

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

October 14, 2008

Public Invited – Public Participation

MEETING CALLED TO ORDER by Council President Cesaro at 7:34 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; M. Pucilowski, Municipal Engineer; and J. Silver, Township Clerk

The purpose of this meeting is to set the Agenda for the Regular Township Council Meeting of October 21, 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

Final Consideration – 10/21/08 ON

Amend and Supplement Chapter 225, Land Use, Subdivisions and Site Plans, Article XIV, Development Fees, of Code (2008:20)

Second Reading(s) and Public Hearing(s) – 10/21/08 ON

Amending Chapter 57, Entitled Personnel Policies of the Code to Delineate a Municipal Vehicle Policy (2008:29)

Amending and Supplementing Section 290-4, Entitled Knoll Country Club Utility Fees, of the Code to Set Fees for Corporate Memberships (2008:30)

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Amending and Supplementing Section 290-4, Entitled Knoll Country Club Utility Fees, of the Code to Set a Late Payment Surcharge (2008:31)

Amending Ordinance No. 2008:18, Establishing White Collar Salary Ranges (2008) – Addition of Public Telecommunicator (P/T) Title (2008:32)

Status of Adopted Ordinances:

<u>Ordinance Title and Number</u>	<u>Adopted Date</u>	<u>Mayoral Action</u>	<u>Effective Date</u>
Registration – Tourist Accommodations (08:25)	9/23/08	Approved	10/23/08
Amending Fire Zones – Parking (08:26)	9/23/08	Approved	10/23/08
Parking Prohibited – Certain Streets (08:27)	9/23/08	Approved	10/23/08
Wage Ranges – Blue Collar Supervisors (2007-2010) (08:28)	9/23/08	Approved	10/23/08

DISCUSSION/REMINDERS

Scheduled Meetings

10/21/08 @ 7:30 p.m.

Regular Meeting

Public Invited – Public Participation

11/12/08 @ 7:30 p.m. (Wed.)

Agenda Meeting

Public Invited – Public Participation

Minutes for Approval:

Agenda Meeting of 9/16/08 (Absent dePierro) ON

Regular Meeting of 9/23/08 ON*

Request of the members of the Fire District 6 regarding a cell tower that was previously voted down by the Council. Council President Cesaro invited Dan Marconi to address the Council.

Dan Marconi, 224 Vista Drive, Cedar Knolls, explained that he lives in Cedar Knolls, but works in Parsippany, and that he is the president of the Parsippany District 6 Fire Association. He asked if the Association could resubmit its request to remove the deed restriction prohibiting the installation of a cell tower at its 800 Smith Road building site. Ms. Grossi noted that the Council discussed the request several months ago but, at that time, the firemen were not notified

and, therefore, did not have an opportunity to present their position. Mr. dePierro reminded the Council that the property is very close to a residential area. It was okay for a fire substation, but the Council already ruled that a cell tower at that location would be too close to residences. Ms. Grossi indicated that she would like to provide the firemen with an opportunity to be heard. She noted that the Township has allowed cell towers in other residential areas. She expressed her opinion that if this can be done, we should allow it. Mr. Fox and Mr. Barberio agreed that it would be appropriate to allow the firemen to be heard. A presentation is to be made at the **NEXT AGENDA**.

Presentation by Historic Preservation Advisory Committee – Annual Report (9/08)

Julia Peterson, Chair, noted that Committee members present this evening include Barbara Seaman; Nancy Brighton, Secretary; and Randy Tortorello, Parsippany's Town Historian.

Mr. Tortorello advised that the Committee's current concerns include the re-use of the Kirkbride Building on the Greystone Park Campus, the preservation of the Troy Forge remains at Forge Pond, and especially, the addition of an historic preservation element to Parsippany's Municipal Land Use Law. He indicated that without any mention of historic preservation in this law, our surviving historic resources are without protection. Mr. Tortorello pointed out that the Annual Report, September 2007 – June 2008, a copy of which is on file in the Office of the Township Clerk, highlights the Committee's other advisory activities during the past year which dealt with the Ballentine Barn on the GlaxoSmithKline property on Route 202; the Garrigus House on the Craftsman Farms property; the Hutchinson Mansion on South Beverwyck Road; and the Miller House, opposite the Knoll Country Club on the Rockaway River.

Ms. Brighton highlighted points made in the Committee's October 10, 2008 letter addressed to the Mayor and Council concerning the preliminary review of the plans for the reconstruction of the Forge Pond Dam. She specifically noted the Committee's concern that the dam is going to be lowered and reinforced with sheet piling with concrete caps, taking what is currently an earthen work dam, hardening it, and putting some of the earth works back at a lower level, changing how the dam looks. Additionally, per Ms. Brighton, the plans do not show that there are extant features related to the forge that operated in tandem with the dam and the pond. Because there are some extant features on the downstream side with the likelihood of archaeological features, the Committee is requesting that the applicant have the excavation of the dam monitored.

