

April 12, 2011

A Regular Meeting of the Township Council of the Township of Roxbury was held on April 12, 2011 at 1715 Route 46, Ledgewood, New Jersey at 7:30 PM.

PLEDGE OF ALLEGIANCE

OPEN PUBLIC MEETING STATEMENT

Adequate notice of this Regular 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 on December 23, 2010; 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 December 20, 2010.

ROLL CALL (Present): Councilman Gary Behrens
Councilwoman Kathy DeFillippo
Deputy Mayor Fred Hall
Councilman Martin Schmidt
Councilman Tim Smith (arrival 8:00PM)
Councilman Richard Zoschak
Mayor Jim Rilee

Also Present: Christopher Rath, Township Manager
Anthony Bucco, Esq., Township Attorney (arrival 7:55PM)
Amy Rhead, Acting Township Clerk
Kathy Florio, Administrative Aide

Rick Blood, DPW Director, Joe McKeon, Tax Assessor, Fred Semrau, Tax Counsel (arrival 8:45PM)

APPROVAL OF MINUTES

April 27, 2010 – Executive Session
January 3, 2011 – Reorganization Meeting
March 22, 2011 – Regular Meeting
March 29, 2011 – Neighborhood Meeting

Councilman Schmidt made a motion to approve the minutes as listed above.
Councilman Behrens seconded the motion.

Roll Call:	Councilman Behrens – Yes	Councilwoman DeFillippo – Yes
	Deputy Mayor Hall – Yes	Councilman Schmidt – Yes
	Councilman Zoschak – Yes	Mayor Rilee – Yes

Motion carried 6 to 0.

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

Councilman Schmidt reported on the dates and times of the next Library Board meetings.

Councilman Zoschak reported that he attended and took photographs at the Fire Departments' recent extrication drill.

Councilman Zoschak asked why Blue Diamond was putting stickers on garbage cans. Mr. Rath explained that stickers were being placed on containers that exceeded the allowable size. He further explained that the size of the refuse container was not a new regulation, but compliance might not have been fully enforced in the past. Mr. Blood stated that Blue Diamond is continuing to dispose of the trash; the stickers are being placed on the containers as a means of notification.

Councilman Zoschak referred to the recent article in the Municipalities magazine regarding paperless meetings and the ease of receiving and reading scanned documents on the computer.

Councilman Behrens reported on items from recent Board of Education meetings, including Candidates Night, student presentations, and an agreement with the Custodial Maintenance Association. He stated that RICE notices were distributed as a precautionary measure so that the Board and administration would be able to revise their budget in the event that it does not pass. Councilman Behrens also reported that the Board would be discontinuing the practice of holding executive session at the beginning of their meetings as it violates the Sunshine Law.

Councilman Behrens stated that he and Councilwoman DeFillippo attended a meeting of the Freight Railroad Advisory Committee earlier in the day.

Councilwoman DeFillippo stated that she attended the April 5, 2011, Morris County Economic Development Advisory Committee and that guest speaker, Grace Hanlon, of the Department of State's Division of Travel and Tourism, offered ideas that would potentially attract tourists to municipalities, such as, having a Bed & Breakfast. She also spoke about the taking advantage of using website to promote travel to the municipality.

Councilwoman DeFillippo reported on the Freight Railroad Advisory Committee meeting that she and Councilman Behrens attended earlier. Topics included height clearance constraints on certain routes that are prohibitive for some trains to travel, locations where transloading would and would not be allowed on Berkshire Valley Road and County Concrete's transporting of crushed stone and rock to Morristown. Councilwoman DeFillippo stated that she would forward a copy of the presentation to the Council upon receipt.

Councilwoman DeFillippo announced that Kuiken Brothers' Grand Opening event is scheduled for June 4, 2011 and that invitations will be sent to Council members.

Councilwoman DeFillippo stated that there was an attempt made by the NJDOT to postpone funding the Commerce Boulevard project until 2015, but that the NJ Transit Authority strongly recommended that the money remain in the current budget. Mayor Rilee stated that he had called the State about the issue and that it is important for the Council to continue to stay on top of the situation.

Councilwoman DeFillippo said that the County would be correcting the grade level with gravel at the gate at the back of Horseshoe Lake so that it could be used for emergency vehicle access.

Councilwoman DeFillippo stated that Christine Hautz was looking into having members of the Girl Scouts participate in ROMAC, but that the 8:00am meeting times could be problematic for high school students. Mr. Rath said that ROMAC might have to change their meeting time if it was prohibitive to its membership.

Councilwoman DeFillippo reported on the success of the recent MS Walk event that had between seven hundred and eight hundred participants. She mentioned that people tended to walk on the road instead of the path at Horseshoe Lake and that signage may be needed to encourage people to stay on the trail.

