

**October 23, 2012**

A Regular Meeting of the Township Council of the Township of Roxbury was held on October 23, 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  
Councilman Martin Schmidt  
Councilman Richard Zoschak  
Mayor Fred Hall

**Absent:** None

**Also Present:** Christopher Raths, Township Manager  
Anthony M. Bucco, Esq., Twp. Attorney (11:05PM departure)  
Amy Rhead, Township Clerk  
Kathy Florio, Administrative Aide (10:00PM departure)

**Staff:** Melanie Michetti, Senior Assistant to the Township Engineer  
Dave Stierli, Director of Recreation  
Sandie DiDomenico, Asst. Director of Recreation  
Rob Kuncken, IT Director (8:20PM departure)

**Public:** approximately eleven members of the public were present

**Mayor Hall amended the order of the presentations listed under the category “PRESENTATIONS, AWARDS, ETC” to address in the following order:**

**Proclamation-Pancreatic Cancer Awareness** - Mayor Hall read the proclamation and remembered those who have been stricken with the terrible disease, including prior Councilmember Tom Smith who succumbed to pancreatic cancer several years ago.

**Proclamation-Robert Jakiun of Home Depot** - Mayor Hall read the proclamation recognizing Mr. Jakiun for his extensive and continual volunteer efforts within the municipality. He also recognized Home Depot for the assistance they have provided in numerous community projects throughout Roxbury over the past several years.

**Mayor Hall returned to the order of the agenda.**

**PRESENTATIONS, AWARDS, ETC**

**Proclamation – Robert Jakiun of Home Depot** – *previously addressed*

**Proclamation – Pancreatic Cancer Awareness** – *previously addressed*

## **APPROVAL OF MINUTES**

September 22, 2012 – Special Meeting

Councilman Rilee made a motion to adopt 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            Councilman Zoschak – Yes  
                         Mayor Hall – Yes

Motion carried unanimously, 7 to 0.

### **Mayor Hall amended the order of the agenda to allow discussion of the Access Agreement - Strategic Environmental Partners/Fenimore listed under New Business/Old Business under the category heading “REPORTS OF COUNCIL LIAISON REPRESENTATIVES, COUNCIL COMMITTEES AND NEW BUSINESS/OLD BUSINESS”**

#### **Access Agreement – Strategic Environmental Partners/Fenimore**

Although conditions were attached to it, Mr. Rath reported that the NJDEP had finally issued the emergency permits for the access road.

He also stated that the Star Ledger reported that the NJDEP had awarded \$607,000.00 for the construction of the access road. Mr. Rath was hopeful that the report was accurate, but advised that there has been no official confirmation. Additionally, he noted that the project may cost more than the reported funding allocation.

Mr. Rath also reminded Council that since some of the land associated with the access road is owned by SEP, their approval is required, but has not been received.

Mr. Rath reported that he had not yet received a response from the NJDEP to his requests for information about the results of the methane gas and asbestos testing or about the details of the two recent truck rollovers. However, he said that the results of Morris County Office of Emergency Management’s investigation were received earlier in the day and would be forwarded to Council.

Mr. Rath recognized the effort and time devoted to this project by Mr. Bucco, Art Elias, Mike Kobylarz, members of the Council, and the Manager’s office staff. He stated that getting the access road constructed as soon as possible remains a priority.

**Mayor Hall returned to the order of the agenda.**

## **PUBLIC PORTION**

### **Dennis Wine**

#### **4 Holly Drive, Succasunna**

Mr. Wine noted a discrepancy in the Quarterly Reports regarding the amount reported for “Total Revenue” on page seven versus the amount reported on page nine. Mr. Rath said he would provide either an explanation or a correction after consulting with the Finance Department.

Mr. Wine referenced the sick-time report provided with the agenda and asked why there seems to be a disproportionate number of hours used in some departments compared to others. Mr. Rath explained that the number of hours used should be viewed in conjunction with the number of employees within individual departments. He said that, for example, one employee in a small department who uses their sick time skews the numbers making it look disproportionate.

### **Ernest Gefert**

#### **1 Riggs Avenue, Landing**

Mr. Gefert voiced his concerns about the inaccessibility of Third Avenue and JCP&L’s possible need to gain access to it. Mr. Rath stated that he had left a message with

JCP&L to discuss the issue and was waiting for a return call. Mr. Rath added that he is looking into whether the roadway is part of property that is currently under site plan deliberation. Mr. Rath spoke about the condition of the road and stated that it could not be opened for public access without needed repair. Mayor Hall noted that the Planning Board would be better equipped to respond to Mr. Gefert's concerns and suggested that he direct his questions to them at their next meeting.