Ms. Grossi, noting the matter is still in litigation, questioned what influence the Council could have in making the applicant incorporate the Committee's concerns into the project. Mr. Pucilowski recommended that the Committee send a letter to the Dam Safety Section of the New Jersey Department of Environmental Protection, with a copy to SHPO (State Historic Preservation Office). Mr. Pucilowski indicated that there are issues that the Committee could address relative to protecting the forge, noting that the plans do not show any information about the forge. Additionally, Mr. Pucilowski indicated that there are some technical problems with the dam itself. He explained that the DEP, according to the report, is requiring the spillway to be lengthened from a 45 foot spillway to a 280 foot spillway. This, in itself, is a problem and he

questioned how the downstream side of the new dam can be protected. The Committee could address this concern in its letter by asking the DEP to look at the use of more natural material to prevent soil erosion of the downstream slope.

Mr. Fox asked if there is anything the Council could do to add emphasis to the concerns expressed by the Historic Advisory Committee. Ms. Verrone indicated that, because the matter is in litigation, the Council cannot get into specifics regarding the plan. She stated that Mr. Pucilowski made a great suggestion, noting members of the public can forward their comments to DEP and SHPO. Ms. Verrone reiterated that, at this juncture, we really can't discuss in open session the specifics of whether or not the Council likes the proposed plan.

Presentation of Achievement Award Certificates to Members of the Par-Troy East 8U All Stars Baseball Team – To Be Presented at the 10/21/08 Regular Meeting (10/08)

Presentation by Joseph A. O'Neill, Esq. Regarding the Utilization of Block 27, Lot 16 for a Cell Tower to Hold AT&T, T-Mobile and Nextel Antenna Arrays (8/08) Mr. O'Neill, of the Firm of Garofalo, Zierak and O'Neill, advised that he represents T-Mobile; Cingular, which is now AT&T; and Sprint with regard to a previously approved cell site at 1042 Tabor Road. He explained that he is present this evening in connection with a municipal alternative site located behind Hoover's Bar, noting that, at the direction of the New Jersey Superior Court, his clients were asked to consider an alternative site, which is down the road from the previously approved site. Mr. O'Neill indicated that the proposal includes a tower, tall enough to hold all three carriers, in the middle of an 80 foot long compound. He indicated that the tower, at about 135 feet tall, will be 15 feet taller than the tower that was previously approved by the Board of Adjustment because of the topography and the tree area of this site. He pointed out that the compound will cross over a stream and that the bridge is inadequate. To construct the tower, the area will either have to be cleared and a temporary bridge erected or improvements will need to be made to the stream. He advised that the tower will be visible from all the surrounding residences. He provided photo simulations of what the tower will look like. He noted the following additional problems that will need to be addressed should the Council see fit to bid this site: (1) this site is not permitted under the Zoning Ordinances, so a zone change would be requested; (2) there would be substantial public interest, similar to the public interest expressed relative to the first tower; and (3) because approximately 200 cubic yards of soil will need to be moved, a waiver of the soil permit requirements would be requested. He indicated that about 30 old growth trees would need to be cleared in addition to the clearing required by the stream. Mr. O'Neill also noted other conditions that would need to be waived from the general bid package because the tower could not be built with conditions such as an "at will cancellation in the lease." Mr. O'Neill stated that there is a site already approved by the Board of Adjustment for all three of the carriers. This alternative site would need to be equal to what was already approved and cannot be conditioned on, for example, the granting of soil moving permits and whether or not the Board of Adjustment would approve this site under intense public scrutiny again. It is for these reasons that this proposal to the Council is being made in this rather strict form. Additionally, Mr. O'Neill advised that a number of DEP permits to get over the stream will be required. He has been told that this is something that can be granted because of its temporary

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nature. The equipment needed to clear out the hill and to erect the tower will not make it over the current bridge. In response to a Council Member's inquiry, Mr. O'Neill explained that the Township would benefit from the revenue from the lease. If the Council deems that this is something it wants to do, that it wants to use this municipal property for a cell tower, then logic would dictate that the Council would want to change the zoning ordinance to allow for the tower to be constructed, that it would waive the soil moving requirements, etc. Mr. O'Neill indicated that a number of violations of Township Code would be generated including the fact that the site is within a residential zone. There would be a number of bulk variances required as well. The hope would be that this project would be granted "variance free." He explained that this was not an alternative that the carriers considered during the original site acquisition process because of the extreme difficulty in building the site, including the relocation of the path, the bridge construction, DEP permits, and the clearing of all of the foliage in the area. It is a difficult site to construct, costing a lot of money.

Mr. O'Neill responded to additional questions posed by members of the Council. He advised the Council that, even though his clients are making this request, they do consider the property to be inappropriate for a cell tower.

