

January 3, 2012

A Regular Meeting of the Township Council of the Township of Roxbury was held on January 3, 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 Bucco, Esq., Township Attorney (7:55 pm arrival)
Amy Rhead, Acting Township Clerk

Public: approximately thirteen members of the public were present

APPROVAL OF MINUTES

None

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

Councilman Schmidt reported that the library's boiler had failed inspection due to leakage and that the Library Board had approved the specifications for the new boiler plan to be provided to the Council within the week. Councilman Schmidt requested that Mr. Raths provide the library with insurance information and complete salary information on their employees. Mr. Raths said he thought the insurance information had already been provided and would work on getting the payroll data to the Board.

Councilman Schmidt reported that he had attended a meeting with the residents of Andre Drive in reference to their safety concerns about water draining onto the roadway. Mr. Raths said that the Township's Engineer and DPW Director were reviewing the issue.

Councilman Zoschak thanked the staff for replacing the Logan Drive street sign in Landing.

Councilman Zoschak reported that he had provided information on an alleged drainage problem to Mr. Raths.

Councilman Zoschak reported that he Lake Hopatcong Commission would be receiving the 319 Grant.

Councilman Zoschak reported that he would be leaving on vacation the following week but would be available via email and telephone.

Councilman Zoschak noted that the Township is now in a different congressional district and recommended inviting Congressman Leonard Lance to a future Council meeting.

Councilman Rilee asked for an update on the status of the sewer service areas. Mr. Rath said he would know by the end of the week. Councilman Rilee noted that the New Jersey State Development Plan may have big impacts on municipalities.

Deputy Mayor DeFillippo inquired about the date of NJDEP's next public information meeting. Mr. Rath stated that he had been told that they would be conducting the meeting in late February or early March.

Deputy Mayor DeFillippo asked what was being done about flooding issues on South Hillside Avenue near the High School. Mr. Rath informed Council that the County originally thought it was a homeowner issue, but it appears to be due to a clogged storm drain. The staff is working on rectifying the problem.

Discussion took place regarding truck engine braking ("Jake Brakes") that cause explosively loud noises which have resulted in several complaints from residents on and near Center Street in Landing. Mr. Rath said that restrictions on the use of engine brakes may not be enforceable in that area due to the grade of the road.

Mayor Hall asked Mr. Rath to make sure that the website list of Committees is updated with the correct names of the members.

Mayor Hall expressed concerns about reoccurring electrical outages within Roxbury. It was decided that Council would first attempt to address the concerns by meeting with JCP&L representatives instead of going straight to the Board of Public Utilities. Mr. Rath distributed a sample of the vehicle stickers "America's Promise Alliance 100 Best Communities" magnets that will be displayed on all Township vehicles.

A. New Business – *none*

B. Old Business

1. ROMAC Committee Appointment– *no suggestions*

C. Presentations– *none*

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

1. Morris County Home Application for 2012

Diane Driscoll, Housing Development Specialist for Community Hope, which provides housing and employment assistance to veterans, disabled individuals and people aging out of foster care, informed Council of the organization's Morris County Home Application. She explained that part of the application process requires the proposal to be presented at a public meeting of the governing body and that a signed certification of same needed to be submitted.

Ms. Driscoll answered questions regarding the organizations background, types of living arrangements that are provided, funding sources, finances, and other locations. Council members suggested that Ms. Driscoll might be interested in the old Nutrition Center site on Mill Road.

7:55PM Anthony Bucco, Township Attorney, arrived to the meeting.

Mayor Hall amended the order of the agenda to allow for Public Portion.

**Robert Kluska
274 Emmans Road, Flanders**

Mr. Kluska said that Council may want to ask JCP&L to check the photo electric cells when street lights go out instead of just replacing the bulbs.

Mr. Kluska asked about the funding source for the resolution on the agenda regarding an application for sidewalks. Mr. Rath responded that Safe Routes to School is federally funded but that the State distributes the monies. Mr. Rath said the Township would not be responsible for matching funds, but, if awarded the money, may be responsible for providing engineering and other similar services. General discussion took place regarding previous attempts to encourage children to walk to school, sidewalks and courtesy busing.

