

November 13, 2012

A Regular Meeting was held by the Township Council of the Township of Roxbury on November 13, 2012 in the Municipal Building located at 1715 Route 46 in Ledgewood, New Jersey at 7:00 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.

Adequate notice of the time change of this meeting of the Township Council of the Township of Roxbury was given as required by the Open Public Meetings Act as follows: Notice was published in the Daily Record and posted on the Township website on November 5, 2012; Notice was faxed to the Daily Record, the Newark Star Ledger, the Roxbury Register, and was posted on the bulletin board in the main hallway of the Municipal Building on October 29, 2012.

ROLL CALL (Present): Councilman Gary Behrens
Councilman Mark Crowley
Deputy Mayor Kathy DeFillippo
Councilman Jim Rilee
Councilman Martin Schmidt
Councilman Richard Zoschak (arrival 7:05)
Mayor Fred Hall

Absent: None

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

Staff: James Simonetti, Chief of Police
Tina Karnitsky, Administrative Aide
Richard Blood, Director of the Dept. of Public Works

Public: approximately twenty (20) members of the public were in attendance

The agenda was amended to allow for the 2013 Budget Presentation that was listed under the category REPORTS OF COUNCIL LIAISON REPRESENTATIVES, COUNCIL COMMITTEES AND NEW BUSINESS/OLD BUSINESS

2013 Budget Presentation

Mr. Raths provided a PowerPoint slide presentation regarding the 2013 Budget reviewing expenses, including statutory expenses such as pension and insurance costs, and revenues. He noted that decreased state aid is the current and past trend, but that the Township continues to move toward the goal of being debt free.

Mayor Hall continued amending the order of the agenda to speak about Hurricane Sandy.

Mayor Hall said that Hurricane Sandy was the worst storm that ever hit New Jersey. He said that approximately 83% of the Township had experienced long-lasting power outages during the aftermath of the storm. Mayor Hall thanked the Police Department, Fire Departments and the residents for helping others during the crisis. He stated that JCP&L could improve upon their method for reporting outages, communication with the public and their quality of customer service. Mayor Hall reported that a meeting

would be scheduled with the power company to discuss concerns and provide recommendations. He also noted that a recognition meeting will be held in the near future to honor the individuals who went “above and beyond” to assist others in need.

While improvements to the Township’s responses to emergency situations were implemented after Hurricane Irene in 2011, Mr. Rath noted that Hurricane Sandy presented additional challenges and, as a result, further enhancements will be made to the emergency response plans. Mr. Rath also praised the efforts of the volunteers, residents, and staff. He complimented the Clerk’s Office for efficiently handling Election Day issues, such as last minute polling location changes due to power outages.

In response to accusations that the Township had not done enough to help during and after the storm, Councilman Rilee pointed out that Mr. Rath was at Town Hall for almost 24 hours a day, 7 days a week. He said that JCP&L is responsible for the lack of information and providing misinformation during Hurricane Sandy.

Deputy Mayor DeFillippo asked if all power had been returned to all residents. Mr. Rath confirmed that the final resident got their power back earlier in the day. She also applauded Roxbury for having a dedicated Emergency Management phone line. Deputy Mayor DeFillippo reminded residents that business owners also suffered hardships due to the storm and encouraged residents to patronize local businesses.

Councilman Zoschak acknowledged the poll workers and voters who exhibited tremendous patience and resilience on Election Day.

Councilman Zoschak spoke about his disappointment regarding the lack of communication from JCP&L.

Without naming names, Councilman Zoschak advised Council members that he had received a phone call from an elected official from a neighboring municipality who was criticizing Roxbury’s actions in response to the many emergency situations. For the record, he stated that he was shocked by the attitude of the person who made the phone call and felt the comments were “out of line”. He said he was proud of the community and the teamwork that he witnessed among residents, staff and volunteers. He said that the Township of Roxbury came together and preformed according to the Rotary Club’s motto, “Service above Self”.

Councilman Schmidt noted that Ward 4 was the last area to have their electricity restored. He said he is looking forward to implementing enhancements to further improve upon future response and communication efforts.

Councilman Behrens spoke about the tremendous outpouring of volunteerism. He extended a heartfelt thanks to Mr. Rath and Mayor Hall.

Councilman Crowley spoke about the incredible amount of assistance residents provided to each other during the storm and its aftermath. He stated that the people of Roxbury are the reason it is such a great community to be a part of.

