

## February 26, 2013

A Budget Meeting was held by the Township Council of the Township of Roxbury on February 26, 2013 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 20, 2012, 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  
Councilman Jim Rilee  
Mayor Fred Hall
- Absent:** Deputy Mayor Kathy DeFillippo  
Councilman Martin Schmidt  
Councilman Richard Zoschak
- Also Present:** Christopher Raths, Township Manager  
Amy Rhead, Township Clerk
- Staff:** Lisa Spring, CFO/Treasurer  
Valarie Wyble, QPA  
Patricia Reiche, Assistant to the CFO  
Richard Blood, Director of Public Works  
Chief James Simonetti, Roxbury Police Department  
Captain James Quinn, Roxbury Police Department  
Sergeant Gerard Hardiman, Roxbury Police Department
- Fire Department Chiefs:** William Ward, III, Department Chief  
John Hayowyk Sr., 1<sup>st</sup> Assistant Chief  
Joseph Perfetti, 2<sup>nd</sup> Assistant Chief  
Keith Journey, 3<sup>rd</sup> Assistant Chief
- Public:** approximately ten (10) members of the public were in attendance

### **Mayor Hall amended the order of the agenda to allow for updates and discussion regarding the Fenimore Landfill issue.**

Mr. Raths stated that the Municipal Court hearing began Monday and the proceedings are scheduled to continue on April 1, 2013 at 9:30 a.m. He said the hearing in Morristown with Judge Wilson is scheduled for Thursday, February 28, 2013.

Mr. Raths asked that all residents who are reporting the unpleasant odor to the NJDEP provide their address to the Township as well, so that a list can be compiled and areas that are affected can be identified.

Mr. Raths stated that the County epidemiologist has been contacted and will be looking into a concern voiced by a resident at a previous meeting regarding the possibility of a “cancer cluster”.

Mr. Raths stated that the Township is in the process of getting prices for testing the silt in the ponds, noting that the water has already been tested, due to concerns expressed by residents.

Mr. Rath stated that the results of the leachate testing had not been released by the state, yet.

Mr. Rath stated that the Township's air monitoring system continues to receive data.

Mr. Rath informed all those present that SEP is not using Planet Breeze, supposedly because the owner of company will not provide it to SEP due to concerns that the application process will not be followed correctly.

Mr. Rath said that the NJDEP has not provided an answer to the question about how they are going to determine when Phase I is completed.

Mr. Rath stated that he will be mailing a letter to the MCMUA by the end of the week requesting more information about the weigh station issues and the unauthorized weighing of private trucks.

Mr. Rath said that a resident sent him an email earlier in the day with pictures depicting deteriorating roadways as a result of the truck traffic to and from the landfill. Mr. Rath said that a bill for the repairs would be sent to the owner of the property.

Mr. Rath said that the NJDEP had approved the use of the box culvert and pipe for the part of the access road that goes into the landfill. The approval does not include the part of the road that will be converted into a permanent bikeway. This will offset the cost by a small amount. There is still no word regarding additional funding needed to offset the \$80,000.00- \$90,000.00 discrepancy in the cost of the road between the Township of Roxbury estimate and that of the State.

Councilman Behrens stated that he attended the municipal court hearing on February 25<sup>th</sup> and said the resident witnesses were credible and did a good job. He reiterated Mr. Rath's earlier request for residents to provide their address if they register a complaint with the NJDEP so the Township can map the locations where the violations are occurring. Councilman Behrens stated that there may be a possibility of children having physical side effects while waiting at their bus stops from the odor emanating from the landfill and that some parents have been driving their children to school as a result of the odors. Councilman Behrens said that the Superintendent of Schools has asked bus drivers to report any odors, as well.

Mayor Hall asked Mr. Rath if he had heard back from the DEP regarding what constitutes the end of phase I. Mr. Rath stated that he had received no response to date regarding his inquiry in this matter.

**Mayor Hall continued amending the order of the agenda to allow for Public Portion.**

**Filippo Secci  
10 Eliot Court, Ledgewood**

Mr. Secci stated that he had reported a pungent odor to the NJDEP. A representative arrived six hours later and did not have a meter to register the air. Mr. Secci stated that since the reopening of the landfill and subsequent odor issue, he has had respiratory problems and a sore throat. Mr. Rath explained that tests have proven that the sulfide gas smell is originating from the landfill and the disintegrating wallboard material that has been dumped there.

Mr. Rath said that he was surprised to hear that an NJDEP representative arrived to investigate a complaint without a monitor to take readings and said he would be looking into that further.

Mayor Hall asked what actions the representative took when he came to investigate the complaint. Mr. Secci stated that "they parked the car, got out, sniffed the air and confirmed that they could smell an unpleasant odor."

Mr. Rath verified that reports have confirmed that elderly people, young children and those with compromised immune systems or existing respiratory issues are more affected by the landfill gases.

Councilman Behrens stated that the natural degradation process from a landfill produces methane, but that methane is odorless and the smells and odors are from the garbage and other gases.

