

John H. Dorsey*
Fred Semrau
Dominic DiYanni

*Member of NJ & DC Bars

DORSEY & SEMRAU
Attorneys at Law
714 Main Street
P.O. Box 228
Boonton, NJ 07005
973-334-1900
Facsimile 973-334-3408

Sussex County Office:
83 Spring Street
Suite 104, P.O. Box 68
Newton, NJ 07860

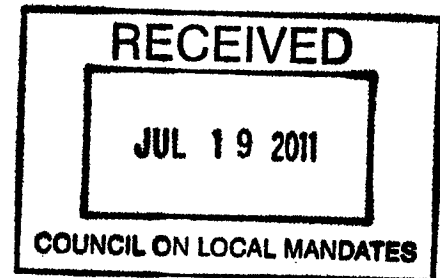
WEBSITE: WWW.DORSEYKINGSEMRAU.COM

Please Respond To: Boonton Office

July 18, 2011

VIA EMAIL AND FEDERAL EXPRESS

State of New Jersey
Council on Local Mandates
135 W. Hanover Street
4th Floor
P.O. Box 627
Trenton, NJ 08625-0627



Re: In re Complaint Filed by the Township of Roxbury
Docket No. 9-10

Dear Members of the Council:

Please accept this letter on behalf of the Township of Roxbury as a supplement in order to correct the record of the argument presented to you on June 22, 2011.

During the course of the argument, the Deputy Attorney General stated that the Roxbury Township Refuse Ordinance was more restrictive than that which was being mandated by the DEP. The purpose of this submission is to clarify for the record that the Roxbury Township Code, prior to the adoption of the DEP mandated Refuse Ordinance (Ordinance #16-10), was less restrictive than that which was ultimately adopted by the Township of Roxbury as a Tier III Requirement Community.

Specifically, the Roxbury Township Code, under Section 3-7.1 – 3-7.19, did not require dumpsters and refuse containers to be covered at all times as set forth in the mandated ordinance. In fact, Roxbury Township Code Section 3-7.4, entitled "Placement of Litter In Receptacles so as to Prevent Scattering", states as follows:


Persons placing litter in public receptacles or in private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. Commercial establishments which sell food directly to the public shall provide receptacles for disposing of litter inside and outside such establishment.

Clearly the mandated Refuse Ordinance set forth by the DEP is in fact a more restrictive ordinance which involves an inspection of dumpsters to insure that the container or dumpster is covered at all times and it further requires that a refuse container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system.

Therefore, in order to correct the factual representations of the parties, it is respectfully requested that the Township be permitted to submit this supplement to the argument heard on June 22, 2011.

Respectfully submitted,

DORSEY & SEMRAU



Fred Semrau

FCS:sdj

cc: Christopher Rath, Township Manager
Jane F. Engle, DAG – via email and Federal Express
Matthew Weng, Esq.- via Federal Express