Council President Cesaro asked the Council if it wants to make a decision this evening. Ms. Grossi indicated that she would like an opportunity to visit the site. Consensus of the Council was not to vote on this matter this evening.

Larysa Kuryllo, 1053 Tabor Road (objector to cell tower location at Block 27, Block 5.01, 1042 Tabor Road, approved by the Board of Adjustment), advised that she will bring her legal counsel with her to address the Council at its next meeting. She indicated that there has been three years worth of Zoning Board meetings and discussions about the cell tower proposed to be constructed across the street from her parent's property. She told the Council that the arguments being presented tonight should be the same arguments applied to the original site. It is her understanding that the same arguments were not applied, noting that there is very little difference between the two sites. She advised that the site currently under consideration does not directly affect her property. Additionally, she questioned the option of placing the antenna arrays on a water tower.

As a point of information, Mr. O'Neill indicated that the site at 1042 Tabor Road was approved by the Zoning Board; all variances were granted. It was challenged and remanded, specifically, for consideration of this municipal site.

Discussion:

Sewer Fee Tax Deduction (7/08) Mr. Barberio is obtaining clarification on IRS Code 164 and will provide an update at the next agenda. **NEXT AGENDA**

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Status of Chief's Police Car Policy/Other Police Related Issues (7/08) A meeting with the Administration, Chief of Police and representatives of the Council is being scheduled. **NEXT AGENDA**

Forge Pond/Wetlands Issues (8/08) Ms. Verrone provided a brief update regarding the litigation. She informed the Council that there is a motion pending for partial summary judgment that was filed on behalf of the Township. This will be heard before the Court on November 7, 2008. While that is pending, however, there are ongoing settlement negotiations.

Len Fariello, Representing Wildlife Preserves, was invited to address the Council regarding Forge Pond. He advised that he reviewed the plans for the Forge Pond Dam and suggested that the Historic Advisory Committee express its concern that the sluices maintain historic integrity. In connection with the delineation of the wetlands of Forge Pond, Mr. Fariello stated that he does not understand why the Township cannot discuss the wetland boundaries and why the Council would trust the Developer to delineate the lines of the wetlands without verification by the Township's own consultant. Ms. Grossi explained that, while she would do as Mr. Fariello suggests, this is an administrative decision, one that must be made by the Mayor. The Council's hands are tied. However, she commented that she has been assured by many people that the DEP will make sure that the wetlands delineation is accurate. Ms. Lim noted that the DEP recently approved the wetlands delineation. Mr. Pucilowski indicated, in response to an inquiry by Mr. Fariello, that he believes that the transition areas are 150 feet.

Council President Cesaro took this opportunity to ask Mr. Fariello to address his concerns about the construction crew, hired by the DOT, **using the access road to 280**, which is a Township Road, **as a construction yard and blocking access to Troy Meadows**. Mr. Pucilowski indicated that he visited the site and noted that there is construction activity. He explained that many years ago, people would drive down the access road and dump materials. To address this problem, DOT suggested that signs be posted indicating that it is DOT property and then the State Police would patrol the area, cutting down on some of the illegal dumping. This has worked as the illegal dumping has not been severe. The problem, however, is that some of the contractors have taken advantage and created nuisances by blocking access. Mr. Pucilowski advised that he is in the process of contacting DOT to make sure that the access road is not blocked. This matter is to be added to the Engineer's portion of the agenda for follow-up. **NEXT AGENDA**

Additionally, while Mr. Fariello was present, Council President Cesaro questioned the status of the **Troy Meadows acquisition**. Ms. Lim advised that negotiations are ongoing; the Land Conservancy has taken the lead because it is a joint purchase with County funds. The Army Corps of Engineers, East Hanover Township and Parsippany are involved. Council President Cesaro asked why negotiations are taking so long; whether there is a particular reason such as one party being obstinate or a procedural issue. Mr. Pucilowski announced that Mr. Fariello's boss is being obstinate. Mr. Fariello explained that it is not that Wildlife Preserves is being obstinate, but just that it wants to protect its wildlife sanctuary. The other parties, per Mr.

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Fariello, refuse to continue that land use; they just want the land for open space and recreational purposes. They refuse to put a conservation easement delineating the property as a wildlife sanctuary. Mr. Fariello advised that the acquisition won't happen unless the Morris Land Conservancy and the Army Corps of Engineers agree to place a conservation easement on the land. Council President Cesaro directed the Township Clerk to list this matter for continued discussion at the **NEXT AGENDA**.

