

**TOWNSHIP OF PARSIPPANY-TROY HILLS
TOWNSHIP COUNCIL AGENDA MEETING**

January 22, 2008

Public Invited – Public Participation

MEETING CALLED TO ORDER by Council President Cesaro at 7:32 p.m.

FLAG SALUTE

Roll Call:	Mr. Barberio	-	Present
	Mr. dePierro	-	Present
	Mr. Fox	-	Present
	Ms. Grossi	-	Present
	Mr. Cesaro	-	Present

OTHERS PRESENT: J. Lim, Business Administrator; J. Verrone, Township Attorney;
J. Silver, Township Clerk

The purpose of this meeting is to set the Agenda for the Regular Township Council Meeting of January 29, 2008

FORMAL ACTION MAY OR MAY NOT BE TAKEN.

Adequate notice of this meeting has been provided in accordance with the requirements of the Open Public Meetings Law by filing the notice in the Office of the Township Clerk and by posting the meeting notice on the bulletin board at the Municipal Building on December 19, 2007 where it has remained posted since that date. A legal notice appeared in both the Daily Record and the Star Ledger on December 11, 2007. A 2008 meeting schedule was forwarded by fax to other local newspapers and local radio stations on December 4, 2007.

ORDINANCES

Second Reading(s) and Public Hearing(s) – 2/26/08 NOTED

**Amending Section 4-58, Public Records, of Chapter 4, Administration of Government,
Regarding Fees in Connection with Vital Records (08:01)**

Status of Adopted Ordinances: None

Ordinance Title and Number	Adopted Date	Mayoral Action	Effective Date
None			

DISCUSSION/REMINDERS

Scheduled Meetings

1/29/08 @ 7:30 p.m.

**Regular Meeting
Public Invited – Public Participation**

2/12/08 @ 7:30 p.m.

**Agenda Meeting
Public Invited – Public Participation**

Minutes for Approval:

Agenda Meeting of 12/11/07 (Present – Cesaro, dePierro and Grossi) ON

Regular Meeting of 12/18/07 (Present – Cesaro and dePierro) ON

Organization Meeting of 1/8/08 ON*

Agenda Meeting of 1/8/08 ON*

Discussion:

Committee – Videotaping of Council Meetings (2/06) Ms. Lim reported that the videotaping equipment was ordered at the end of last year and is ready to be installed. **NEXT AGENDA**

Brookside Senior Citizens Issues (10/07) Council President Cesaro advised that Jean Everly gave him a copy of a letter addressed to a Brookside resident from the U.S. Department of Housing and Urban Development. This letter is evidence that individuals, other than members of the Brookside Tenant's Association Club, are facing problems with the Brookside Management. A copy of the correspondence will be distributed to the Members of the Council. Mr. dePierro commented that it appears to him that the new leases for Brookside are far more restrictive than the prior leases; residents' concerns have not been resolved. He suggested that the Council consider sending a letter to Senator Lautenberg and Congressman Frelinghuysen, noting that a draft was prepared several months ago. **NEXT AGENDA**

Parsippany Property Taxpayers' Protection Act (01/08) Mr. Barberio asked that this matter be tabled to the February 12, 2008 Agenda Meeting to allow, at the request of the Administration, time for review. He advised that he will be meeting with the Administration to discuss the proposed ordinance. Mr. dePierro suggested that our Township Attorney also review the ordinance because he thinks there are some legal problems, specifically pointing out that the current Council cannot bind a future Council relative to some of the items in the ordinance. Mr. dePierro felt that the Council should have a legal ruling before moving forward. Ms. Grossi noted that the ordinance is being used in the Town of Bogota. She assumes, therefore, that it is not illegal. **NEXT AGENDA**

Request of Daniel C. Wilhoft (Pres., Submarine Memorial Association) for Township's Support in Preventing the Closing of the New Jersey Naval Museum, Home of the USS Ling, Located in Hackensack (1/08) RESOLUTION - ON*

Resolution(s):

Authorizing Submission of Application for PARIS Grant (1/08) NEXT AGENDA

MAYOR

No Agenda Items

ADMINISTRATION

BID(S): Taken:

