

**February 7, 2012**

A Regular Meeting of the Township Council of the Township of Roxbury was held on February 7, 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  
Mayor Fred Hall

**Absent:** Councilman Richard Zoschak

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

**Staff:** James Simonetti, Chief of Police

**Public:** approximately five members of the public

**Mayor Hall amended the order of the agenda to allow the following to be addressed:**

**Presentations: Swearing In – New Police Officers**

Amy Rhead, Acting Township Clerk, administered Oaths of Office to:

1. Kyle Kane – Police Officer
2. Agron Xhudo – Police Officer

Chief Simonetti and Mayor Hall congratulated Officers Kane and Xhudo and welcomed them to Roxbury.

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

**APPROVAL OF MINUTES**

November 15, 2011 – Regular Meeting  
November 15, 2011 – Executive Session  
December 3, 2011 – Special Budget Meeting (Kick-Off)

Mrs. Rhead noted that original agenda had the December 3, 2011 minutes incorrectly listed as a Regular Meeting. Mrs. Rhead advised that the minutes would reflect the December 3, 2011 meeting as being a Special Budget meeting.

Deputy Mayor DeFillippo made a motion to approve the above listed minutes. Councilman Schmidt seconded the motion.

Roll Call:	November 15, 2011 Regular Meeting	November 15, 2011 Executive Session	December 3, 2011 Special Budget Meeting
Councilman Behrens	Yes	Yes	Yes
Councilman Crowley	Yes	Yes	Yes
Deputy Mayor DeFillippo	Yes	Yes	Yes
Councilman Rilee	Yes	Yes	Abstain
Councilman Schmidt	Yes	Yes	Yes
Mayor Hall	Yes	Yes	Yes

Motion carried 6 to 0 on the Minutes of November 15, 2011 (Regular and Executive) and 5 to 0 with one abstention on the minutes of the December 3, 2011 Budget Meeting.

**Mayor Hall amended the order of the agenda to allow for the following conversation as listed in the agenda under the “Old Business” portion of REPORTS OF COUNCIL LIAISON REPRESENTATIVES, COUNCIL COMMITTEES AND NEW BUSINESS/OLD BUSINESS**

**Access Agreement – Strategic Environmental Partners**

Mr. Rath reported that he was awaiting a cost estimate for the removal of sixteen trees from the beginning of the proposed access road. He said if the tree removal was not completed prior to the start of the Indiana bat season (April 1<sup>st</sup>), then the project would be delayed until the fall.

Mr. Rath also reported that Senator Bucco’s office had not yet been successful in securing a mutually convenient date to have a meeting with the NJDEP Commissioner about the need to expedite the completion of the access road, but was continuing to try and schedule for February.

Additionally, Mr. Rath informed Council that an ordinance to reduce the speed limit from 35mph to 25mph on Mooney Road, Conklin Road and a portion of Mountain Road, would be on the next agenda for Council consideration. Further discussion ensued regarding hours that trucks are allowed to travel on the streets and the size limit of the vehicles.

Mr. Rath also informed Council members that the NJDOT was expressing concern about the trucks turning at the intersection of Route 206 and Mountain Road.

Mr. Rath also stated that the NJDEP still needed to fulfill the requirement of hosting one more public hearing in regard to Green Acres approvals.

**Mayor Hall continued to amend the order of the agenda to allow for the following item listed under MATTERS REQUESTED/REFERRED BY COUNCIL MEMBERS, MANAGER, ATTORNEY OR CLERK**

**Private Collection of Municipal Court Debt**

Mr. Rath reviewed the process that would allow the municipality to contract with private collection agencies. He said that it has been effective in other communities and that preliminary analyses estimated an approximate \$25,000 to \$30,000 annual return, if implemented. Mr. Bucco is working with the courts to put together the Scope of Service and the Request for Proposal which is necessary in order to move forward with the process.

Councilman Rilee asked at what point in time the process for collection would begin. Mr. Rath said he did not know the exact date but noted that it gives more than adequate notice for anyone who hasn’t made their payments. Mr. Bucco stated that it requires a 30 day notice after a missed payment that was agreed upon in a court approved payment plan.

Mayor Hall thanked Mr. Bucco for his thorough explanation of the process as provided in his memorandum and mentioned his concern regarding the wording “must have exhausted all judicial enforcement remedies permitted by law or court rule in

attempting to collect the debt”. Mayor Hall said he looked forward to receiving further direction from Mr. Bucco. Council members had no objection to moving forward after Mr. Bucco’s completion of the scope of service and RFP documentation.