Councilman Behrens noted that children were unable to Trick-or-Treat due to the unsafe conditions caused by the downed trees and wires and applauded Deputy Mayor DeFillippo and Mr. Rath for their part in organizing a Halloween celebration for the community. Deputy Mayor DeFillippo thanked Superintendent Tierney and acknowledged the many contributions that made the celebration successful.

Mayor Hall returned to the order of the agenda.

PRESENTATIONS, AWARDS, ETC

None

APPROVAL OF MINUTES

None

PUBLIC PORTION

Frank Corsi

4 Phyllis Drive, Succasunna

Mr. Corsi complimented the Council and Mayor on how they handled the crisis. He spoke of JCP&L having a failing infrastructure and asked for specifics regarding Roxbury's plans for future similar emergency situations. Mayor Hall responded that, while a plan had not yet been fully developed, the Township staff would be diligently working to evaluate, assess and improve all areas of the process. He encouraged members of the public to submit suggestions and provide input, as well. Mayor Hall pointed out that JCP&L operates under the rules and regulations of the New Jersey Board of Public Utilities (BPU). Mr. Bucco reviewed the events from the prior weeks and said that he felt JCP&L needs to have a more regional approach. He said that BPU directed JCP&L to increase tree-trimming after Hurricane Irene and that the Board should also mandate the amount of annual replacements and repairs that occur to the infrastructure.

Mayor Hall noted that some municipalities do not have an alternate power system, but Roxbury's generator back-up system kept the building up and running during the entire crisis.

Deputy Mayor DeFillippo thanked Mr. Raths and his staff for securing enough fuel to ensure continued sewer system services during the time when there was no electricity. For future situations, she suggested having more chippers available and a more coordinated effort to schedule volunteers, supervise overnight centers and manage cooking and sleeping arrangements for displaced residents.

Robin Crowley

14 Holly Drive, Succasunna

Ms. Crowley asked if the Township could secure the services of a different electric company instead of JCP&L. Mr. Bucco explained that the BPU has jurisdiction over the electrical company. Ms. Crowley expressed her disappointment with JCP&L's lack of service and stated that, in her opinion, they had not improved their services since Hurricane Irene. Mr. Bucco pointed out that Hurricane Sandy was a much more severe storm. Mayor Hall concurred. Councilman Schmidt spoke about the exorbitant cost of creating an independent power station for the municipality and that, even if someone were able to afford it, it could take fifteen to twenty years to create.

Marie Felix

8 Conkling Road, Flanders

Ms. Felix said that Atlantic Electric had power restored to her house in Brigantine on the barrier islands within two days. She compared the quality of Atlantic Electric's service to the disorganization and lack of communication exhibited by JCP&L.

John Hayowyk

112 Righter Road, Succasunna

Mr. Hayowyk stressed the importance of proper generator use. Kirk Keyes, Township Fire Chief, added that the Fire Departments had responded to numerous carbon monoxide calls during the storm and that the practice of "back-feeding" into electrical panels is dangerous to the homeowners, power company employees and firefighters. Mayor Hall asked Mr. Raths to provide information regarding safe usage of generators to the public. Mr. Raths said he would have information posted on the Township website.

Maureen Castriotta

21 Salmon Road, Landing

Ms. Castriotta said that the Board of Public Utilities and JCP&L should be held accountable for inadequate service to the customers. Mayor Hall informed Ms. Castriotta that Robert Hanna, an appointee of Governor Christie, is in charge of the BPU. Councilman Schmidt noted that the BPU website is very transparent and provides records of all actions taken against JCP&L.

Bob Kluska

274 Emmans Road, Flanders

Mr. Kluska thanked Mr. Rath for going above and beyond the call of duty. He stated that the deregulation of public utilities about five years ago affected the quality of JCP&L's service.

Mr. Kluska asked if the FEMA money that was received from the last storm would help alleviate the costs from the current storm until the Township of Roxbury is reimbursed. Mr. Rath stated that a significant amount went into the tree removal fund but FEMA money does not go into the operating budget to offset costs.

Ken Majewski

7 Jill Terrace, Succasunna

Mr. Majewski referenced the percentages of electrical repairs being publicized by the Governor and wanted to know why Morris County, specifically Jill Terrace in Succasunna, was at the bottom of the list. He asked for the Township of Roxbury to put any political pressure on the powers that be.

Councilman Rilee said that his neighborhood was largely ignored until Thursday evening when a crew from Maryland arrived. He said it took them at least two and a half days, at a minimum of 10 hours a day, to restore power.

Mr. Majewski said it seemed like "everyone else" had power before Roxbury. Mayor Hall pointed out several other communities that were still without power after Roxbury's was restored.