1/10/08 - Parsippany Hills Tennis Court Lighting Renovation **AWARD***
- Reconstruction of Lincoln Avenue (from Lake Shore Drive to Hiawatha Blvd.) **AWARD***

1/17/08 - Construction of Equipment Washing Facility at the Knoll Country Club East – Rebid **NEXT AGENDA**

To Be Taken:

1/24/08 @ 11:00 a.m. Knoll Road Resurfacing Project – Phase 1

QUOTATION(S)/PROPOSAL(S)/QUALIFICATION(S):

Received: None

Requested: None

Presentation – Solar Panel Project (Scheduled for January 29, 2008) ON

Discussion/Recommendations:

Use of Recreational Facilities – Safety Equipment, Waivers, Signage, Permits (12/07) Mr. Barberio, Council Liaison to the Recreation Advisory Committee, will be reviewing the concerns with the Committee at its next meeting. Additionally, Ms. Lim advised that she will contact the Township's Risk Manager to request recommendations. Mr. Barberio reported that there was discussion at the last Committee Meeting relative to an agreement with Montville to share the Township's skating and roller hockey facilities. **NEXT AGENDA**

Resolution(s):

Designating Michael Hardie to Serve as Public Agency Compliance Officer (P.A.C.O.) for Matters Concerning P.L. 1975 C. 127 (MAC 17:27) as Regulated by the State Affirmative Action Office (1/08) Ms. Grossi questioned the designation of Mr. Hardie as the Affirmative Action Officer. She asked if he has training in this area. Ms. Lim advised that Mr. Hardie is involved in the affirmative action for contracts and through his administration of the Community Development Block Grant Funds; he has been performing this function for years. **ON***

Appointing an Administrator for the Township's Third Party Payment Plan for Emergency Medical Services (1/08) **ON***

Designating Primary and Secondary Responders to Hazardous Material Situations (1/08) **ON***

Authorizing Professional Services Agreement with the Township Attorney, Alfred C, DeCotiis, Esq., of the Firm of DeCotiis, FitzPatrick, Cole and Wisler, LLP (1/08) **ON***

Authorizing an Agreement with St Clare's Community Care, A Member of Saint Clare's Health Services for the Provision of Certain Health Clinic Services (1/08) **ON***

Appointing Risk Management Consultant (1/08) Ms. Grossi questioned if someone in-house could deal with risk management rather than by appointing a consultant. Ms. Lim explained that each member of the JIF has its own risk manager. The Township has used Brown and Brown for many years. They provide us with a level of expertise that she doesn't feel we have in-house. **ON***

ADDITIONAL MATTER:

Council President Cesaro asked the status of the **2008 Budget**. Ms. Lim advised that the Administration will try to submit the Budget to the Council no later than February 22, 2008; hopefully, earlier. She indicated that the State extended all of the budget deadlines for about one month.

ENGINEERING

Update/Recommendation(s):

Italicized comments below are excerpts from a January 18, 2008 memo from Mr. Pucilowski, Municipal Engineer, to Ms. Lim:

Train Horns at Intersections – “Quiet Zones” (3/06) *Based upon the minutes of the last council agenda, I have contacted NJ Transit seeking assistance on "Quiet Zones". I had a phone conversation with Raye Hutton of NJ Transit on 1/17/08. Ms Hutton indicated that NJ Transit is willing to assist the Township with a "Quiet Zone" including a site visit and possible*

*presentation to Township Officials. Ms Hutton indicated that the establishment of the Quiet Zone is an agreement between the Township and the Federal Railroad Administration not NJ Transit. My office will coordinate a site visit in early February. Mr. Simpson will be included for that site visit. **NEXT AGENDA***

Mt. Tabor Traffic Regulations (2/06) No change in status. **NEXT AGENDA**

Developer's Agreement with Ken Garrity, Preliminary Subdivision, 160 Parsippany Blvd., Block 452, Lot 1 (7/01) No change in status. **NEXT AGENDA**