Resolution Supporting State Legislation that Would Give Adult Adopted Persons the Same Right as Other Citizens – To Receive a Copy of Their Original Birth Certificate, Upon Request (8/08) Mr. Fox commented that this matter has occupied a lot of his thought; the more he thinks about it, the more complicated it gets. He stated that he understands the reason why it is important for an adoptee to know his health background, but what concerns him is the “expected right of privacy,” although this may not have been legally guaranteed. He enumerated his other concerns, which were expressed at previous meetings. Additionally, he advised that he is unsure of how this legislation would affect “estates.” Mr. Fox commented that he understands both sides of the issue, but fortunately this is not a decision of this Council. It is a decision of the State Legislature; the Council should not get involved because of all of the ramifications. Ms. Grossi commented that the Council is not making any decision; the resolution, if adopted, would urge our Legislators to pass legislation. The final decision would be theirs; they would have to grapple with the legal questions. Mr. dePierro disagreed with Ms. Grossi, expressing his view that the Council would be making a decision to support the legislation if it adopts the resolution. He noted that he has some of the same concerns as Mr. Fox. Mr. Barberio indicated that he also shares Mr. Fox's concerns. He indicated that he requires additional time to review all of the documentation. Additional discussion ensued relative to the issues.

Council President Cesaro invited Judy Foster, who submitted the resolution to the Council for consideration, to speak.

Judy Foster, 16 Long Ridge Road, addressed the Council's concerns. She reminded the Council Members that all that adoptees want is the right to have their original birth certificates. They are currently denied the only piece of paper that indicates who they are. She noted that the legislation has protection for birth parents that don't want to be “outed.”

Ms. Grossi felt the Council should vote as to whether or not to consider the adoption of the supporting resolution. The consensus of the Council was to table action to allow for additional review. **NEXT AGENDA**

Request of Raymond S. Zierak, Esq. (Representing Morris Corporate Center V & VI) For a Two-Year Extension of the Developer's Agreement - Block 136, Lots 43.03, 44 and 76, Cherry Hill Road and Upper Pond Road (8/08) Pending review and recommendation by the Planning Board Attorney. **NEXT AGENDA**

Resolution in Support of S-445, the “Transparency in Government Act,” Which Would Provide for the Establishment of State Public Finance Website, Sponsored by Senator Joe Pennacchio (9/08) ON*

Transparency in Government Act – Municipal (10/08) Council President Cesaro indicated that he asked the Township Clerk to add this matter to this evening’s agenda. He explained that he feels Parsippany needs something similar to what has been proposed by Senator Pennacchio for the State. He suggested that the Municipal Budget and other finance documents be displayed on the Township’s website for easy review by the public. Council Members concurred. Council President Cesaro advised that he would draft legislation for the Council to consider. **NEXT AGENDA**

MAYOR

No Agenda Items

ADMINISTRATION

BID(S)

**Taken:
9/18/08**

Parsippany High School Tennis Court Lighting Renovation AWARD*

Mr. Fox questioned whether the property belongs to the Township or the Board of Education. Ms. Lim advised that it is Board of Education property, but the Township paid to install the courts initially and, under the agreement with the Board, the Township maintains the courts. Mr. Fox stated that, before the Council considers any additional funding, he would like more statistical information such as how many people are using the courts and the times the facility is open to the public. He questioned why the Township is paying all this money. Ms. Lim asked Mr. Fox to provide her with specific questions relative to the information he wants; she will try to obtain the information. She noted, however, that she will not be able to indicate the usage as there is no monitor or camera at the site. She explained that anyone can use the courts as long as they are not being used by the school. Ms. Grossi questioned whether or not we will be paving the tennis courts. Ms. Lim indicated that the Township is scheduled to refurbish the Parsippany High courts; this will be proposed in the 2009 budget. The funding, per Ms. Lim, will probably come out of the park improvement portion of the Open Space Trust Fund. The Parsippany Hills courts were repaved last year.

9/25/08 New 15 Yard Combination Sewer Cleaner and Vacuum

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**Man Hole Cleaner Mounted on a Heavy Duty Truck
Chassis with Portable Television Pipe Inspection System
Mounted in a Towable Trailer with Flexidata Software
System AWARD***

**9/25/08 Construction of Fire Sprinkler System at the Knoll Country Club East
AWARD***

9/25/08 Exterior Restoration of the Bowsby-DeGelleke House AWARD*

**10/2/08 Insulated Translucent Fiberglass Sandwich Panel System Replacement
Project at the Wastewater Treatment Plant AWARD***

To Be Taken:

**10/23/08 @ 10:00 a.m. New Type III 100 E-Super Ambulance for the Parsippany
Ambulance Squad**

**10/30/08 @ 11:00 a.m. Reconstruction of Hawkins Avenue and Condit Street –
Phase I**

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

Received:

**9/24/08 Qualification Statements for Health Insurance Broker of Record
Services Qualification Statements for Risk Management
Consultant/Liability Insurance Broker of Record Services**