Mr. Kluska asked if the Township would be funding the Library boiler over and above their 1.3 million dollar allotment. Mayor Hall said that discussions may take place regarding some type of monetary agreement between the Township and the Library but a decision had not yet been made yet.

Laurie Amendola

3 Andre Drive, Succasunna

Mrs. Amendola stated that when she purchased her home, she was not made aware of a sump pump in the driveway that has been discharging water from her property onto the road for numerous years. She stated that she was horrified when she found out that this was occurring and causing ice and other safety related problems. She also said that she is concerned about flooding in her back yard, as well. She asked the Council for assistance. Mr. Rath responded that this is an issue with a private drainage system and would have to be addressed by the homeowner.

Mark Lima

5 Andre Drive, Succasunna

Mr. Lima said that he has been working with Rick Blood over the past year after the saturation and flooding issues came to light. After having been the property owner of 5 Andre Drive for over twenty years, Mr. Lima offered his perspective regarding the issues that are affecting and/or affecting the properties located at 3 William Court, 1 William Court (on the corner of William Court & Andre Drive), 3 Andre Drive, and 5 Andre Drive. He said that one of the problems is caused by the sump pump at 3 Andre Drive and has been an issue for years. He claimed that the recent issue with standing surface water and saturation of the back yard properties of 3 Andre Drive, 5 Andre Drive, 3 William Court and the property at the corner of Joyce Drive and Andre Drive is a result of a construction project performed in the back yard of 1 William Court which disrupted and effectively blocked the previously functioning underground French drain system that used to flow into catch basins. Mr. Lima confirmed that the systems being discussed were all privately installed when the subdivision was approved. Mr. Rath said that the appropriate departments would investigate whether the homeowner violated soil movement procedures.

Councilman Schmidt spoke about the importance of resolving the safety issue and stopping the flow of water onto the street.

Mr. Rath offered to attempt to facilitate a meeting between the neighbors so they could discuss possible solutions.

Glen Amendola

3 Andre Drive, Succasunna

Mr. Amendola emphasized the importance of dispersing the water that is discharging onto the roadways and flooding the properties.

Mr. Rath again said that he would see if proper permits had been obtained for the work that had been performed and would try to get all the involved parties together to try and come up with a solution.

Mark Lima

5 Andre Drive, Succasunna

Mr. Lima provided the name of the property owner of 1 William Court (Weisberg). Councilman Crowley asked if the property owners had made an attempt to rectify the flooding issues on their respective properties among themselves. Mr. Lima responded that the property owner involved is not concerned about the problems that he has created and would not be receptive to figuring out a solution. Councilman Zoschak asked if any of the deeds show easements. Mr. Lima replied in the negative.

Ralph Nappi
29 Ford Road, Landing

Mr. Nappi wished everyone a happy and healthy New Year. Mr. Nappi asked if the state had been notified about the “ponding” situation on Route 10 Eastbound at the new railroad crossing. Mr. Rath said that the state had indicated that they would not be addressing it until springtime. Mr. Nappi expressed concern about freezing water causing a safety hazard.

Mr. Nappi acknowledged and thanked the Department of Public Works for their fantastic work cleaning up most of the branches and debris in the aftermath of the 2011 storms; however, he pointed out one area in Landing that had branches and limbs hanging into the street. Mr. Rath said he would look into it.

Close Public Portion.

Mayor Hall returned to the order of the agenda and items under MATTERS REQUESTED/REFERRED BY COUNCIL MEMBERS, MANAGER, ATTORNEY OR CLERK
2. Access Agreement – Strategic Environmental Partners

Mr. Bucco mentioned that there have been some changes to the rough draft that was previously provided and that a final draft would be available by week’s end for submission to the developer. Councilman Schmidt requested that a remediation and restoration plan be included in the document. Mr. Bucco pointed out the changes he made to the first sentence of the agreement. Councilman Schmidt stated that the amended language sufficiently addressed his concerns. Mayor Hall stated that it was critical to make sure the agreement incorporates the stipulation that the temporary road must be used as the sole access to the property. Mr. Rath updated Council on recent correspondence with the NJDEP, Senator Bucco, AT&T (re: right-of-way agreement) and Green Acres, as well as efforts to obtain permits from the NJDEP. Mayor Hall asked Mr. Rath to update the Council on the status of the stream encroachment issue. Mr. Rath said that he would not have an answer until the conclusion of his meeting scheduled for next week.