Status of Road Resurfacing – Puddingstone Area (8/07) No change in status. **NEXT AGENDA**

Recommendations Relative to Mr. and Mrs. Lau's Concerns Escrow Requirement in Connection with Sidewalk Repair (10/07) No change in status. **NEXT AGENDA**

Request of G. McHugh, 5 Spencer Court, for Assistance to Remedy Backyard Flooding and Structural Deterioration Resulting from the Construction of Homes on Adjacent Property (1/08) *I have been to Mr. McHugh's property on numerous occasions over the years as Township Engineer concerning the water issue in the basement. It is my opinion that there is an underground spring or stream that causes his sump pump to run as frequently as he indicated in his letter. The property sits lower than Spencer Court and one sump pump discharges to the street and the other sump pump discharges to the back yard. I have indicated to Mr. McHugh that in my opinion the best way to minimize the pumping of this underground water is to install a 6 or 8 inch gravity drainage system from his back yard through his downstream neighbor's yard and connect it to either an existing field inlet in a neighbor's yard or directly connect it to the detention basin on Ledgerock Court. I indicated to him that the Township would supply him the materials to do this work He would have to supply the labor. However before the materials were delivered he needed to obtain the permission of the neighbors to install this system through their property. As of this date, he has been unable to obtain this permission.*

*The pond he refers to being there prior to the homes being built behind him drained through his property based upon the topography maps in our office. I don't believe that those homes are causing this **underground** water situation. I believe he wants the Township to obtain the easements through the adjacent properties. Normally this is not done for an individual homeowner. Usually this is done when several homeowners are involved with drainage issue. **NEXT AGENDA***

Renewal of Soil Moving Permit 20 Lanidex Associates, L.P., Block 226, Lot 3.02 (1/08) *The Planning Board received a request from 20 Lanidex Associates' Attorney for one year extension of the final site plan approval and major soil moving permit. The Planning Board granted the approval for the final site plan and recommended that the Township Council approve the one year extension for the major soil moving permit. The Township Council should approve the one year extension. **RESOLUTION - ON****

Waiver of Noise Ordinance – NJDOT Bridge Repair (1/08) *The NJDOT Bureau of Maintenance Engineering and Operations is preparing a bridge maintenance repair contract for Middlesex, Somerset, Morris and Bergen Counties. There are two bridges in Parsippany that are included in this contract. The first is Parsippany Road over Route 287 and the other is Intervale Road over Route 287. The NJDOT has requested a Noise Ordinance Waiver because the project **may** require nighttime construction due to the heavy traffic volumes during the day. The NJDOT has indicated that based upon the condition of the bridges, the repair work could last from four days to fifteen (work) days on each bridge. The repair work involves the saw cutting of the concrete to be removed, jack hammering to remove the existing concrete, sandblasting of the reinforcement steel bars, epoxy coating of the steel bars and the replacement of the concrete.*

The construction timetable for the entire contract is between June and November of this year. The schedule of the individual bridges is dependent on the contractor. The Parsippany Road Bridge is adjacent to some homes on Califon Road. However, the bridge is elevated above these homes and the noise may not affect them as much. The Intervale Road Bridge has homes in the vicinity on both sides of the bridge. They could be more affected by the noise. As indicated by the NJDOT, both roads have heavy volumes of traffic during the day. It is a tough balancing act between the impacts on traffic vs. the residents. My recommendation would be to grant a waiver of the noise ordinance for nighttime construction, but limit that nighttime construction to Monday evening (7:00 PM) thru Friday morning (6:00 AM). The resolution could also indicate that any work that minimally disrupts the traffic flow including preparation work i.e. saw cutting, be performed during the day. Traffic volumes on Saturday are lighter especially on Parsippany Road; the Township Council could encourage Saturday construction.