Ms. Lim advised that four (4) proposals were received for the health insurance broker of record services and three (3) proposals for the risk management. She is currently reviewing all of the proposals received. She will provide the Council with a list. Ms. Grossi asked if the Council will have the opportunity to have the brokers make presentations, noting she would like to hear what each one of them has to say and what each has to offer. Ms. Lim advised that this is not the way this is typically done. Ms. Verrone advised that if interviews with or presentations to the Council were not part of the proposal, this may be problematic. Members of the Council felt it would be appropriate since they are approving the funding. Ms. Verrone reminded the Council that the recommendation is made by the Administration to the Council with respect to the successful proposer. Ms. Grossi pointed out that the Council could reject the recommendation. She questioned how the Council would know if another broker might be better and suggested that the Administration could make its recommendation after the presentations. It would then be up to the Council to decide if the recommended broker is the proper person for the job. **NEXT AGENDA**

Requested: None

Discussion/Recommendations:

Presentation Regarding Horizon Stolen Laptop Concerns (7/08) Ms. Lim indicated that she would like to schedule this presentation for the next Regular Council Meeting. **NEXT AGENDA**

PSE&G High Voltage Power Lines (8/08) Ms. Lim reported that the Mayor's Office has been in touch with a PSE&G representative and a public meeting is to be scheduled. Council Members felt the presentation should be at a Council Meeting. Mr. Fox indicated that the general feeling is that our citizens don't understand the potential impact. This is not just a one shot deal. This is Phase I of three phases. It will affect residential areas and there is a security risk involved. Ms. Lim noted that municipalities that are potentially impacted by this transmission line are scheduling a meeting to be held in Andover Township.

Request of Sandra Sutton for Street Name Change – Portion of Warren Drive (9/08)

Ms. Lim advised that the Suttons were advised that the Administration is concerned about changing the name to Sutton Court because there is already a street named Sutton Place in the Township. She explained to the Council that there is a real liability associated with the duplication of names in connection with emergency services. Ms. Lim indicated that the portion of Warren Drive where the Sutton home is located is misnamed because it is four blocks away from the other portion of Warren Drive. It continues to be the Administration's recommendation that the street in question be changed to Elmwood since it is actually a continuation of that street. Ms. Lim advised the Council that Mrs. Sutton is not happy with this recommendation. However, Ms. Lim feels we must be very concerned about the liability the Township incurs as a result of duplicate street names. Other options were discussed. It was noted by Council Members that there are many streets with similar names. She definitely recommended against Sutton Court, but stated that she will ask the Police Department for additional input relative to other possible options. Mr. dePierro suggested that Ms. Lim also discuss her concern with the Fire Department and First Aid Squads. **NEXT AGENDA**

Supporting A-2760/S-1785, Which Would Establish the “Court Security Enhancement Fund” and Increase Court Fees (10/08)

Ms. Lim advised that the Court Administrator forwarded this legislation to her for consideration by the Council. She explained that court fees would be increased nominally and the money raised would be used for security measures in municipal and county court facilities; at least 95% of the funds generated would be used for that purpose. Mr. Fox asked the split between municipal and county. Ms. Lim replied that it sounds as though the funding will be via grants. Council President Cesaro asked Ms. Verrone if he should recuse himself. She advised that he shouldn't as there is no conflict; it is not specific to him or to any client of his. A copy of the bill will be provided to the Council Members.

RESOLUTION - ON*

Cablevision Slot (10/08) Ms. Lim indicated that the Township has secured a two-hour cable slot on Tuesdays at 4:00 p.m. Council Members questioned what happens when meetings are less than two hours. Ms. Lim advised that the time slot remains blank, but the Township can try to add fillers, such as Fall Festival footage. There will be no editing of the meetings. Meetings

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lasting longer than two hours will continue at the next time slot. The Township Clerk is to arrange for a “trial run.”

Craftsman Farms Foundation – Request for Additional Funding from the Open Space Trust Fund (10/08) Ms. Lim indicated that the Foundation requested an additional \$10,000 from the Open Space Trust Fund to complete repairs to the chimneys at both the North and South cottages. Additionally, the Foundation had some cost overruns on current projects. She advised the Council that there are funds available in the 2008 park improvement portion of the Trust Fund. **RESOLUTION - ON***

Combe Fill South Settlement (10/08) Ms. Lim noted that a couple of months ago the Council authorized a settlement agreement. However, the attorneys representing the municipalities have asked that this matter remain on the agenda so that the Council can move quickly to adopt a resolution authorizing the Consent Decree and the Escrow Agreement. She explained that, once all of the governing bodies adopt the resolutions, we can pay into the fund and not continue to accrue interest. She noted that Parsippany has already paid the deductible; the insurance fund is going to pick up what is owed, which is \$100,000 plus \$5,000 interest. **NEXT AGENDA**

Resolution(s):