Deputy Mayor Hall complimented Councilwoman DeFillippo's efforts on organizing the MS Walk.

Deputy Mayor Hall asked when the alternate route bike/walking path would be completed. Mr. Blood responded that asphalt cannot be installed until the ground dries up. Mr. Blood also responded about the flooding that currently occurs on the path and stated that the plan is to depress the path in order to divert the ponding back toward the shed.

Deputy Mayor Hall asked about the status of the County's promise to deed the property at the edge of the track to Roxbury. Mr. Rath stated that a licensing agreement had been received by Frank Pinto earlier in the day and was forwarded to Mr. Germinario. Deputy Mayor Hall said that a licensing agreement was not what was agreed to; the County was supposed to deed the property to the Township. Mr. Rath stated that he would look into it and clarify with both parties.

7:55PM Anthony Bucco, Esq. arrived at the meeting.

Deputy Mayor Hall brought up the fact that the Township could realize a significant savings if bid packages were made available online versus having to mail hard copies.

Deputy Mayor Hall discussed developments with the Recreation Committee. He said that work is still being done on the Recreation Master Plan Master, which is taking the anticipated Landing land acquisition into account. He also complimented Councilman Schmidt's son for the enhancements made to the entranceway at the Recreation Center. Deputy Mayor Hall announced that there is a computer that can be used to log onto Community Pass available to the public in the Recreation Department.

Mrs. Rhead reported that she and Mr. Kobylarz had attended a class about municipal ward redistricting which covered the legal requirements, use of census data and techniques used for drawing ward boundaries after the promulgation of the federal decennial census. She also informed the Council that the Census Bureau used pre-2000 census maps when collecting data and that there would need to be corrections made.

8:00PM Councilman Smith arrived to the meeting.

Councilman Smith reported that the Open Space Committee met about a week and a half ago with surrounding municipalities and spoke about ways to connect open space tracks and trails in an effort to create regional areas for recreational uses.

Mayor Rilee reported on a meeting held between himself, the owner of Fenimore, and Cindy Randazzo, Director of the Office of Local Government Assistance, New Jersey Department of Environmental Protection wherein all parties were in agreement that they would continue to work towards a working relationship that would not be adversarial.

Mayor Rilee asked Mr. Rath if he had contacted the resident from Pondsides Manor who had written a letter regarding the condition of portions of the association's property. Mr. Rath stated that he would update the Council upon receiving responses from Russell Stern and Mike Kobylarz.

A. New Business

None

B. Old Business

None

C. Presentations

Tax Assessor's Office--Joseph J. McKeon, C.T.A. – Hold until Fred Semrau's arrival

Mayor Rilee amended the order of the agenda to allow for the Public Portion

PUBLIC PORTION

Bob Remshifski

29 Conkling Road, Flanders

Mr. Remshifski said that he had been informed by the contractor working at the former Fenimore landfill site that 1.3 million cubic yards of material were going to be transported to the site. He asked who would be responsible to road repairs and

maintenance with that amount of heavy truck traffic. Mayor Rilee responded that what is and is not going to be allowed would be determined statutorily. Mr. Remshifski asked if the Council knows when the project would be completed. Mayor Rilee said that they might have some of the site work done this year; the panels might not be installed until next year.

Mr. Remshifski also asked about the cost of the McNear property acquisition and what the Township intended to use the property for. Mayor Rilee and Deputy Mayor Hall responded that the property would be used for recreational purposes and that the project would be funded through the County and P.I.G. grant money; the improvements would be partially funded through Open Space Fund. Mr. Rath stated that the acquisition was contingent upon favorable environmental study findings.

Mayor Rilee returned to the order of the agenda.

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

1. ROMAC Committee Appointment

2. Update of Old DPW Property

It was agreed that every attempt would be made to ensure that future projects requiring multiple phases, would not be bid separately.

3. Proclamation – Buddy Poppies by the Veterans of Foreign Wars

Mayor Rilee read the proclamation urging citizens to support the Veterans of Foreign Wars of the United States and to show appreciation for their contributions to freedom by purchasing and wearing VFW Buddy Poppies during the month of May.

PUBLIC PORTION

Previously held

Upon Mr. Semrau’s arrival, Mayor Rilee amended the order of the agenda to allow for the following presentation:

Tax Assessor’s Office–Joseph J. McKeon, C.T.A.

Joe McKeon, Tax Assessor and Fred Semrau, Township Tax Counsel, reviewed the details and procedures associated with the duties and responsibilities of the Tax Assessor’s department, as well as the current number and status of tax appeals..