The Council discussed the matter, noting noise concerns for neighbors. Ms. Lim explained that the alternative is allowing for construction during the day and the rerouting of traffic through the neighborhood. Questions arose as to the projected decibel level of the noise at night and how many homes would be impacted. Ms. Lim advised that the affected residents would be notified in advance of the project. Notification could also be posted on the Township's website. Additionally, the NJDOT could be asked to post "advanced notice signage" prior to the commencement of the project. Construction is to begin between June and November. Mr. Pucilowski is to draft a resolution incorporating the Township's concerns for additional Council review. Mr. dePierro suggested reaching out to the LPPOA (Lake Parsippany Property Owners Association) leadership for recommendations relative to the routing of traffic. **NEXT**

AGENDA

Status – Lake Parsippany Clean-Up and Repairs (1/08) *The Township has received correspondence from the Lake Parsippany Property Owners Association concerning the cleaning of the sediment detention areas on the east side of Lake Parsippany, the cleaning of pipes under the two driveways at the Everett sedimentation basin and the securing of the first flotation collar at the Everett sedimentation basin. The flotation collar has been reattached to the concrete headwall. The attachment location and method of attachment has been modified by Road Dept. personnel.*

In order to properly clean the pipes under the two driveways, the sediment adjacent to the pipes had to be removed first. This work was performed by the contractor under the Township's rental of equipment bid during the week leading up to Christmas. The Township was unable to do this work at the end of November when the lake was at its maximum draw down because the same contractor was being used by the Township at that time to install drainage on Morris Avenue in the Mt Tabor section. Weather permitting; this pipe cleaning will be done shortly. Please note that these pipes have sediment in them, but they are not completely full and this does not affect the flow of lake water between the different sections of Everett sedimentation basin.

The sediment boxes adjacent to the lake on the east side are currently being cleaned by road dept. personnel. The sediment traps that are in the lake on the east side will be cleaned next week, weather permitting. Any and all repairs to the flotation collars on that side of the lake will be made shortly. In addition, Road Department personnel, during the next month, will be installing new curb head plates to the catch basins. This will limit the amount of leaves and recyclables getting into the drainage system on the streets on the east side of the lake.

Mr. Pucilowski is to provide this information to Mr. Sempier, President of the LPPOA.

Ms. Grossi pointed out that Lake Parsippany takes the run-off from Route 287. She questioned where the "run-off" from the bridge repair project will be going and whether the State will be mindful of the debris. She felt that these are matters of concern to the Township.

CHIEF FINANCIAL OFFICER

Resolution(s):

Tax Appeal Settlements:

- (1) RA 119 Cherry Hill Rd. LLC, Block 411, Lot 16, 119 Cherry Hill Road**
- (2) RA 99 Cherry Hill Rd. LLC, Block 411, Lot 16.01, 99 Cherry Hill Road**
- (3) PWIMS OP SUB 1, LLC, Block 202, Lot 1.6, 5 Century Drive**
- (4) PWIMS OP SUB 1, LLC, Block 202, Lot 1.2, 4 Century Drive**
- (5) PW/MS OP SUB 1, LLC, Block 202, Lot 1.4, 6 Century Drive (1/08)**

Ms. Lim advised that the total refund for the five commercial properties is \$172,000. The money would come out of the 2008 Reserve for Tax Appeals. She further indicated that the Township Attorney, the Township's Tax Expert (Louis S. Izenberg), and the Township Tax Assessor have recommended these settlements. **ON***

Authorizing Refund of Overpayment of 2007 Taxes – Block 757, Lot 54 (1/08) ON*

Authorizing the Township Assessor to Take Certain Actions to Prosecute and Defend Tax Appeals (1/08) ON*

Canceling Outstanding Checks Totaling \$206.11 in the Municipal Court General Account to Fund Balance in the Current Account (1/08) ON*

Canceling Outstanding Checks Totaling \$1,099 in the Municipal Court Bail Account to Fund Balance in Current Fund (1/08) ON*

ATTORNEY

Discussion:

Fertilizer Ordinance (6/07; 12/07) Ms. Verrone noted that she prepared a draft ordinance, which incorporates some of the provisions contained in a model ordinance from the DEP, for Council's review. NEXT AGENDA

TOWNSHIP OFFICES / COMMITTEES

Board of Adjustment – Memo of 1/16/08 Requesting Refund of Application Fee in the Amount of \$250.00 in Connection with Variance Application #7:103 88 N. Beverwyck Road, Block 520, Lot 20 RESOLUTION GRANTING REFUND - ON*

COMMUNICATIONS

Correspondence:

Ernest Schapiro and Jerry Pyenson (La Rouché Political Action Committee) – Requesting Township to Adopt Resolution Endorsing the Homeowners and Bank Protection Act of 2007 and Urging its Enactment by the U.S. Congress No interest was expressed by the Council.