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

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

Councilman Rilee spoke about the necessity for the COAH Committee to meet to review the status of the Township’s credits and expiring units. He noted that the Township’s funds could be jeopardized if a commitment was not finalized by July. Mr. Bucco characterized the entire process as being in a state of flux.

Mayor Hall informed Council members that the deadline for the Township was July 17, 2012. Mr. Bucco reminded Council members that any commitments also had to be part of the Township’s spending plan. Deputy Mayor DeFillippo asked if all or part of the money had to be spent before a certain date. Mr. Bucco said the money has to be committed before July and it only covers money collected by the Township before July 2008.

Councilman Rilee reported on the recent meeting with the Fire Chiefs which he and Police Chief Simonetti had attended. He said that discussion items included radio communications issues and advantages of electric stretchers versus manual stretchers. To clarify previous information given to the Council, Councilman Rilee said that Company No. 1 has electric stretchers, but, because of narrow doorways in most of the houses they enter, Company No. 2 has manual stretchers. Council members agreed that they would like to see the rationale for considering the purchase of an electric Stryker stretcher as opposed to a manual one for Company No.3 and would reopen budget discussions on the subject.

Councilman Behrens reported on the recent Board of Education meeting. He said that the Board was continuing to consider the possibility of moving school elections to November, as allowed via recent legislation and that the High School Principal had presented a presentation on the possibility of changing the current student scheduling to block scheduling. Mr. Swanson requested that the Board and local NJEA members allow implementation of a two-year trial of block scheduling at the high school level.

Deputy Mayor DeFillippo reported that the Economic Development Committee had invited realtors to attend a meeting on March 13, 2012 to educate them about Roxbury and to promote Roxbury’s distinction as one of the “100 Best Communities for Young People”.

Deputy Mayor DeFillippo reported on her attendance at the Morris County Economic Development Advisory Committee earlier in the day. She relayed information as presented by Somerset County representatives on the implementation of economic investment structure in the Draft Final State Plan. Deputy Mayor DeFillippo said that she would forward a copy of the presentation to the Clerk’s office to be distributed to Council members.

Deputy Mayor DeFillippo suggested adopting a resolution voicing Council concerns regarding COAH. Councilman Rilee and others agreed that more information about the future of COAH was needed. Mr. Raths said he would check if the New Jersey League of Municipalities had created a sample resolution that could be used.

Mayor Hall stated that neither he nor Councilman Schmidt were available for the Cub Scout Pack 54 Blue and Gold Dinner scheduled for February 11, 2012 and asked other Council members to check their schedules and let him know if anyone would be able to attend.

Mayor Hall asked if any of the \$55,000 federal (storm damage) reimbursement money had been received. Mr. Rath replied that the Township had not yet received reimbursement from the federal government.

Mayor Hall requested continued monitoring of the status of the County's promise to transfer ownership of a portion of the railroad tracks at Horseshoe Lake to the Township upon their grants being closed out.

Council members discussed the possibility of the dissolution of the Lake Hopatcong Commission and the NJDEP assuming responsibility for the lake. Deputy Mayor DeFillippo and Mayor Hall spoke about the Memorandum of Agreement that was still being worked on and said that, due to constant revisions, the Council was not prepared to take a position on it until it is finalized. Lake Hopatcong Alternate Commissioner, Richard Keir spoke about the issue and clarified that he would not act without direction from the Mayor and Council.

Mayor Hall reported on his attendance at the recent meeting between municipal representatives and the Board of Public Utilities. He offered words of respect for the BPU representatives for agreeing meet and for sharing detailed information about the power outages over the past months. He mentioned that he was surprised to have found out that the JCP&L system does not have an automatic notification upon outages; JCP&L are informed about outages by way of a customer actually calling and telling them. Mayor Hall said that a copy of the BPU's storm assessment would be distributed to the Council along with their Friday Communication correspondence and copies would be made available to the public at the next meeting.

Mr. Rath informed the Council that, as required per the stewardship agreement, the Open Space Committee would be mailing out questionnaires asking for comments and input regarding activities, usage and suggested upgrades for Veteran's Park.

Mr. Rath updated Council on the status of issues involving drainage issues with residents on Andre Drive. He reported on the recent meeting with residents and said that Township staff had gone out to the site to determine whether there was a blocked drain in the old system that runs behind the houses. He said the investigation revealed that the system had been disrupted by the installation of a private swimming pool and other excavation work that had occurred in the area. He said that the Director of Public Works was trying to determine whether the replacement of a small section of pipe would alleviate the water drainage in the front yards. Mr. Rath further informed Council members that the Township was also involved in this issue in 1972 and in the mid 1990's even though it is clearly a private matter between property owners.