Mayor Hall said that the information reported to the municipality by JCP&L was largely inaccurate. Councilman Rilee went on the record stating that the "updates provided by JCP&L were not true." Deputy Mayor DeFillippo added that staff and Council efforts equated to doing JCP&L's job for them.

Chris Rogers

3 Ford Road, Landing

Mr. Rogers reported that he had heard that JCP&L ran out of telephone poles. Mr. Bucco responded that the rumor about having no telephone poles is an example of the misinformation that is being circulated. He said that workers had no idea what to expect when they arrived at different areas and did not always have the necessary replacement parts or materials available in the trucks, but that there is not a shortage of poles or transformer parts.

Marie Felix

8 Conkling Road, Flanders

Ms. Felix asked who was responsible for the grinder pumps evacuation fees. Mr. Rath said that bills should be submitted to the Township of Roxbury and would be submitted to the insurance company.

Mr. Rath reiterated that he would like to get all ideas, suggestions, comments and concerns submitted to his office.

Mayor Hall stressed the importance of signing up for the Emergency Notification system.

Mayor Hall closed the public portion.

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

Councilman Schmidt stated that the boiler had been installed at the Roxbury Library but that the electrical panel had sustained damage from the storm and needed to be repaired.

Councilman Zoschak announced the next scheduled date for the Lake Hopatcong Commission meeting.

Councilman Behrens announced the cancellation of the November 14, 2012 Main Street Committee meeting.

Councilman Behrens informed Council that the Ever Young Seniors would be hosting a Thanksgiving dinner on November 15, 2012.

Mayor Hall congratulated the Roxbury Boys Soccer High School team for winning the Morris County Soccer Tournament.

Mr. Rath informed Council that he would be out of the office on November 15th and 16th and that an Acting Manager would be appointed in his absence.

Mrs. Rhead thanked that Superintendent, the staff of the Township of Roxbury and the volunteers for all their patience and assistance during the General Election and throughout the storm and its aftermath.

Mayor Hall amended the order of the agenda to allow for discussion of item “3. Police Hiring” listed on the agenda under New Business/Old Business

Chief Simonetti said he was on vacation in Montana when the storm hit the east coast. He praised the efforts and teamwork exhibited by Captain Quinn, Lt. Palanchi, Lt. Simone, Lt. Driscoll, Sgt. Hardiman and all the members of the Police, Fire and EMS departments during and after the storm.

Police Hiring

Chief Simonetti proposed amending the educational requirements for police officer candidates, as follows:

- Applicant must have sixty (60) college credits and two years of satisfactory employment;
- or**
- Applicant must be the recipient of an honorable discharge from a branch of the United States military after serving a minimum of three years, in which case no college credits would be required.

Chief Simonetti said that after speaking with military recruiters to better understand the length of service to honorable discharge ratio, it was determined that a length of service equal to or greater than three years was an appropriate time frame to use for all branches of military service. General Council discussion took place resulting in questions that Chief Simonetti responded to. He further explained the term “satisfactory employment” did not necessarily have to be from a law enforcement agency, but their employment record would have to illustrate ability, promptness, and dependability. Chief Simonetti reviewed the basic physical and academic requirements for employment in the Roxbury Police Department and noted that experienced officers would be exempt from the twenty week academy program.

Council members felt that the current standards were sufficient and asked why they should be modified. Chief Simonetti explained his reasons for wanting to expand the pool of candidates which included the fact that several retirements are expected in the near future and he wants to ensure a diverse and expansive pool of candidates to allow for more selectivity.

Council members expressed concern that the union would try to negotiate educational reimbursements back into their contracts if the Township starts hiring officers who do not have college credits. Mr. Rath and Chief Simonetti both felt confident that it would not happen.

Council members expressed support for the proposal, especially allowing candidates with military experience to apply. Mayor Hall commended Chief Simonetti for his efforts and advised Mr. Rath and Mr. Bucco to move forward with creating an ordinance to revise the standards.

Mayor Hall continued amending the order of the agenda to allow for discussion of Item “B. No parking-Conkling/Main Street” listed on the agenda under the category “MATTERS REQUESTED/REFERRED BY COUNCIL MEMBERS, MANAGER, ATTORNEY OR CLERK”

Chief Simonetti proposed creating “No Parking” areas on portions of Conkling Road and Main Street. He said that a map and conditions of the requested change would be provided in the next Communications packet.

Mayor Hall returned to the order of the agenda.