**Bob Mederos**

**4 Nalron Drive, Ledgewood**

Mr. Mederos asked for the name of the County epidemiologist who would be investigating the claims of a cancer cluster. Mr. Rath said that he would get the person's name and contact information from the Director of the Township's Health Department and report back to Mr. Mederos.

Mr. Mederos stated that the Kiwanis Club had reported that the fish that have been caught recently from the Ledgewood pond do not taste right.

Mr. Rath said that the pond is on the state's list to be tested, but he was unaware of how the list is prioritized adding that he would get the information and provide it to Council.

**Anthony Fiore**

**70 Fox Chase Lane, Ledgewood**

Mr. Fiore thanked the Council and staff for all their efforts regarding the landfill issues. For the record, Mayor Hall informed the public that Mr. Fiore has kept himself informed and has done a tremendous amount of research about the issues surrounding the landfill. Mayor Hall thanked him for his assistance.

Mr. Fiore asked Mr. Rath if residents should contact the Health Dept. and the DEP with odor complaints. Mr. Rath instructed residents to contact the DEP as well as submitting the address of the complaint to him which will help create the map of incidences. Mr. Rath noted the Roxbury Health Department makes daily reports of the area and will increase their monitoring in the future.

Mr. Rath said that the Health Department Director believes that a violation should be issued for every occurrence of the odor being detected.

Councilman Behrens also noted that the defense attorney at the municipal hearing had asked the witnesses to describe the exact type of smell (ie: rotten eggs, etc.).

Mr. Fiore requested that the results from the tests be released to the public as soon as possible. Mayor Hall said that the results would be publicized as soon as it is certain that the case won't be impacted by the release of the information.

Mr. Fiore asked if JCP&L had responded to the correspondence item listed as #2 in the Communications packet for the week ending January 18, 2013 in which JCP&L was informed that the Township would be deducting \$2,264.00 from the electric bill as a back charge for the combined staff overtime that was incurred as a result of Township employees having to assist the public on JCP&L's behalf during Hurricane Sandy. Mr. Rath said that JCP&L had called him and they were surprised by the request. Mr. Rath conceded that the bill may eventually have to be paid, but that it was worth a try and it made a point.

Mayor Hall stated that the next court date is scheduled to take place on February 28, 2013 at 3:00 p.m.

Mayor Hall stated that he would like confirmation that the Judge received Mr. Peslak's letter which was read aloud at a previous meeting.

**Mayor Hall continued amending the order of the agenda to allow for budget discussions, as follows:**

**Police Department - Chief Simonetti and Captain Quinn**

General Council discussion took place regarding budget topics which included:

- vehicle replacement plan
- contracted services
  - towing fees
  - computer service contracts
- retirements
- salaries
- terminal leave payout

Councilman Rilee asked if there is an increase in overtime. Chief Simonetti spoke about the decrease in overtime pay and the impact the storm had on this item. The Chief said that overtime is actually starting to stabilize. Mr. Rath pointed out that the overall wages and benefits have decreased.

Mr. Rath spoke about the FEMA reimbursements from Hurricane Sandy and that, once it's received, it would have to be deposited into the Municipal Revenue Not Anticipated (MRNA) account.

Councilman Rilee asked that Chief Simonetti submit an updated organizational chart of the Police Department's membership with positions and duties noted.

Council members commended Chief Simonetti and Captain Quinn for presenting a budget with a minimal increase and for their efforts to expand shared services. Mayor Hall noted some of the recent arrests and commended the Police Department for fostering relationships with neighboring municipalities.

Councilman Behrens asked for more information concerning towing fees. Chief Simonetti explained that if someone is a suspect they cannot be charged. Forfeiture is different and the Township can charge for that.

Councilman Rilee stated that the Roxbury Police Department service is second to none in the County.

**Fire Department:  
First Aid /EMS**

Councilman Rilee asked for the status on the Shippenport Fire House expansion. Mr. Rath stated that the Engineering Dept. had recently completed the design review and the specifications should be sent out over the next few weeks.

Mr. Rath noted that the final number under the EMS total should be \$308,000.00.

Mr. Rath expressed appreciation for the open lines of communication between management and the Fire Departments and said it has benefited both parties.

Councilman Behrens asked why there was an increase in the "Equipment Replacement" line item for Company No.2. Chief Perfetti said that the cost was requested for three iPads and the monthly associated fees. Councilman Rilee pointed out that this had not been previously discussed at the Fire Chief meetings and asked if the iPads would be staying at the station or be in the possession of the volunteers. Chief Perfetti stated that the iPads will be housed and utilized at the firehouse.

Mr. Rath asked if the purchase of the iPads would offset the need to put new computers in the firehouses. Chief Perfetti responded that the computers are still necessary. Councilman Rilee suggested forwarding the plan to the Computer Committee for review.

Councilman Crowley suggested doing an analysis to determine what hardware would best fit the needs of the Fire department before purchasing anything. Chief Perfetti was in agreement.

Councilman Behrens asked for further clarification concerning the education and training expense for Company 3. Chief Ward responded that the State EMS training fund is only \$500.00 annually but the training company used by the Township (Atlantic Health Care) has jumped to \$1,250.00 which accounts for the offset.