Mayor Rilee returned to the order of the agenda.

DRAFT ORDINANCES FOR DISCUSSION

None

INTRODUCTION OF PROPOSED ORDINANCES

8-11 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)

Councilman Zoschak thanked the Council, the staff, as well as Sandy Urgo, for the efforts put forth in bringing this acquisition to fruition after several years of work.

Councilman Zoschak made a motion to adopt the introduction of Ordinance No.8-11. Deputy Mayor Hall seconded the motion.

Roll Call:	Councilman Behrens – Yes	Councilwoman DeFillippo – Yes
	Deputy Mayor Hall – Yes	Councilman Schmidt – Yes
	Councilman Smith – Yes	Councilman Zoschak – Yes
	Mayor Rilee – Yes	

Motion carried 7 to 0.

HEARING AND ADOPTION OF ORDINANCES ON SECOND READING

None

INTRODUCTION AND ADOPTION OF RESOLUTIONS

11-104 A RESOLUTION INCORPORATING BY REFERENCE HEREIN AND APPROVING THE FOLLOWING NUMBERED RESOLUTIONS LISTED ON THE REGULAR COUNCIL MEETING AGENDA FOR THIS DATE:
11-105, 11-106, 11-107, 11-108, 11-109, 11-110, 11-111, 11-112, 11-113, 11-114, 11-115, 11-116, 11-118

Councilman Schmidt made a motion to adopt the Incorporating Resolution No.11-104. Councilwoman DeFillippo seconded the motion.

Roll Call: Councilman Behrens – Yes Councilwoman DeFillippo – Yes
Deputy Mayor Hall – Yes Councilman Schmidt – Yes
Councilman Smith – Yes Councilman Zoschak – Yes
Mayor Rilee – Yes

Motion carried 7 to 0.

11-105 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

11-106 A RESOLUTION AUTHORIZING THE REFUND OF UNUSED ENGINEERING INSPECTION FEES POSTED WITH THE TOWNSHIP IN CONNECTION WITH WORK PERFORMED IN ACCORDANCE WITH VARIOUS PROJECTS

11-107 A RESOLUTION APPROVING A ONE (1) YEAR EXTENSION TO THE CONTRACT WITH BUILDING INSPECTION UNDERWRITERS, INC FOR THE PROVISION OF AN ELECTRICAL SUBCODE OFFICIAL

Mr. Bucco reviewed the changes that needed to be made to wording that existed in the title and the body of the originally distributed resolution. For clarification, the resolution is simply an approval of a one-year extension to an existing contract which contains provisions permitting same; it is not a new contract for services. The correct title of Resolution No.107 is listed above.

11-108 A RESOLUTION AUTHORIZING THE TOWNSHIP TO APPLY TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE 2010 RECYCLING TONNAGE GRANT

11-109 A RESOLUTION AUTHORIZING THE IMPLEMENTATION OF THE MUNICIPAL FACILITY USE POLICY FOR TOWNSHIP FACILITIES

Deputy Mayor Hall asked if this was a new policy or a change in policy. Mr. Rath stated that the Township did not previously have a policy on the books.

11-110 A RESOLUTION AUTHORIZING THE REMOVAL OF INTEREST ON 2010 DELINQUENT TAXES ON BLOCK 3201, LOT 47 AS THE RESULT OF A CLERICAL ERROR

Mr. Bucco reviewed some grammatical changes that needed to be made which did not change the content the originally distributed resolution, but clarified the intent.

11-111 A RESOLUTION AUTHORIZING THE REFUND OF TAXES

- 11-112** A RESOLUTION AUTHORIZING THE REFUND OF SEWER UTILITY OVERPAYMENT
- 11-113** A RESOLUTION AUTHORIZING CERTIFICATES OF EXEMPTION FOR MEMBERS OF THE ROXBURY TOWNSHIP FIRE DEPARTMENT
- 11-114** A RESOLUTION AMENDING THE MEMBERSHIP OF THE TOWNSHIP FIRE DEPARTMENT
- 11-115** A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF ROXBURY IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF THE NORTH JERSEY RESOURCE CONSERVATION & DEVELOPMENT PROPOSAL FOR A STEWARDSHIP PLAN FOR VETERANS MEMORIAL PARK, WHICH IS LOCATED AT 45 PATRICIA DRIVE, LEDGEWOOD; BLOCK 7301, LOT 3

Mr. Bucco stated that some minor changes needed to be made to the title and the wording in the body of the text of the originally distributed resolution. The correct title of Resolution No.115 is listed above. Mayor Rilee asked if the agreement stipulates the fact that Roxbury is the owner of any resulting work and/or information that is compiled by North Jersey Resource Conservation and Development. Mr. Bucco stated that he would provide the requested language to Mr. Rath. Mr. Rath ensured the Council that the language would be added to the final agreement with North Jersey RC&D.