**Ameerah Palacios, Community School Coordinator  
Roxbury Community School**

Ms. Palacios expressed her enthusiasm about working together with members of the Council on the strategic planning process and conveyed her commitment to a strong partnership between Township administration and the School District. Mayor Hall thanked Ms. Palacios for her attendance and for inviting him to the Roxbury versus Mendham High School football game in celebration of 100 years of Roxbury football.

**Ralph Nappi  
29 Ford Road, Landing**

Mr. Nappi asked for clarification regarding the employee sick time report that was included in the agenda. Mr. Rath explained that the report shows sick time hours used and that when averaged with the size of the individual departments it can make a smaller department look as if there has been an excessive amount of sick time usage. Mr. Nappi asked for information about the sick time hours reported under the Police Department heading. Mr. Rath verified that overtime hours were not included in the report and that sick time can be used for either personal illness or illness of an immediate family member.

**John O'Neill  
217 Mooney Road, Flanders**

Mr. O'Neill voiced his gratitude for the efforts made by the Council to secure the construction of the access road. Mr. O'Neill made a request to have confirmation of funding posted on the Township website when it is received and also asked that the results of the methane and asbestos testing be posted for public viewing as well.

**Mayor Hall closed the Public Portion.**

**At the request of Mr. Rath, Mayor Hall amended the order of the agenda to allow discussion of the Musconetcong Sewerage Authority Operations Update under the category heading "MATTERS REQUESTED/REFERRED BY COUNCIL MEMBERS, MANAGER, ATTORNEY, OR CLERK"**

**Musconetcong Sewerage Authority Operations Update**

Melanie Michetti, Assistant to the Township Engineer, provided an overview of the MSA operations and responded to questions from council regarding the status of various projects and the possibility of future expenses such as the Landing Road Park. Mrs. Michetti also reported that Roxbury's portion of MSA's budget is approximately 18% of their capital costs. Councilman Rilee thanked Mrs. Michetti for her dedication and time spent serving on the Musconetcong Sewerage Authority.

**Mayor Hall returned to the order of the agenda.**

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

**A. Reports of Council Liaison Representatives and Council Committees**

Councilman Behrens noted that he and Deputy Mayor DeFillippo attended the Ledgewood Historic District meeting the previous week. He pointed out that the Historic Preservation Office is a department of the NJDEP.

Councilman Behrens reported on topics discussed at the October 15, 2012 Board of Education meeting which included current student population, budget goals, and the possibility of outsourcing food services. Mayor Hall asked Councilman Behrens if the

Board of Education is considering forming a committee to review concerns associated with the decreasing student population within the district. Councilman Behrens stated that he was unaware of any committee being formed to address the decrease. Councilman Behrens stated that the Board of Education is working on finalizing a date for a shared services meeting.

Councilman Behrens announced that a Blood Drive is scheduled for November 18, 2012 at the First Presbyterian Church of Succasunna from 11:00 a.m. to 5:00 p.m.

Councilman Behrens announced that the annual walk for Kidney Disease and Organ donor awareness is scheduled for October 28, 2012 in Central Park.

Councilman Behrens announced that The Friends of the Roxbury Library are sponsoring a holiday concert Friday, November 30<sup>th</sup> at 7:00 p.m. featuring harpist Dean O'Donnell.

Councilman Crowley reported on the Water and Sewer Committee meeting regarding the RBC units replacement and acquisition of the ACO regarding ammonia levels.

Councilman Crowley reported on the Computer Committee meeting which resulted in the current use of new microphones, electronic communications and the projected goal of going paperless in January of 2013.

Deputy Mayor DeFillippo reported on the recent Ledgewood Historic District meeting. The "Historic District" designation would allow eligibility for federal and state grant money if the specific criterion is met.

Deputy Mayor DeFillippo stated that she attended Living History Day on October 14, 2012 and felt that the event was well attended.

Deputy Mayor DeFillippo stated that the recent Morris County Green Table Forum was very informative noting that a number of townships are utilizing their websites to describe difficulty levels of trails as well as identifying businesses nearby to get refreshments and supplies.

Deputy Mayor DeFillippo announced that the Last Neighborhood Meeting of the year will be next week.

Councilman Schmidt thanked Mr. Rath and Mr. Blood for their help in acquiring the new boilers for the Roxbury Public Library and stated that the expected delivery and installation of such will be sometime next week. Mayor Hall credited Councilman Schmidt for his efforts in this matter.