Authorizing Expenditures of Open Space Trust Fund Monies for the Bowsby-DeGelleke House (9/08) Ms. Lim explained that this resolution needs to be adopted prior to the adoption of the Consent Agenda as the resolution awarding the bid provides that “funds are available.” Additionally, the Chapter 159 Resolution, listed under the Chief Financial Officer’s portion of the agenda, needs to be adopted prior to the Consent Agenda. **ON**

Approving Fibertech Right of Way Use Agreement (10/08) **ON***

Approving an Easement to Jersey Central Power and Light Company – Block 494, Lot 1 (10/08) **ON***

Committing to Petition COAH with a Revised Third Round Housing Element and Fair Share Plan (10/08) **ON***

Ordinance(s):

Amending and Supplementing Chapter 57, Personnel Policies, of the Code, Establishing a Residency Preference for New Employees (10/08) **INTRODUCTION - ON**

Amending and Supplementing Chapter 346, Snow and Ice Removal, of the Code – Enforcement Section (10/08) **INTRODUCTION - ON**

Amending and Supplementing Chapter 4, Administration of Government, Article IX, Police Department, of the Code – Fees for Services Rendered by Special Police Officers (10/08) **NEXT AGENDA**

Amending 2008 White Collar Salary Ordinance – Special Police Officers (10/08) NEXT AGENDA

ENGINEERING

Update/Recommendation(s):

Italicized comments below are excerpts from an October 10, 2008 memo from Mr. Pucilowski, Municipal Engineer, to Ms. Lim:

Train Horns at Intersections – “Quiet Zones” (3/06) 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

Developer’s Agreement Morris Corporate V/VI Amended Preliminary and Final Site Plan (8/08) No change in status. NEXT AGENDA

Camp Meeting Association Angle Parking Simpson Avenue (8/08) *The Township met with members of the CMA to review the report of Gordon Meth. The report indicated that the angle parking area between Asbury Place & Embury Place is acceptable. There have been no accidents in that area. These spaces are predominately on CMA property and leasing of these spaces could resume. The angle parking area between Wesley Place & Asbury Place is acceptable. There have been no accidents in that area. However, these spaces extend into the right of way and it is questionable if these spaces can be leased. NJDOT approval is required. The angle parking area near the Post Office is not acceptable. There have been at least two reported accidents in the last three years. The existing handicap space is non compliant. The report recommends that all of these angle spaces be changed to parallel spaces including making the handicap space compliant. Several spaces would be lost. The CMA has raised objections to this and has requested that the Township investigate the possibility of relocating the road right of way so the existing spaces would now be on CMA property. The CMA would convey the additional right of way. Mr. Meth has been asked to submit a proposal to investigate this request. The last parking area is across from the Post Office and all of those spaces are on CMA property. The parking spaces are perpendicular and can be regulated by the CMA through Title 40. NEXT AGENDA*

Design of the Reconstruction of Various Streets in Lake Parsippany (10/08) *The Engineering Office received 12 proposals to design the above mentioned project from the approved engineering consulting firms. The lowest acceptable proposal was received from Van Cleef Engineering Associates in the amount of \$49,750 and they have been advised to proceed*

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with the design work. The design cost in the proposals varied from the low of \$49,750 to \$316,280. The following streets were included in the design:

1. Allentown Road between Delanco Drive & Atlantic Drive
2. Atlantic Drive between Fieldcrest Road & Sussex Road
3. Beachwood Road between Fieldcrest Road & Atlantic Drive
4. Canton Road - Entire length
5. Florham Road – Entire length
6. Haddon Road – Entire length
7. Buena Road – Entire length
8. Bridgeton Road between Madison Road & Canton Road
9. Flemington Road between Florham Road & Atlantic Drive
10. Longport Road between Halsey Road & Atlantic Drive
11. Sterling Road – Entire length
12. Keansburg Road – Entire length
13. Madison Road between Sterling Road & Ludlow Road
14. Centerton Drive between Delanco Drive & Ludlow Road
15. Graham Court- Entire length

NOTED

Design of the Dredging and Cleaning of the Rockaway River from Chesapeake Avenue to Minnehaha Boulevard (10/08) The Engineering Office received 4 proposals to design the above mentioned project from the approved engineering consulting firms. The lowest acceptable proposal was received from Keller & Kirkpatrick in the amount of \$15,500 and they have been advised to proceed with the design work. The design cost in the proposals varied from a low of \$15,500 to \$42,650. **NOTED**

Design of the Reconstruction of Various Streets in Mt. Tabor (10/08) The Engineering Office received 10 proposals to design the above mentioned project from the approved engineering consulting firms. The lowest acceptable proposal was received from Van Cleef Engineering Associates in the amount of \$17,300 and they have been advised to proceed with the design work. The design cost in the proposals varied from a low of \$17,300 to \$98,650. The following streets were included in the design:

