

April 10, 2012

A Regular Meeting of the Township Council of the Township of Roxbury was held on April 10, 2012 at the Municipal Building located at 1715 Route 46 in Ledgewood, New Jersey at 7:30 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.

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

Absent: Councilman Martin Schmidt

Also Present: Christopher Rath, Township Manager/Deputy Clerk
Anthony Bucco, Esq., Township Attorney
Kathleen Florio, Administrative Aide

Staff: Rick Blood, DPW Director
Michael Kobylarz, Township Engineer/Director of Utilities

Public: approximately 20 members of the public were present

APPROVAL OF MINUTES

None

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

A. New Business
None

B. Old Business

1. Access Agreement – Strategic Environmental Partners

Mr. Rath discussed the results of the site visit with the NJDEP and Township staff on April 5, 2012. He also discussed the April 17, 2012 Public Meeting sponsored by the NJDEP.

2. Andre Drive

Mr. Rath advised the Council that the neighbors were securing legal advice for the cross easements.

3. RoxPAC License

Mr. Bucco indicated progress was being made on the license extension.

C. Presentations

1. Proclamation – National Library Week read by Mayor Hall

2. Proclamation – Buddy Poppies by the Veterans of Foreign Wars read by Mayor Hall. Accepted by members of the VFW

3. Roxbury Senior Citizens Club – 50th Anniversary
Read and presented by Mayor Hall accepted by the Roxbury Senior Club.
Assemblyman Bucco presented a State House Certificate to the Roxbury Senior Citizens Club.

PUBLIC PORTION

Mayor Hall amended the order of the agenda to take public comments under #7 PUBLIC PORTION prior to Matters Requested/Referred by Council Members.

**Andrea and Christopher Monteleone
541 Main St, Landing**

Mrs. Monteleone discussed and advocated for the keeping of back yard chickens. She provided additional materials regarding lot sizes and housing of chickens. She requested an exemption for 4H Clubs. Council discussed the current ordinance. Mayor Hall asked the residents to provide additional information to the Council. The Council agreed to table ordinance for a short period of time.

**Scott Arentowicz
3 Lindbergh Lane, Succasunna**

Mr. Arentowicz discussed the poor condition of Reger Road. He was referred to the Township Manager and Director of Public Works.

**Ernest Geffert
1 Riggs Avenue, Landing**

Mr. Geffert noted that in January there were high wires down across King's Highway. Mr. Rath will look into the downed wires. Mr. Geffert was advised that the development of 3rd Avenue will be reviewed during the development of the parcel.

Public Portion closed by Mayor Hall.

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

Boiler Lease Agreement for Library

Councilman Zoschak asked if the agreement contained a specific length of time for pay-back of the loan. The time period is 8 years. Councilman Behrens asked about the initial \$20,000 payment. Council agreed this amount was sufficient.

Roxbury Historic Trust

Roxbury Historic Trust has applied for a \$50,000 grant for work at the King's Property. Miriam Morris discussed the proposal. Council asked whether there would be any restrictions on the property if grant were approved. The type of glass in window was discussed.

Councilman Rilee made a motion to approve the submission of the application. Councilman Zoschak seconded the motion.

Voice Vote: All in Favor – Yes

Motion carried unanimously.

Mayor Hall amended the order of the agenda to item 05-12 Quarry ordinance.

05-12 AN ORDINANCE TO AMEND CHAPTER XIII OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROXBURY, LAND DEVELOPMENT ORDINANCE, ARTICLE VII, ZONING REGULATIONS, SECTION 13-7.4, ZONE DISTRICTS, SECTION 13-7.5, ZONING MAP, AND SECTION 13-7.8, GENERAL PROVISIONS FOR ALL ZONES, SUBSECTION 13-7.815, PROHIBITED USES, PARAGRAPH A, AND TO SUPPLEMENT ARTICLE VII, ZONING REGULATIONS BY INCLUSION OF A NEW SECTION 13-7.37, Q-O QUARRY OVERLAY DISTRICT

Adoption of this ordinance was carried from the March 20, 2012 meeting.

Councilman Zoschak made a motion to open ordinance 05-12 to the public. Deputy Mayor DeFillippo seconded the motion.

Voice Vote: All in Favor – Yes

Motion carried unanimously.

Opened to public.