Mr. Rath informed Council that the Morris County Economic Development Committee would be conducting a business initiative survey which will provide useful information and insight about the thoughts of business owners and ideas on how best to attract and retain businesses. Deputy Mayor DeFillippo said that the results would be presented to Council upon completion, but that the process could take as long as twelve months to finish.

**A. New Business - none**

**B. Old Business**

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

**C. Presentations**

**1. Swearing In – New Police Officers – *previously addressed***

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

**1. Private Collection of Municipal Court Debt – *previously discussed***

## **PUBLIC PORTION**

**Charles Alpaugh**

**177 Eyland Avenue, Succasunna**

Mr. Alpaugh asked how the Township intended to ensure the integrity of the stone work on the flue from the inclined plane. Mr. Rath clarified that Mr. Alpaugh was referring to the access road and answered that an eight foot section would be impacted by the project. Mr. Rath said that the developer had provided a diagram of the intended disturbances to Historic Preservation representatives asking for their approval. Mr. Alpaugh also asked why the Township was assuming financial responsibility for the removal of trees along the proposed access route. Mr. Rath replied and said that taking the initiative to remove the trees before the Indiana bat season was an attempt to avoid further delays in the creation of the alternate route. He said that the Township hoped to be reimbursed by the developer, but, as Councilman Rilee stated, the NJDEP did not require the developer to provide the alternate route; it is something the Township is requesting in order to preserve the quality of life of those living on the existing roads that would be most affected by the additional truck traffic.

Mr. Alpaugh, who identified himself as being a member of the First Aid squad for over 50 years, spoke in support of electric stretchers. He said that the automatic stretchers have infinite height adjustment and other automatic functions that are beneficial to all first aid workers and patients and that the features are safety factors, not an extravagance. He invited Council members to contact him for a demonstration between manual and automatic stretchers.

**Julie Tantillo**

**51 Lazarus Drive, Ledgewood**

Ms. Tantillo asked about the location of the access road. Mr. Rath presented a diagram of the exact location. Mayor Hall informed the public that current information on the former landfill site is updated daily and available on the Township website, as well.

Ms. Tantillo asked who would be monitoring air quality issues once the project is in full motion. Mr. Rath said he would contact the NJDEP and ask them for the answer. Ms. Tantillo provided her contact information to Mr. Rath so he could advise her of the NJDEP response upon receiving it.

Since JCP&L does not know about outages until they are reported by members of the public, Ms. Tantillo suggested posting the phone numbers on the Township website.

**Ralph Nappi**

**29 Ford Road, Landing**

Mr. Nappi stated that he was surprised to hear about the reactive process in which JCP&L learns of problems and asked if they had plans to correct it. Mayor Hall said that JCP&L was looking into several areas that could be improved, but that the significant costs associated with upgrading their current system would be prohibitive. Mr. Nappi also asked how he could receive information on the BPU meeting that would be available on the website if he does not have internet access. Mayor Hall said that he would have extra copies available for the public at the next Council meeting.

Mr. Nappi asked Mr. Rath if he had any updated information on the possible revitalization of Tom's Diner. Mr. Rath responded that, although the owners seemed eager to move forward when they spoke previously, he had not had contact with them since.

**Mayor Hall Closed the Public Portion.**

## **DRAFT ORDINANCES FOR DISCUSSION**

None

## **INTRODUCTION OF PROPOSED ORDINANCES**

None

**HEARING AND ADOPTION OF ORDINANCES ON SECOND READING**  
None

**INTRODUCTION AND ADOPTION OF RESOLUTIONS**

**2012-45** A RESOLUTION INCORPORATING BY REFERENCE HEREIN AND APPROVING THE FOLLOWING NUMBERED RESOLUTIONS LISTED ON THE REGULAR COUNCIL MEETING AGENDA FOR THIS DATE:

2012-46, 2012-47, 2012-48, 2012-49, 2012-50,  
2012-51, 2012-52, 2012-53, 2012-54

Deputy Mayor DeFillippo made a motion to adopt incorporating Resolution No. 2012-45. 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.

**2012-46** A RESOLUTION AFFIRMING THE APPOINTMENT OF JAMES SIMONETTI AS CHIEF OF POLICE FOR THE TOWNSHIP OF ROXBURY

**2012-47** A RESOLUTION AUTHORIZING THE SALE OF A 1979 HENDRICKSON FIRE TRUCK

Mr. Bucco pointed out a minor typographical error and a punctuation mistake in the body of the resolution. Council had no objection to Mrs. Rhead changing the word in the second “Whereas” paragraph from “and” to “can” and correcting the punctuation as requested.