1. Wesley Place between Simpson Avenue & Morris Avenue
2. Asbury Place between Simpson Avenue & Morris Avenue
3. Embury Road between Simpson Avenue & Morris Avenue
4. Banghart Place between Simpson Avenue & Embury Road
5. West Morris Avenue between Simpson Avenue & Strowbridge Avenue
6. Hedding Place between Simpson Avenue & Strowbridge Avenue
7. Sommerfield Avenue between Simpson Avenue & Strowbridge Avenue
8. Simpson Avenue between St. Johns Avenue & Wesley Place

Sandalwood Area Flood Study (10/08) The design consultant Paulus, Sokolowski and Sartor, LLC has developed a three phase approach to address the flooding issues on Sandalwood Drive. The first phase is to divert a portion of the existing drainage from the flood pump station and send it directly to the Berries Brook concrete channel. The existing drainage system from Ridge Road and the upper portion of Rockaway Place would be piped along Colony Court and

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connected to the Berries Brook Channel. NJDEP permits are required to tie into the concrete channel in this phase. The estimated cost for the first phase is \$153,000.

The second phase is to pipe the existing drainage system on Rockaway Place between Ferndale Road & Rockaway Boulevard and Rockaway Boulevard between Rockaway Place & Berries Brook into the Berries Brook channel just below Rockaway Boulevard culvert. NJDEP permits are required to tie into the drainage channel in this phase. The estimated cost of Phase 2 is \$ 822,000.

Phase three involves the construction of a new pump station with multiple pumps. This pump station would become the primary system while the older pump station would become the back up station. Numerous NJDEP permits are required in this phase. The estimated cost for third phase is \$5,820,000.

This office has reviewed the report and recommends at this time that Township proceed with phase 1. A proposal has been received from Paulus, Sokolowski and Sartor, LLC in the amount of \$30,750 to design this first phase and it is recommended that that they proceed with the design and obtain the necessary NJDEP permits.

I met with Mrs. Alroy & her son and Mr. & Mrs. Staudinger on Friday, October 3rd to discuss the results of the flood study. All were in favor of proceeding with the first phase with some very minor modifications. These modifications can be accommodated.

NOTED

Ms. Grossi noted that the Township cleaned up the culvert going around the Hills of Troy Park. It was anticipated that one to one and one-half feet of silt would need to be cleaned up, but actually, there was closer to four feet in some spots. Now that it is clean and, because of the degradation of **Troy Brook**, the culvert is below the level of the Brook and, as a result, water spills into the culvert. There was a study of that portion of Troy Brook which provided recommendations to the Township, one of which was to shore up the sides and clean out the stream bed. However, nothing has been done. The residents in the area are very concerned about water just sitting in the culvert. The Brook requires maintenance and Ms. Grossi noted that the Whippany Watershed received \$200,000 as a result of Dr. Obropta's study. She stated that she understands that there is a possibility that some of that money could be used for this portion of Troy Brook. Mr. Pucilowski advised that the Township is already pursuing this; a meeting is to be scheduled with Dr. Obropta and the Watershed to discuss financing. He indicated that, in his proposed budget for 2009, he will be asking for funding to obtain the permits to do the dredging along a portion of Troy Brook. He indicated that the money received by the Whippany Watershed pertains to four communities – Mt. Lakes, Parsippany, a small portion of Hanover, and a portion of East Hanover. We will try to get as much funding as possible, but with the understanding that the monies have to be shared. Ms. Grossi asked that this matter be added to the **NEXT AGENDA**.

CHIEF FINANCIAL OFFICER

Discussion – Refinancing the Township’s 1997 Bond Issue and Appointment of Doug Bacher of the Acacia Financial Group as the Township’s Financial Advisor (9/08) Ms. Lim noted that the ordinance for the refinancing is not ready at this time and, with this market, there is not a big rush. She further noted that the Township received a letter from SEC advising that it has nothing on record relative to Dough Bacher or the Acacia Financial Group, which means that there have been no complaints. She reminded the Council that Acacia is the financial advisor to the County Improvement Authority and has been for quite a long time. The refinancing ordinance will remain on the agenda. **NEXT AGENDA**

Resolution(s):

Amending 2008 Cash Management Plan (10/08) ON*

Amending 2008 Budget – County of Morris Historic Preservation Trust Fund – Bowsby-DeGelleke House (10/08) ON

ATTORNEY

No Agenda Items

TOWNSHIP OFFICES / COMMITTEES

No Agenda Items

COMMUNICATIONS

Correspondence:

Maurice Soussa, President, Cranberry Realty, Inc. – Regarding Reforming the Building Department Bureaucracy (Letter Dated 9/18/08 to Mayor and Council) **NOTED**

Resolution(s): None

APPLICATION(S):

License(s):

Liquor License Renewals for the 7/1/08 – 6/30/09 Licensing Term ON*

Authorizing Special Senior Citizen Bingo License to Lake Hiawatha Community Center Social Bingo Club (10/08) ON*

***Consent Agenda**

PUBLIC HEARING

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

Pat Petaccia, 182 Hawkins Avenue, asked what time the High School tennis courts are closed at night. Ms. Lim will find out and advise Ms. Petaccia. Additionally, relative to the adoption issue, she expressed her personal opinion that this legislation would open up a “Pandora’s Box.” She felt the Council was right to ask for additional information prior to making a decision.