- 11-116** A RESOLUTION AUTHORIZING THE PAYMENT OF BILLS
Mayor Rilee informed Council members that the correct check numbers that should be on the resolution are numbers 66451-66652, with a total amount of \$3,456,046.94.

- 11-118** A RESOLUTION AUTHORIZING ACCEPTANCE OF GIFTS
The above resolution was added on to the original agenda. For purposes of clarification, Councilman Schmidt stated that he was donating a tree in memory of Ed Kirchgessner to be planted at Horseshoe Lake. Mr. Rath stated that the Township would incur a cost of approximately five hundred dollars to relocate the tree. Councilman Zoschak asked if the Township's tree ordinance could fund the cost of moving the tree. Mr. Rath stated that the charges would be charged against that account.

PERSONNEL CHANGES

See attached memo from Patricia Reiche, Asst to CFO, dated April 6, 2011

COMMUNICATIONS

March 25, 2011

Councilwoman DeFillippo made a motion to file the Communications packet of March 25, 2011. Councilman Smith seconded the motion

Roll Call: All in Favor – Yes

Motion carried unanimously.

April 1, 2011

#4 Letter from Senator Anthony R. Bucco to Mayor and Council, dated March 30, 2011, re: Notification of \$800,000 award from NJDOT for replacement of Landing Road Bridge over the NJ Transit railroad tracks and construction of four lanes

Councilman Zoschak asked when the work on the Landing Road Bridge was scheduled to begin. Mr. Rath stated that the above correspondence was only in reference to design work.

April 8, 2011

#3 Letter from Governor Christie to Mayor Rilee, dated March 17, 2011, re: Proposed Fiscal Year 2012 Budget

Mayor Rilee asked for permission to sign a form supporting the Governor's plan for pension reform. Council members had no objection.

#6 Letter from Mayor Ondish, Borough of Mount Arlington, Christopher Rath, dated April 1, 2011, re: Reconstruction of Succasunna Road

Councilman Smith asked if the Township would be responding the request from Mayor Ondish. Mr. Rath stated that Mt. Arlington would be notified that Roxbury would not be contributing fifty percent of the cost to reconstruct Succasunna Road on the portions that are split down the center between Mt. Arlington and Succasunna.

#11 Mayors Advisory, dated April 1, 2011, re: Early Retiree Reinsurance Program Closing

Councilman Smith asked if the above correspondence would affect Roxbury at all. The correspondence noted that additional details would be available on www.errp.gov.

#14 Mayors Advisory, dated April 6, 2011, re: New Content on DLGS Web Site

Councilman Smith referenced the Diesel Retrofit Law addressed in the above correspondence. Councilman Smith asked why about. Mr. Rath stated that it was a federal requirement and there would be no direct cost to the Township.

PUBLIC PORTION

Robert Kluska

274 Emmans Road, Flanders

Mr. Kluska asked if the reimbursement process to the Roxbury Senior Citizens Club could be simplified. Mr. Kluska suggested that the club receive a monthly check for their expenses. Mr. Rath stated that the laws dictate how the money can be distributed and would ask the new Procurement Officer for ideas.

Ralph Nappi

29 Ford Road, Landing

Mr. Nappi asked if the figures presented tonight by the tax assessor were the ones presently being applied to determine the equalization factor. Mayor Rilee responded affirmatively.

EXECUTIVE SESSION

11-117

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:

Attorney/Client Privilege:

- Criminal Background checks for individuals involved in Township-sponsored youth programs

Contract Negotiations:

- Local 311 (PBA)
- MCMUA Water Agreement Amendment

Litigation:

- County Concrete

At 9:15PM, Councilman Schmidt made a motion to adopt Resolution No.11-117 for Executive Session. Councilman Zoschak seconded the motion.

Roll Call:	Councilman Behrens – Yes	Councilwoman DeFillippo – Yes
	Deputy Mayor Hall – Yes	Councilman Schmidt – Yes
	Councilman Smith – Yes	Councilman Zoschak – Yes
	Mayor Rilee – Yes	

Motion carried 7 to 0.

At 10:15PM, the Council returned to the open session of the meeting.

ADJOURNMENT

At 10:15PM, Councilman Smith made a motion to adjourn the meeting. Councilman Schmidt seconded the motion.

Roll Call: All in Favor – Yes

Motion carried 7 to 0.

Submitted By:

Amy E. Rhead
Acting Township Clerk

MINUTES APPROVED BY COUNCIL

DATE: May 24, 2011

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