**2012-48** A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO CREATIVE VISUAL SYSTEMS FOR A PLOTTER/CUTTER SYSTEM

Deputy Mayor DeFillippo asked Mr. Raths if the above resolution was for a new Plotter/Cutter system or an existing one. Mr. Raths said that it was a replacement. Mr. Bucco pointed out a typographical error in the resolution. Council had no objection to Mrs. Rhead changing the amount in the fifth “Whereas” paragraph to correctly reflect “\$4,690.00” as opposed to the “\$4,692.00”.

**2012-49** A RESOLUTION AUTHORIZING THE REFUND OF TAXES

**2012-50** A RESOLUTION AUTHORIZING THE REFUND OF TAXES

**2012-51** A RESOLUTION AUTHORIZING THE REFUND OF TAXES

**2012-52** A RESOLUTION AUTHORIZING THE REFUND OF TAXES

**2012-53** A RESOLUTION AMENDING THE MEMBERSHIP OF THE TOWNSHIP FIRE DEPARTMENT

Mayor Hall asked why an effective date of January 24, 2012 had been included in the above-referenced resolution. Mrs. Rhead responded that the date in the resolution refers to the actual date of acceptance by the fire department. Mr. Bucco assured Council members that the language in the resolution was accurate and acceptable.

**2012-54** A RESOLUTION AUTHORIZING THE PAYMENT OF BILLS

## PERSONNEL CHANGES

None

## COMMUNICATIONS

February 3, 2012

### **#1, Item F Correspondence from Christopher Raths, Township Manager, to Mayor and Council, dated February 3, 2012, re: Information Update, "Commerce Blvd. / RT 10 / Hillside Ave Intersections"**

Councilman Behrens asked when the road work referenced above was scheduled to begin. Mr. Raths said that the Hillside Avenue intersection project should begin in 2012 and Route 10 construction scheduled to start in 2013. He said he would forward an email he had received from the NJDOT on the subject to Council members.

Councilmen Crowley and Behrens suggested that the flooding issue on Hillside Avenue be addressed at the same time of the scheduled construction. Mr. Raths agreed and advised that the property owners had been unwilling to allow a drainage easement. Mr. Raths said that he would provide updates status information to Council members after following up with the County Engineer.

### **#1, Item N Correspondence from Christopher Raths, Township Manager, to Mayor and Council, dated February 3, 2012, re: Information Update, "Hercules House"**

In response to an inquiry from Deputy Mayor DeFillippo on the Hercules House subject, Mr. Raths said that he had not yet received a response from the Historic Committee.

Note: Mayor Hall asked Mr. Raths to include the following on future Information Update correspondence: status of the transfer of ownership of the section of railroad located on Horseshoe Lake from the County to the Township.

### **#9 Invitation to "Blue and Gold Dinner" from Cub Scout Pack 163, scheduled for February 25, 2012**

Mayor Hall asked Councilman Schmidt if he would be able to attend. Councilman Schmidt stated that he would check his schedule and let Mayor Hall know as soon as possible.

### **#17 Mayors Advisory, dated January 31, 2012, re: PLEASE SUPPORT OUR MEN AND WOMEN IN UNIFORM**

Councilman Schmidt suggested the adoption of a resolution in support of the Guard and Reserve as suggested in the Memo. Mayor Hall stated that he had already spoken to Mr. Raths about it and a resolution would be on an upcoming Agenda.

Mayor Hall asked Mr. Raths to include the reconstruction of the bike path extension behind Horseshoe Lake in his next Information Update.

## PUBLIC PORTION

None

## EXECUTIVE SESSION

**2012-55** 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:

- **Land Acquisition** – Villages
- **Potential Litigation** – Woodmont site plan
- **Sale of Land** – Nutrition Center

At 8:50PM, Councilman Rilee made a motion to adopt Resolution No.2012-55 for Executive Session. Councilman Behrens seconded the motion.

Roll Call: All in Favor – Yes

Motion carried 6 to 0.

**At 9:20PM, the Council returned to the open session of the meeting.**

**ADJOURNMENT**

At 9:20PM, Councilman Crowley made a motion to adjourn the meeting. Councilman Schmidt seconded the motion.

Roll Call: All in Favor – Yes

Motion carried 6 to 0.

Submitted By:

---

Amy E. Rhead  
Acting Township Clerk

**MINUTES APPROVED BY COUNCIL**

**DATE:** March 20, 2012

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