A. Reports of Council Liaison Representatives and Council Committees

1. 2013 Budget Presentation – *previously addressed*

B. New Business/Old Business

1. Access Agreement – Strategic Environmental Partners/Fenimore

Mr. Rath reported that the Township’s consulting engineer has already worked out some of the details with the firm that submitted the lowest proposal for construction of the alternate access route, but stated that the contract will not be awarded until the NJDEP formally guarantees the funding.

2. Coin Drive Ordinance

Mr. Rath stated that he is waiting for a response from the insurance company as to whether an ordinance for Coin Drives is necessary or not.

3. Police Hiring – *previously addressed*

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

A. Emergency Medical Services Agreement

Kirk Keyes, Fire and EMS Chief, proposed terminating the use of Saint Clare’s backup emergency response and contracting with Hackettstown Regional Medical Center (HRMC) ambulance services, instead. He explained that the proposal to switch was due to Saint Clare’s “jumping” calls (responding to scenes before volunteers have an adequate chance to arrive) and being unsuccessful in attempts to rectify the situation with the Saint Clare’s administrative staff. It was confirmed that HRMC would transport to the nearest facility or facility of their choice and that the name on the side of the ambulance would not mean someone would be transported to Hackettstown Hospital.

Providing further details of the proposed arrangement, Chief Keyes said that a rig from Hackettstown would be available in Roxbury during business hours. It would be staffed with two Emergency Medical Technicians to assist with calls whenever there are not enough volunteers able to respond. He also stated that there would not be a specific place for the rig to be stationed.

Councilman Zoschak spoke about a recent personal experience and thanked Chief Keyes for the hard work of the Township of Roxbury EMTs.

Mr. Bucco spoke about some minor changes he would be making to the agreement in order to clarify ambulance destinations.

Mr. Rath thanked Chief Keyes for ensuring the availability of an appropriate alternate provider for backup service when needed.

Deputy Mayor DeFillippo stated for the record that the name “Hackettstown” on the ambulance does not designate the patient’s destination.

B. No parking – Conkling/Main Street – *previously addressed*

INTRODUCTION OF PROPOSED ORDINANCES

16-12 BOND ORDINANCE TO AMEND IN ITS ENTIRETY THE ORDINANCE (ORD. NO. 8-11) ENTITLED: “AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY LISTED ON THE TOWNSHIP’S OFFICIAL TAX MAPS AS BLOCK 10101, LOT 23 IN THE TOWNSHIP OF ROXBURY, COUNTY OF MORRIS AND STATE OF NEW JERSEY (MCNEAR)”, ADOPTED ON MAY 10, 2011

Mayor Hall read Ordinance No.16-12 by title. Ordinance No.16-12 will be further considered for final passage, after public hearing thereon, at a meeting of the Township Council to be held at its meeting room in the Municipal Building, 1715 Route 46 West, Ledgewood, New Jersey, on November 27, 2012 at 7:30 P.M.

Councilman Zoschak made a motion to introduce Ordinance No.16-12. 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 unanimously, 7 to 0.

HEARING AND ADOPTION OF ORDINANCES ON SECOND READING

None

INTRODUCTION AND ADOPTION OF RESOLUTIONS

2012-331 A RESOLUTION INCORPORATING BY REFERENCE HEREIN AND APPROVING THE FOLLOWING NUMBERED RESOLUTIONS LISTED ON THE REGULAR COUNCIL MEETING AGENDA FOR THIS DATE:

2012-332, 2012-333, 2012-334, 2012-335,
2012-336, 2012-337, 2012-338, 2012-339,
2012-340, 2012-341, 2012-342, 2012-343

Councilman Rilee made a motion to adopt Incorporating Resolution No.2012-331. Deputy Mayor DeFillippo 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 unanimously, 7 to 0.

2012-332 A RESOLUTION ESTABLISHING A SPECIAL MEETING OF THE ROXBURY TOWNSHIP COUNCIL TO DISCUSS THE RESPONSE OF JCP&L (FIRST ENERGY) TO THE POWER OUTAGES AND DAMAGES RESULTING FROM HURRICANE SANDY

2012-333 A RESOLUTION ESTABLISHING A SPECIAL MEETING OF THE ROXBURY TOWNSHIP COUNCIL TO HONOR THOSE WHO VOLUNTEERED, SERVED AND WENT BEYOND THE CALL OF DUTY IN THE AFTERMATH OF HURRICANE SANDY

2012-334 A RESOLUTION AUTHORIZING AN EXTENSION OF TIME FOR THE WATER ALLOCATION PERMIT APPROVED BY RESOLUTION NO.08-186 AND PREVIOUSLY EXTENDED BY RESOLUTION NO.11-74, 11-326 AND 2012-168 FOR THE FLEXIBLE OFFICE BUILDING LOCATED ON ROUTE 46, LEDGEWOOD, BLOCK 9603 LOTS 3 AND 4

In response to a question by Councilman Behrens, Mr. Rath replied that there are no limits to the number of extensions that are allowed.