Councilman Schmidt stated that Ruby Tuesday is hosting a fund raiser for the Friends of the Library tonight, tomorrow & Thursday and will donate 20 % of your bill to the Friends of the Library.

Councilman Schmidt stated Roxbury Chemical Engine Co. No. 1 party was well attended and everyone seemed to enjoy themselves.

Councilman Zoschak announced that Robyn Lance and her husband attended Roxbury Chemical Engine Co. No. 1 party as representatives from the Manager's office.

Councilman Zoschak stated that the Lake Hopatcong Commission is currently underfunded and future existence of the Commission is unknown. Councilman Zoschak stated that there will be a cleanup and the drawdown to 26 inches is scheduled to begin November 1, 2012.

Councilman Zoschak stated that volunteers are being sought to help with the cleanup noting that no permits are needed to participate unless you put a piece of motorized equipment into the Lake. Councilman Zoschak asked Mr. Rath if he could supply a dumpster for debris from the lake. Mr. Rath stated that he would have Mr. Blood contact Donna McHalle to coordinate the dumpster.

Councilman Zoschak asked for an update on the Group Home located at 22 Chase Lane. Mr. Rath stated that he would provide the information.

Councilman Zoschak shared his appreciation for the newly constructed signs on Kings Highway.

Councilman Rilee asked for an update on the county improvements to the Berkshire Valley Road railroad yard. Mr. Rath stated that he will share the information in his update later during this meeting.

Mayor Hall confirmed Mr. Rath's awareness of the \$23,000 Recycling Tonnage Award.

Mayor Hall noted the Hillside Avenue intersection improvements on Route 10 seem to be progressing quickly and should make a difference during the holiday season and rush hour.

Mayor Hall announced the ribbon cutting of Gourmet Burger, located across the street from Dunkin Donuts in Landing is scheduled for this Saturday, October 27, 2012.

Mr. Rath reported on a recent meeting regarding the 2010 plan for the Railroad. Mr. Rath stated that the County failed to forward the 2010 plan to the engineer but that he and Mr. Stern notified the engineer that screening for the residents, the entryway and treatment of the entryway are extremely important to the Township of Roxbury. Mr. Rath made it clear to them that when changes are made to the original plans that they would then have to resubmit the plan to the Township Council for approval.

Deputy Mayor DeFillippo pointed out the original plans ensured that the East side of Berkshire Valley Road would not have any stacking or transfer of goods occurring as a result of the changed plans. Mr. Rath confirmed that that had not changed.

Councilman Rilee stated his disappointment with the situation and finds it to be completely unacceptable. Mr. Rath agreed but noted the positive result of the meeting in spite of the County's mistake.

Mr. Rath stated that there was a meeting held between the residents of Succasunna Road in Landing and representatives from New Jersey Natural Gas regarding the possible installation of natural gas to that area and Mt. Arlington.

Mr. Rath announced that Mt. Arlington is interested in a joint project for Mt. Arlington Road and added that partnering with Mt. Arlington on this project could save the Township of Roxbury money.

Mayor Hall pointed out that Assemblyman Bucco's Citation for the 100<sup>th</sup> anniversary of Football in Roxbury was very well received.

Due to changes as a result of redistricting changes, Mayor Hall requested that a reminder to voters to double check their sample ballots for their correct ward and district and/or polling location be placed on the Township website and to be published in the Township's official newspaper. Mrs. Rhead said that she would take care of it.

## **B. New Business/Old Business**

### **1. Access Agreement – Strategic Environmental Partners/Fenimore – *previously addressed***

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

### **A. Ledgewood Historic District**

Mr. Rath explained that once an area is deemed as a Historic District, any improvements (ie. roadways, sidewalks etc.) would be subject to review by the NJDEP. As a result, future projects may take longer and permit fees could cost more. Mr. Rath added that although there are some drawbacks to this project, there are also benefits.

Councilman Rilee pointed out that working with the NJDEP can be a cumbersome undertaking. He feels that perhaps adding further layers of Municipal Government may not be the way to move forward.

Deputy Mayor DeFillippo pointed out that there are benefits associated with being designated as a Historic District. She noted, however, that NJDEP representative who attended the meeting regarding the designation would not provide his name, contact information or business card even after it was requested he do so; Deputy Mayor DeFillippo felt that this seems to be a common approach for the NJDEP and decreases the level of confidence in their ability to administer the program. Deputy Mayor DeFillippo also wondered whether the pre-existing connection from the Ledgewood Circle onto Main Street would continue to be closed if the designation is granted.