PUBLIC PORTION – *previously addressed*

DRAFT ORDINANCES FOR DISCUSSION

None

INTRODUCTION OF PROPOSED ORDINANCES

01-12 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER VII, TRAFFIC, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROXBURY, COUNTY OF MORRIS, STATE OF NEW JERSEY

Councilman Rilee made a motion to adopt the introduction of Ordinance No.01-12. Councilman Zoschak 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.

HEARING AND ADOPTION OF ORDINANCES ON SECOND READING

None

INTRODUCTION AND ADOPTION OF RESOLUTIONS

2012-18 A RESOLUTION INCORPORATING BY REFERENCE HEREIN AND APPROVING THE FOLLOWING NUMBERED RESOLUTIONS LISTED ON THE REGULAR COUNCIL MEETING AGENDA FOR THIS DATE:

2012-19, 2012-20, 2012-21, 2012-22, 2012-23,
2012-24, 2012-25, 2012-26, 2012-27

Councilman Schmidt made a motion to adopt incorporating Resolution No.2012-18. Councilman Zoschak 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.

2012-19 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

2012-20 A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR THE 2012 MORRIS COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

2012-21 A RESOLUTION APPROVING THE NEW JERSEY DEPARTMENT OF TRANSPORTATION’S (NJDOT) APPLICATION FOR FEDERAL AID SAFE ROUTES TO SCHOOL PROGRAM (SRTS), PEDESTRIAN SAFETY PROGRAM, FOR THE LINCOLN / ROOSEVELT AND FRANKLIN SCHOOLS AND JEFFERSON SCHOOL AREAS

2012-22 A RESOLUTION REJECTING ALL BIDS RECEIVED FOR THE CONSTRUCTION OF THE LAKE SILVER SPRINGS STORMWATER TREATMENT SYSTEM PROJECT

2012-23 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

2012-24 A RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH THE COUNTY OF MORRIS FOR USE OF APPROXIMATELY 2,200 SQUARE FEET OF SPACE AT THE ROXBURY COMMUNITY CENTER FOR A NUTRITION SITE FOR CALENDAR YEAR 2012

2012-25 A RESOLUTION AUTHORIZING THE REFUND OF TAXES

2012-26 A RESOLUTION AUTHORIZING THE REFUND OF TAXES

2012-27 A RESOLUTION AUTHORIZING THE EXECUTION OF A WATER INTERCONNECTION AND SUPPLY AGREEMENT BETWEEN THE TOWNSHIP OF ROXBURY AND ROXBURY WATER COMPANY

Mr. Rath pointed out that the resolution authorizing the agreement with Roxbury Water Company is the result of at least ten (10) years of negotiations. He noted that the Township would benefit by having increased water allocations so that projects would have the ability to temporarily connect in the event of an interruption of service.

PERSONNEL CHANGES

None

COMMUNICATIONS

December 16, 2011

#9 Correspondence from Ann L. Carlson, RMC, Township Clerk, Township of Mendham, re: Mendham Township Resolution 2011-194 “CALLING FOR IMPROVED STORM RESPONSE FROM JCP&L AND COMMITMENT TO DEVELOP A BETTER STORM ACTION PLAN”, adopted on November 29, 2011

Councilman Schmidt requested that Roxbury adopt a similar resolution. Council had no objections. Mayor Hall asked for it to be included on the next agenda.