Attorney Michael Shapanka spoke as a representative of R.A.W. He requested Council provide more time for consideration of the ordinance. Councilman Rilee asked about the timeliness of his client’s objections. Mr. Bucco stated many of the issues raised by Mr. Shapanka would be addressed through the planning board application for site plan approval. Mr. Bucco raised the matter of R.A.W’s encroachment on the subject property.

Don Horuath – Dell Avenue resident, lot 4 Block 7205, asked about the set backs. Mayor Hall indicated that there would be a 150 set back from the residential property line.

Vince Uhl, Hydrologist 258 South Franklin St, Lambertville New Jersey. Mr. Uhl discussed the depth of the mining and how it might impact supply wells.

John Crimi, 41 Beavers Road, Califon, New Jersey, Owner of County Concrete stated that the mining operations would be closely monitored by the NJDEP. He stated that as per calculations conducted 12 years ago, there would be no impact on the private wells in the area.

Councilman Rilee made a motion to close ordinance 05-12 to the public. Deputy Mayor DeFillippo seconded the motion.

Voice Vote: All in Favor – Yes

Motion carried unanimously.

Councilman Rilee made a motion to adopt ordinance 05-12. Deputy Mayor DeFillippo seconded the motion.

Roll Call:	Councilman Behrens – Yes	Councilman Crowley - Yes
	Deputy Mayor DeFillippo – Yes	Councilman Rilee – Yes
	Councilman Zoschak – Yes	Mayor Hall - Yes

Motion Carried 6 to 0.

Mayor Hall returned to the order of the agenda.

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

Councilman Richard Zoschak discussed the following:

1. Bennett Road – Councilman Zoschak expressed his concerns and the concerns of the residents on Bennett Road regarding a possible Mt. Olive subdivision. Mr. Rath stated that nothing has been received from Mt. Olive
2. Netcong Circle – Councilman Zoschak stated he received a call from a resident about the condition of the circle. It was suggested that the Resident contact Commissioner Simpson’s office of the NJDOT.

Councilman Jim Rilee discussed the following:

1. Arthur Murray celebrating 100 years – Councilman Rilee suggested that a letter of recognition be provided to the Dance studio.

Councilman Gary Behrens discussed the following:

1. School Board – the School Board has hired a superintendent from Rockaway K – 6 and will continue its search for a Business Agent.
2. Councilman Behrens presented a demographic report from the schools. Mayor Hall discussed the reports as well. Deputy Mayor DeFillippo raised a question regarding the impact of the 2% cap if school population decreased.

Councilman Mark Crowley discussed the following:

1. Horseshoe Lake Extension – Councilman Crowley asked about the extension. Mr. Rath explained that the bridge is going to be constructed of wood. He we establish deadlines for its completion.

Deputy Mayor Kathy DeFillippo discussed the following:

1. Roxbury Day Care Center – Deputy Mayor DeFillippo stated that the School Board is considering charging fees to the Day Care Center.
2. Deputy Mayor DeFillippo informed the Council and Public that 25 people attended the Chamber’s 5th Friday Event.
3. Deputy Mayor DeFillippo reminded everyone of the upcoming MS walk this weekend.
4. Deputy Mayor DeFillippo expressed her concerns regarding the model airplanes use and possible impact of resident’s near Veteran’s Memorial Park.
5. Deputy Mayor DeFillippo advised the Council that Mildred Terrace is being used as detour for Fenimore by cars and asked that police be made aware of it.

Mayor Fred Hall discussed the following:

1. Mayor Hall also raised concerns regarding the RAMAC flying club and residents concerns. Mr. Rilee has expressed concerns as well.
2. The Easter egg hunt was a great success. TD Bank will fund the hunt going forward. Mayor Hall offered special thanks to the Key Club.
3. Mayor Hall noted the excellent work by the Fire Company on the Timberline fire and the fact that they saved two dogs.
4. Mayor Hall Advised Council that the Performing Arts Center was having great acts and pointed to Michael Grant as an example.