2012-335 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

2012-336 A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A PERFORMANCE BOND SUBMITTED BY JOHN SELBY TO GUARANTEE THE COMPLETION OF SOIL MOVING OPERATIONS IN ACCORDANCE WITH A SITE PLAN APPROVAL FOR BLOCK 8602, LOT 16, HILLCREST AVENUE, ROXBURY TOWNSHIP

2012-337 A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A PERFORMANCE BOND SUBMITTED BY JOHN SELBY TO GUARANTEE THE REPLACEMENT OF TREES IN ACCORDANCE WITH A SITE PLAN APPROVAL FOR BLOCK 8602, LOT 16, HILLCREST AVENUE, ROXBURY TOWNSHIP

2012-338 A RESOLUTION FOR LOCAL GOVERNMENT EMPLOYERS TO LIMIT THE MEDICAL PLANS OFFERED UNDER THE STATE HEALTH BENEFITS PROGRAM

2012-339 A RESOLUTION APPROVING THE PAYMENT OF AN INVOICE THAT WAS AUTHORIZED BY THE INITIATING DEPARTMENT WITHOUT FIRST OBTAINING A PURCHASE ORDER

2012-340 A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO TUFF GREEN, LLC FOR FORESTRY MOWING IN ORDER TO RECLAIM DRAINAGE BASINS

Councilman Behrens asked for information on the previous method for forestry mowing. He also asked how many basins are in the Township, how often service is required and the cost of the process. Mr. Rath responded that the drainage basins had not been serviced on a regular basis in the past and that the proposed maintenance plan was a result of a recommendation from the Township's consulting engineer to satisfy the new storm water regulations. Mr. Blood answered that, once the basins are initially cleared and cleaned, the frequency of the maintenance would be approximately once every ten years.

2012-341 A RESOLUTION TO CANCEL UNEXPENDED DEDICATED BALANCES OF GENERAL CAPITAL APPROPRIATIONS

2012-342 A RESOLUTION REQUESTING FUNDING FOR THE REPLACEMENT OF THE LANDING ROAD BRIDGE IN THE TOWNSHIP OF ROXBURY, COUNTY OF MORRIS AND STATE OF NEW JERSEY

2012-343 A RESOLUTION AUTHORIZING THE PAYMENT OF BILLS

PERSONNEL CHANGES

None

COMMUNICATIONS

October 26, 2012

November 2, 2012

Councilman Rilee made a motion to file Communications for the above-listed dates. 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.

November 9, 2012

#8 Notification from the New Jersey State Planning Commission to Property Owner within 200 feet of proposed Planning Area amendment, public hearing scheduled for December 11, 2012 at 7:00PM in Mount Olive

Deputy Mayor DeFillippo asked for clarification on the exact location of the property. Mr. Rath said he would look into it and report back to Council.

PUBLIC PORTION

Robert Kluska

274 Emmans Road, Flanders

Mr. Kluska spoke in opposition of the proposed changes to the educational requirements for police officer candidates and felt that the amendments would lower the current standards.

Maureen Castriotta

21 Salmon Road, Landing

Maureen Castriotta asked why the topics of discussion were not listed under Executive Resolution No.2012-344. Council members and Mr. Rath explained that the topics are read into the record at the time the Council enters into the Executive session, but that there were not any items the Council would be discussing in executive session during this meeting.

Anthony Fiore

70 Fox Chase Lane, Ledgewood

Mr. Fiore thanked the Council for their hard work during and since Hurricane Sandy.

Mr. Fiore asked if SEP had signed the Access Agreement for the alternate route into the Fenimore Landfill. Mr. Bucco replied that SEP has requested some changes and that it was still in progress. Mr. Rath also noted that the NJDEP was not recommending additional methane gas testing.

Mayor Hall closed the public portion.

EXECUTIVE SESSION

2012-344 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 9:30PM, Councilman Zoschak made a motion to adjourn the meeting. Councilman Rilee seconded the motion.

Voice Vote: All in Favor – Yes

Motion carried unanimously, 7 to 0.

Submitted By:

Amy E. Rhead, RMC
Township Clerk

MINUTES APPROVED BY COUNCIL:

DATE: March 5, 2013

ROLL CALL: Councilman Behrens - Yes
Councilman Crowley - Yes
Deputy Mayor DeFillippo - Yes
Mayor Hall - Yes