APPLICATION(S):

License(s):

Limo License - New

El-Shymaa, Inc. t/a Prestige Limo VIP, 755 Route 46 East (2 Vehicles) and Airlinks Limousine and Taxi, LLC, 239 New Road (1 Vehicle) ON*

PUBLIC HEARING

Council President Cesaro opened the meeting to the public to speak on any topic, noting a five-minute time limit per speaker.

Jerry Manning, Rainbow Lakes, commented as follows:

- The Township should not spend money on videotaping Council Meetings as thousands of people in the Township use FIOS service from Verizon and Verizon does not provide community access. Taxpayers using FIOS service will not be able to have access to the videotaped meetings. He indicated that he would seriously consider a class action suit against the Township for this reason.
- With regard to train whistles, Mr. Manning noted the high cost involved in creating a quiet zone and suggested that noise canceling headphones be used instead.
- It appears that playground equipment has been removed from the mini-park in Rainbow Lakes.

Ms. Lim advised that the Parks Department removed the equipment because of its deteriorating condition. She explained that the new equipment to have been placed at the mini-park has been placed, at the request of the neighborhood, at the ball field park instead.

Roy Messmer, 10 Drumlin Drive, made comments and/or asked questions as follows:

- Videotapes of meetings should be available at the library. He agreed with Mr. Manning's concern, noting that the Township shouldn't be spending money on this. Additionally, he questioned who would be responsible for editing the tapes to be televised.
- He questioned the name of the "Tax Expert" referred to earlier in the meeting. Ms. Lim replied that it is the appraiser, Izenberg.
- He asked if the Blue Collar Contract has been ratified and was advised that it has not. He stated that this is unfair to those individuals.
- He questioned if the proposed fertilizer ordinance will apply to the golf course. He was advised "yes." He is a proponent of the ordinance.
- He strongly felt that the 2008 Budget must be "public friendly." Copies should be made available to individuals attending budget review sessions.
- Pursuant to a Star Ledger news article entitled "Report: NJ. Needs to Step up Efforts on Affordable Housing," written by Tom Hester, a State report suggests that Parsippany

“would have to create 1,783 units of affordable housing.” He asked the Council to follow-up on this.

Mr. Barberio questioned if the budget could be put on-line. Ms. Lim is to investigate this possibility.

Jim Crisafulli, 54 Kingston Road, expressed concerns that construction inspections are performed years after projects are completed. He feels this is not right. He noted that he has a problem similar to Mr. McHugh's problem, discussed earlier this evening. A new house with an in-ground pool was built behind his home on Kingston Road. The property was raised about 1Y2 feet; all the drainage from his property is now backed-up. He has had about four floods, causing damage to his tool shed. The in-ground pool, per Mr. Crisafulli, was never inspected. The fence is 1V2 feet above the ground when, pursuant to the ordinance, it is not supposed to be more than 2 inches above the ground. He reviewed additional concerns.

Ms. Lim is to have someone perform an inspection of the property. She explained to the Council that inspections are done upon request of the property owner. Many times, property owners forget to call for inspections. As the Building Department has time, it will review old permits and follows-up.

Seeing no one else come forward to speak, Council President Cesaro closed the public portion of the meeting.

MOTION TO ADJOURN: Ms. Grossi

SECONDED BY: Mr. Barberio

Roll Call:	Mr. Barberio	-	Yes
	Mr. dePierro	-	Yes
	Mr. Fox	-	Yes
	Ms. Grossi	-	Yes
	Mr. Cesaro	-	Yes

MEETING ADJOURNED: 8:30 p.m.

Minutes approved: February 26, 2008