December 23, 2011

#2 Correspondence from Marilyn Regner, Secretary, Morris County MUA, to Amy Rhead, Acting Township Clerk, dated December 15, 2011, re: MCMUA Water Rate Amendment, adopted December 6, 2011

Councilman Zoschak said that he was still waiting for an email informing him of the actual rate increase and asked Mr. Rath to get it to him. Mr. Rath said he had the information and would forward it.

#6 Lake Musconetcong Regional Planning Board Regular Meeting Minutes– November 16, 2011

Deputy Mayor DeFillippo asked if the LMRPB had contacted the Township regarding maintenance issues with separators at River Park Village as referenced in the Board’s November 16, 2011 Minutes. Mr. Rath replied that he had not been contacted and said he would have someone reach out to them.

#16 Mayors Advisory, dated December 21, 2011, re: Governor Signs Transitional Aid Restoration Bill

Mayor Hall commented that the above-referred Bill was “unbelievable”.

December 30, 2011

#1, Item F. Correspondence from Christopher Rath, Township Manager, to Mayor and Council, dated December 30, 2011, re: Information Update: “Trails”

Councilman Rilee asked if all the issues had been agreed upon so that the trail can be built and whether the stream crossing would require NJDEP approval. Mr. Rath said that all parties were in agreement with the location and crossing and thought that the intention was to utilize an existing structure across the stream. Mr. Rath agreed to inform Council immediately if any further approvals were necessary regarding the stream crossing. He also informed Council that a meeting was scheduled with Dave Helmer and representatives from Randolph to ensure all items are finalized.

#1, Item N. Correspondence from Christopher Rath, Township Manager, to Mayor and Council, dated December 30, 2011, re: Information Update: “Council on Mandates”

Councilman Rilee commended the Council and Mr. Rath for their success in objecting to the unfunded mandate that he noted, he agrees with conceptually, but, based on principal, disagreed that the state was requiring that the municipalities pay for the enforcement (unfunded mandate). He expressed pride in the Township’s tenacity and persistence to ensure fairness.

#6 Correspondence from Rita A Juliano, resident at 19 Hampton Court, Flanders, to Mayor Rilee, dated December 22, 2011, re: State Strategic Plan: NJ's State Development and Redevelopment Plan (NJS Agenda 21)

Deputy Mayor DeFillippo asked if someone would be responding to the resident who wrote the above-referenced letter. Mr. Raths said that a response would be sent after Mr. Stern had a chance to review.

#15 Correspondence from Michael Kobylarz, Township Engineer/Director of Utilities, to Christopher Raths, Township Manager, dated December 29, 2011, re: Fenimore Landfill Project NJDEP meeting on December 22, 2011

Councilman Zoschak asked Mr. Raths to confirm that the Township Historic Committee was an advisory body only and their approval would not be necessary in order to proceed. Mr. Raths said that SHPO might solicit their opinion on the matter, but that the HAC would not need to sign off on anything in order to proceed.

PUBLIC PORTION

Robert Kluska

274 Emmans Road, Flanders

Mr. Kluska said that there was equipment on site to do the work on the bridge on Emmans Road, but that there was no manpower to accomplish the job. Mr. Raths said that the County had an expected completion date of mid-January.

Close Public Portion.

EXECUTIVE SESSION

2012-28 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:

Litigation: County Concrete v. Township of Roxbury
Contract Negotiations (Labor Union): PBA

At 9:05PM, Councilman Zoschak made a motion to adopt Resolution No.2012-28 for Executive Session. Councilman Crowley seconded the motion.

Roll Call: All in Favor – Yes

Motion carried 7 to 0.

At 10:05PM, the Council returned to the open session of the meeting.

Mr. Raths advised Council that Chief Simonetti had asked the Council to consider amending the current four-year college requirement for new recruits to allow honorably discharged military personnel with a two-year Associate Degree to be eligible candidates. One of the benefits would be an increase in the employment pool to include those with veteran experience. Concerns included ensuring that the township would not be obligated to fund two more years of education in later years and whether or not it was fair to amend the current requirement for military personnel only or if the criteria should be amended for all candidates.

ADJOURNMENT

At 10:10PM, Councilman Rilee 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 22, 2012

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