Councilman Rilee asked if it would be more cost effective to utilize the training academy through Sussex County. Chief Hayowyk stated that Sussex County only offers one class and they are twice as long at double the cost.

Mr. Rath suggested hosting a class in the Township of Roxbury to offset costs.

Chief Ward stated that the cost for EMT training is higher than the costs associated with firefighter training.

### **Fire Department**

Councilman Behrens asked about the cost and replacement of 10 (ten) pagers every year. Discussion occurred and it was agreed that in the future the line item just be a dollar amount.

Mayor Hall asked why Fire Dept. buildings and grounds costs are included when the Township of Roxbury has its own building and grounds department. Mr. Rath explained that Fire Co. 1 owns their building and does most of their own maintenance. Mr. Rath added that the request for a modest increase is due to the fact that the Township of Roxbury owns the buildings that house Co. 2 and Co.3.

Council members commended the Fire Department and EMS volunteers stating that they do a tremendous job and thanked them for going above and beyond for the residents of Roxbury.

Council also commended them for a job well done on the budget, explaining that more detail helped avoid a lot of questions.

It was agreed that Councilman Crowley will email Chief Perfetti to set up a meeting regarding the computer needs of the department.

Mr. Rath proposed addressing Engineering, Water & Sewer and the Library at the next budget meeting.

Mr. Rath stated that the Library will be asked to come back with detailed information. Councilman Rilee noted that he had spoken to Mr. Wilkins from the Library Board and they are planning on putting something together to present to Council.

Lisa Spring reminded Mr. Rath that due to time constraints and the opportunity to save a significant amount of funds in both the purchase and installation of the RBC units, the Engineering Department needs to go out to bid prior to the passing the budget. Council discussion occurred and all agreed to sign off on the Certification of Funds to allow Mrs. Spring to move forward with the RBC bidding.

Council directed Mr. Rath to inform the Library Board that they are nearing the end of the budget review process and would appreciate the Library Boards' cooperation in presenting the needed data which was lacking at a previous Budget meeting.

### **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 the Board of Education recognized 4 (four) Aramark employees that extinguished a small chemical fire in the Roxbury High School. The event was captured on video which revealed an unexpected and disturbing element. Mr. Behrens stated that the school did not have any class ABC extinguishers designed for a chemical fire and the water filled extinguishers were not in good working order.

Mayor Hall commended the Superintendent of Schools for exposing this issue publically.

Councilman Rilee stated that the school should have a contract for that type of maintenance.

Councilman Crowley apologized for not being able to attend the recent Water and Sewer Committee meeting.

Mayor Hall reported on the Recreation Master Plan. He stated that the plan is complete. The Landing Road Facility is looking great and Mayor Hall applauded the positive feedback and ideas made by Mr. Blood and others. The next step is to send the Recreation Master Plan to the Master Plan Committee for a courtesy review.

Mayor Hall reported that he and Deputy Mayor DeFillippo attended the recent County meeting the other day at which time the following topics were discussed:

- Governor Energy Tax
- New limits on arbitrations
- School taxes and the effects on property tax
- Limits on spending
- Sandy restoration process

Mr. Rath stated the he and Mr. Stern met with the County earlier today about the Kenvil Tract and the plan has been significantly revised for the better. Mr. Rath added that the plan is now closer to the original than the previous one that was presented.

Mr. Rath mentioned the Governor introduced the budget today.

Mrs. Rhead reported on several OPRA requests, including an OPRA from the company Maser, which we hired as a consultant.

### **A. 2013 Budget Review – *previously addressed***

1. Police Department
2. Fire Department

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

None

## **PUBLIC PORTION**

None

## **DRAFT ORDINANCES FOR DISCUSSION**

None

## **INTRODUCTION OF PROPOSED ORDINANCES**

None

## **HEARING AND ADOPTION OF ORDINANCES ON SECOND READING**

None

**INTRODUCTION AND ADOPTION OF RESOLUTIONS**

**2013-77** A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A CASH BOND AND IRREVOCABLE STANDBY LETTER OF CREDIT IN CONNECTION WITH THE APPROVAL OF A FINAL MAJOR SUBDIVISION FOR RALZONE DEVELOPMENT LLC, BLOCK 4305, LOT 12 LOCATED ON CAREY ROAD

Councilman Rilee made a motion to approve Resolution No.2013-77. Councilman Behrens seconded the motion.

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

Motion carried unanimously, 4 to 0.

**PERSONNEL CHANGES**

None

**COMMUNICATIONS**

February 22, 2013

**#1. Correspondence from The Board of Trustees of the First Baptist Church, to Christopher Raths, Township Manager, dated February 19, 2013, re: Fenimore pollution issues.**

Councilman Rilee asked if anyone is responding to this communication. Mr. Raths said he would respond.

**PUBLIC PORTION**

None

**EXECUTIVE SESSION**

None

**ADJOURNMENT**

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

Voice Vote: All in Favor – Yes

Motion carried unanimously, 4 to 0.

Submitted By:

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Amy E. Rhead  
Township Clerk

**MINUTES APPROVED BY COUNCIL:**

**DATE:** June 25, 2013

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