GENERAL ENGINEERING SERVICES FOR THE WATER UTILITY

In reference to Resolutions 2012-57 and 2012-58, Councilman Schmidt said that although he was satisfied with Hatch Mott MacDonald’s work, he would like to see these contracts go out for bid in the future. Councilman Rilee agreed, but noted that Hatch Mott MacDonald had provided the lowest responsive and responsible price the last time bids were requested and they have not increased their fee since that time.

2012-58 A RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL ENGINEERING SERVICES CONTRACT TO HATCH MOTT MACDONALD FOR GENERAL ENGINEERING SERVICES FOR THE SEWER UTILITY

(Note: comments from Resolution No.2012-57 also apply to Resolution No.2012-58)

2012-59 A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF ROXBURY, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING PROCEEDING WITH THE APPLICATION FOR FUNDS FROM THE MORRIS COUNTY HISTORIC PRESERVATION TRUST FUND FOR THE KING STORE, 211 MAIN STREET, LEDGEWOOD, NJ 07852

2012-60 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

2012-61 A RESOLUTION AUTHORIZING THE REFUND OF TAXES

2012-62 A RESOLUTION AUTHORIZING THE REFUND OF TAXES

2012-63 A RESOLUTION AUTHORIZING THE REFUND OF TAXES

2012-64 RESOLUTION IN MEMORY OF ASSEMBLYMAN ALEX DECROCE AND TO SUPPORT THE “ALEX DECROCE CRIME VICTIM’S BILL OF RIGHTS

2012-65 A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A DEED OF ROAD DEDICATION FROM SENECA HILLS CORPORATION ACROSS A PORTION OF LOT 18 IN BLOCK 1901

2012-66 A RESOLUTION AUTHORIZING THE COMPENSATION OF THE WARD COMMISSIONERS AND TOWNSHIP STAFF FOR THEIR WORK IN RE-DRAWING THE ROXBURY TOWNSHIP WARD BOUNDARY MAP IN ACCORDANCE WITH N.J.S.A. 40:44-9, ET SEQ

Councilman Behrens asked why Mrs. Rhead was not being compensated for her redistricting efforts. Mrs. Rhead said that New Jersey statute provides guidelines for the compensation for the Board of Ward Commissioners and the engineers and assistants, but not for a Municipal Clerk. She said she was not sure if Clerks were permitted to receive payment for their extra work during the redistricting process or not. Council members thought that Mrs. Rhead was entitled to be compensated for all her additional time and effort during the process. Council members asked for the legality of the matter to be further researched so Mrs. Rhead could be paid.

2012-67 A RESOLUTION AUTHORIZING THE PAYMENT OF BILLS
Councilman Behrens questioned the need to provide overnight accommodations for three Ice Rescue Training instructors. Kirk Keyes was in attendance and said that the number of instructors is based on the number of class participants. Mr. Rath added that the overnight costs associated with the training would be revisited with the Fire Department.

Deputy Mayor DeFillippo reiterated that the payment to the company named “Deer Carcass Removal Service” is the name of a company, not a service.

Deputy Mayor DeFillippo also inquired about check number 69809 to the “Township of Randolph; 2012 MCCPC Membership Fee”. Mr. Rath replied that the payment was a fee for Morris County Co-operative purchasing/pricing.

PERSONNEL CHANGES

None

COMMUNICATIONS

February 17, 2012

3 Correspondence from Christopher Rath, Township Manager, to Sabine Von Aulock, Director, Morris County Division of Community Development, dated February 14, 2012, re: Letter in support of the Community Hope 2012 HOME application for 80 Mill Road in Roxbury

Councilman Behrens noted that Mr. Rath had clarified questions he had in regard to the status of the Community Hope 2012 HOME application.

#12 Resolution adopted by the Borough of Mount Arlington, entitled “RESOLUTION OF THE MAYOR OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS, NEW JERSEY, REGARDING THE LAKE HOPATCONG COMMISSION”

Councilman Crowley asked why Roxbury had not adopted a similar resolution.

Members explained that it had been discussed at the previous meeting, but there was not enough time to adopt and distribute the resolution. It was noted, however, that the Township had made its position supporting the resolution clear.

PUBLIC PORTION

None

EXECUTIVE SESSION

2012-68 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:

- 1. Contract Negotiations – Non-Union Wages**

At 9:00PM, Deputy Mayor DeFillippo made a motion to adopt Resolution No. 2012-68 for Executive Session. Councilman Rilee seconded the motion.

Voice Vote: All in Favor – Yes

Motion carried unanimously, 6 to 0.

At 9:40PM, the Council returned to the open session of the meeting.

ADJOURNMENT

At 9:40PM, Councilman Schmidt made a motion to adjourn the meeting. Councilman Rilee 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: September 11, 2012

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