Councilman Behrens noted that an additional meeting is scheduled for November 13, 2012 in Trenton regarding this matter.

Councilman Schmidt stated that he is in agreement with Councilman Rilee and does not want to insert the NJDEP in the Township's business.

Mr. Cramond, Chairman of the Historic Advisory Committee stated that the Township of Roxbury already has five properties on the National and State registry, all of which are located in Ledgewood. Mr. Cramond distributed a copy of a brief overview of what it means to be registered in the National register of Historic places to each Council member.

Mayor Hall thanked Mr. Cramond for his knowledge, input and continued dedication to the Township's Historic District.

**B. Musconetcong Sewerage Authority Operations Update – *previously addressed***

**C. Quarterly Reports – *previously addressed during Public Portion***

**D. Coin Drive Ordinances**

Mr. Rath informed Council that the municipality needs to adopt the proper ordinance in order to allow coin drives to be conducted within the Township noting that the ordinance would include "Boot Drives". Further discussion took place among Council members and Mr. Bucco regarding fees, liability, location, charitable organizations, the allowance of non-resident organizations and the need to notify State, County and possibly the NJDOT for approval. Mr. Rath stated that he and Mr. Bucco will discuss formulating an ordinance and will then present it before Council at a later date for possible approval.

**E. Appointment of Zoning Board of Adjustments Member**

Councilman Behrens made a motion to appoint Dennis Wine to fill the unexpired term for the position of Alternate No. 2 of the Zoning Board to serve for the remainder of the term extending through December 31, 2012. 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 7 to 0.

**F. Budget 2013**

Council members agreed to postpone discussion of the 2013 Budget until the November 13, 2012 regular Council Meeting. Mrs. Rhead agreed to provide public notification that the start time of the November 13, 2012 meeting would be changed to 7:00PM to allow for the topic to be addressed.

**At 9:45PM, Mayor Hall amended the order of the agenda to allow for a five (5) minute recess.**

**At 9:50PM, Council returned to the meeting.**

**INTRODUCTION OF PROPOSED ORDINANCES**

None

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

None

**INTRODUCTION AND ADOPTION OF RESOLUTIONS**

**2012-326** A RESOLUTION INCORPORATING BY REFERENCE HEREIN AND APPROVING THE FOLLOWING NUMBERED RESOLUTIONS LISTED ON THE REGULAR COUNCIL MEETING AGENDA FOR THIS DATE:

2012-327, 2012-328, 2012-329

Councilman Zoschak made a motion to adopt incorporating Resolution No.2012-326. 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.

**2012-327** A RESOLUTION AUTHORIZING ACCEPTANCE OF GIFTS

**2012-328** 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

**2012-329** A RESOLUTION AUTHORIZING THE PAYMENT OF BILLS

**PERSONNEL CHANGES**

None

**COMMUNICATIONS**

October 12, 2012

October 19, 2012

Councilman Rilee made a motion to file communications from October 12, 2012 and October 19, 2012. Councilman Schmidt seconded the motion.

Voice Vote: All in Favor – Yes

Motion carried unanimously, 7 to 0.

**PUBLIC PORTION**

None

**EXECUTIVE SESSION**

**2012-330** 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

Matters related to:

- 1. **Contract Negotiations** – SEP Access Road Agreement
- 2. **Contract Negotiations** – Local 97
- 3. **Contract Negotiations** – proposed police contract with Mine Hill (Mr. Bucco was not present for this discussion.)
- 4. **Potential Litigation** – Andre Drive drainage issue
- 5. **Land Acquisition** – Blue Vista
- 6. **Litigation** – Roxbury Associates, LLC vs. the Planning Board of the Township of Roxbury; the Township of Roxbury, et al

At 10:00PM, Councilman Zoschak made a motion to adopt Resolution No.2012-330 for Executive Session. Councilman Schmidt seconded the motion.

Voice Vote: All in Favor – Yes

Motion carried 7 to 0.

**At 11:15PM, the Council returned to the open session of the meeting.**

**ADJOURNMENT**

At 11:15PM, Councilman Zoschak made a motion to adjourn the meeting. Councilman Schmidt seconded the motion.

Voice Vote: All in Favor – Yes

Motion carried unanimously, 7 to 0.

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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	-	Yes
Councilman Rilee	-	Yes
Councilman Schmidt	-	Yes
Councilman Zoschak	-	Yes
Mayor Hall	-	Yes