PUBLIC PORTION – Previously Noted

DRAFT ORDINANCES FOR DISCUSSION

None

INTRODUCTION OF PROPOSED ORDINANCES

07-12 - Tabled to a future meeting

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XIII, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROXBURY, LAND DEVELOPMENT ORDINANCE, ARTICLE VII, ZONING REGULATIONS BY INCLUSION OF A NEW SECTION 13-7.901G, ENTITLED “THE KEEPING OF CHICKENS ON RESIDENTIAL LOTS LESS THAN 5 ACRES”

12-12 AN ORDINANCE AUTHORIZING THE EXECUTION OF A CORRECTIVE DEED FOR A PORTION OF BLOCK 2301, LOT 19.02 IN THE TOWNSHIP OF ROXBURY, COUNTY OF MORRIS AND STATE OF NEW JERSEY

Councilman Rilee made a motion to introduce ordinance 12-12. Councilman Behrens seconded the motion.

Roll Call:	Councilman Behrens – Yes	Councilman Crowley - Yes
	Deputy Mayor DeFillippo – Yes	Councilman Rilee – Yes
	Councilman Zoschak – Yes	Mayor Hall - Yes

Motion Carried 6 to 0.

13-12 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER II, ADMINISTRATIVE CODE, SECTION 2-17, OFFICERS AND EMPLOYEES GENERALLY, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROXBURY, COUNTY OF MORRIS, STATE OF NEW JERSEY

Councilman Rilee made a motion to introduce ordinance 13-12. Councilman Zoschak seconded the motion.

Roll Call: Councilman Behrens – Yes Councilman Crowley - Yes
Deputy Mayor DeFillippo – Yes Councilman Rilee – Yes
Councilman Zoschak – Yes Mayor Hall - Yes

Motion Carried 6 to 0.

HEARING AND ADOPTION OF ORDINANCES ON SECOND READING

08-12 AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY KNOWN AS BLOCK 4401, LOT 30, LOCATED AT 12 TAMARACK DRIVE, IN THE TOWNSHIP OF ROXBURY, COUNTY OF MORRIS AND STATE OF NEW JERSEY

Councilman Zoschak made a motion to open ordinance 08-12 to the public. Councilman Rilee seconded the motion.

Voice Vote: All in Favor – Yes

Motion carried unanimously.

No Public Comment

Councilman Zoschak made a motion to close ordinance 08-12 to the public. Councilman Rilee seconded the motion.

Voice Vote: All in Favor – Yes

Motion carried unanimously.

Councilman Zoschak made a motion to adopt ordinance 08-12. Councilman Rilee seconded the motion.

Roll Call: Councilman Behrens – Yes Councilman Crowley - Yes
Deputy Mayor DeFillippo – Yes Councilman Rilee – Yes
Councilman Zoschak – Yes Mayor Hall - Yes

Motion Carried 6 to 0

09-12 CAPITAL ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW INFORMATION TECHNOLOGY EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS

AND EQUIPMENT, IN, BY AND FOR THE TOWNSHIP OF ROXBURY, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY AND TO APPROPRIATE THE SUM OF \$3,034,268 FROM TRUST FUND MONEYS OF THE TOWNSHIP, VARIOUS GRANTS, THE CAPITAL IMPROVEMENT FUND AND CAPITAL SURPLUS TO PAY THE COST THEREOF.

Councilman Zoschak made a motion to open ordinance 09-12 to the public. Deputy Mayor DeFillippo seconded the motion.

Voice Vote: All in Favor – Yes

Motion carried unanimously.

No Public Comment

Councilman Zoschak made a motion to close ordinance 09-12 to the public. Councilman Rilee seconded the motion.

Voice Vote: All in Favor – Yes

Motion carried unanimously.

Councilman Zoschak made a motion to adopt ordinance 09-12. Deputy Mayor DeFillippo seconded the motion.

Roll Call:	Councilman Behrens – Yes	Councilman Crowley - Yes
	Deputy Mayor DeFillippo – Yes	Councilman Rilee – Yes
	Councilman Zoschak – Yes	Mayor Hall - Yes

Motion Carried 6 to 0

10-12 BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS WATER SYSTEM IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY AND A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE WATER UTILITY OF THE TOWNSHIP OF ROXBURY, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$183,000 TO PAY THE COST THEREOF, TO APPROPRIATE WATER UTILITY CAPITAL SURPLUS, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

Deputy Mayor DeFillippo made a motion to open ordinance 10-12 to the public. Councilman Zoschak seconded the motion.

Voice Vote: All in Favor – Yes

Motion carried unanimously.

No Public Comment

Deputy Mayor DeFillippo made a motion to close ordinance 10-12 to the public. Councilman Zoschak seconded the motion.

Voice Vote: All in Favor – Yes

Motion carried unanimously.

- 2012-97** A RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEES POSTED WITH THE TOWNSHIP OF ROXBURY IN CONNECTION WITH WORK PERFORMED AND ACCEPTED IN ACCORDANCE WITH VARIOUS TOWNSHIP RIGHT-OF-WAY EXCAVATION PERMITS.
- 2012-98** A RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL ENVIRONMENTAL CONSULTING SERVICES CONTRACT TO AGRA ENVIRONMENTAL SERVICES FOR THE WATER UTILITY
- 2012-99** A RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL LABORATORY SERVICES CONTRACT TO AGRA LABORATORY SERVICES FOR THE WATER UTILITY
- 2012-100** A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO GM FENCING PURSUANT TO N.J.S.A. 40A:11-5(4) FOR THE INSTALLATION OF APPROXIMATELY 2,200 FEET OF FENCING ALONG DELL AVENUE PARK AND HORSESHOE LAKE RECREATION FACILITY
- 2012-101** A RESOLUTION APPROVING A ONE (1) YEAR EXTENSION TO THE CONTRACT WITH BUILDING INSPECTION UNDERWRITERS, INC. FOR THE PROVISION OF AN ELECTRICAL SUBCODE OFFICIAL
- 2012-102** A RESOLUTION AMENDING THE MEMBERSHIP OF THE TOWNSHIP FIRE DEPARTMENT
- 2012-103** A RESOLUTION AUTHORIZING THE PAYMENT OF BILLS

PERSONNEL CHANGES

Memo from Patricia Reiche, Asst to CFO, dated April 2, 2012
No discussion

COMMUNICATIONS

March 23, 2012

Councilman Rilee made a motion to table March 23, 2012 Communications.
 Councilman Zoschak seconded the motion.

Voice Vote: All in Favor – Yes

Motion carried unanimously.

March 30, 2012

#9 Notification from Diane M. Ketchum, Clerk of the Board Morris County Board of Chosen Freeholders, re: “RESOLUTION TRANSMITTING THE PROPOSED WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT ENTITLED DRAFT SEWER SERVICE AREA MAP FOR MORRIS COUNTY, NEW JERSEY”, adopted March 14, 2012

Councilman Rilee discussed the need to ensure that any proposed map reflect the Township’s position on properties. Mr. Raths detailed that he would go back to staff to make sure the area map was in accordance with council’s earlier decision.

April 5, 2012

#6 Correspondence from Governor Chris Christie to Mayor Fred Hall, dated March 21, 2012, re: “The Jersey Comeback has Begun”

Mayor Hall expressed his support of the act and the savings realized by changes to the pension system.

#11 Correspondence from Mayor Ronald F. Francioli, Township of Hanover, to Hon. Richard J Codey, Senator, dated March 28, 2012, re: New Jersey Residential Foreclosure Transformation Act Assembly, No. 2168 and Senate, No. 1566 (Act could result in some municipalities being forced to accept more affordable housing units than their constitutional obligation)

Councilman Rilee suggested that the Township oppose Assembly Bill No. 2168 and Senate Bill No. 1566.

#14 Mayors Advisory, dated April 2, 2012, re: Affordable Housing/Municipal Trust Fund Dollars & Draft Resolution in Support of A-2717, Extending the deadline on housing trust funds

Councilman Rilee suggested that the Township support A-2717 and asked for a resolution to be added to an upcoming agenda.

PUBLIC PORTION

None

EXECUTIVE SESSION

2012-104 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:

- 1. Attorney Client Privilege –** former Fenimore Landfill

At 9:58 PM, Councilman Zoschak made a motion to adopt Resolution No.2012-104 for Executive Session. Councilman Rilee seconded the motion.

Voice Vote: All in Favor – Yes

Motion carried unanimously.

At 10:55PM, the Council returned to the open session of the meeting.

ADJOURNMENT

At 11:00PM, Councilman Zoschak made a motion to adjourn the meeting. Councilman Rilee seconded the motion.

Voice Vote: All in Favor – Yes

Motion carried unanimously.

Submitted By:

Christopher Rath
Township Manager

MINUTES APPROVED BY COUNCIL

DATE: August 7, 2012

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