Arthur Hendrickson, 65 Leamoor Drive, asked when the Forge Pond litigation is anticipated to be resolved. Ms. Verrone advised that a hearing is scheduled for November 7, 2008 on the Township’s motion. Some issues may be resolved on or around that date. With regard to the adoptive birth parent issue, Mr. Hendrickson stated that he would like to see the Township officially take no stand. He felt that taking a position could potentially result in dissension and arguments within the Township; we don’t need this. With regard to putting the budget on the website, he expressed concern with the volume. He questioned whether there would be a way to indicate transfers of funds. He felt that residents would be interested in knowing, not only what is anticipated, but also what actually happens. He asked the Council to consider his comments.

Tom Hill, 223 Willows Road, Fredon, advised that power lines are going through 15 New Jersey towns. Numerous meetings are being scheduled to address concerns. He explained that Stop the Lines is a grassroots organization which is trying to gather support to oppose the PSE&G project. The organization has gathered more than 500 signatures on petitions which are both on-line and in paper format. He stated that the Organization urges the Parsippany Council to express its concern on behalf of its residents. Based on his research, he explained that there is no need for the amount of power that PSE&G is looking to transfer and that the project is profit motivated, not need motivated. Documentation is available on-line at www.stophelines.com.

Christine Garcia, 21 Arnold Drive, reiterated comments made by Mr. Hill. She noted that she, too, is with the grassroots efforts in opposition to the power line project. She agreed that the project is profit motivated, noting that the power is not really needed, but will be sold to other states. Additionally, she noted that the lines will be an eyesore and expressed her concern about their effect on property values, on the environment, on health. She also questioned how the lines in her area will affect the flood zones and wetlands.

Ann O'Hern, 2 Fox Run Drive, East Hanover, expressed her concerns with the proposed PSE&G project and, particularly, questioned what effect the installation of the new towers will have on the floodwalls in Lake Hiawatha. She noted that this is only Phase I of PSE&G's expansion plan. She also expressed her concerns about health issues, noting there is a cancer cluster in East Hanover near the current lines. She indicated that all the municipalities should work together to oppose this project.

Mohammed Vandal, 8 Arnold Drive, indicated that where his backyard ends, the 150 foot easement starts. The new towers are going to be 180 feet high. His main concern is the possibility of a tower falling on a residence and, additionally, if there are medical concerns related to these lines, residents have a right to know.

Afshan Vandal, 8 Arnold Drive, asked how much information the Township has about the proposed project. The Council Members responded "very little." Mr. dePierro explained that, pursuant to the newspaper article he read, these lines are going on PSE&G's existing rights-of-way; they are not on new rights-of-way. All PSE&G has to do is get approval from the Board of Public Utilities. He suggested that the only effective way to fight this is through the Board of Public Utilities. Mr. Fox asked if the Township Attorney could investigate whether the Township has legal recourse in this matter, and if so, what the recourse is. Ms. Verrone indicated that she hasn't seen the proposal, but agreed with Mr. dePierro that, if the lines are in existing rights-of-way, the Board of Public Utilities is the regulatory agency and will, ultimately, have to approve the plan. From what she has heard this evening, PSE&G might be providing courtesy presentations to affected municipalities, but as far as she knows, Parsippany has not been approached in this regard. Mr. dePierro commented that if PSE&G is far exceeding what is needed beyond a planning stage of two, three or four years, this would be a valid objection that the Board of Public Utilities might be receptive to. Ms. Vandal reiterated her concern about possible health problems as a result of the transmission lines.

Gail Smith-McDonald, 200 River Drive, indicated to Mr. Pucilowski that it appears there is going to be some cleaning and dredging from Chesapeake to Minnehaha. She asked if there is a similar project scheduled for the river in the area of Cayuga and River, where flooding is a major concern. Mr. Pucilowski replied, "No, there isn't." She also noticed that there is a Sandalwood Area Flood Study and questioned if there has been a study relative to the residences in lower Lake Hiawatha not fortunate enough to have a berm, a wall and a fence. Mr. Pucilowski advised that the best solution to deal with the flooding on Ms. Smith-McDonald's property is for the Township to buy the property. Mr. Pucilowski explained why the floodwall was not extended up to her property. He advised her that the cleaning and dredging project will ultimately help diminish the flooding problem on her property. The flow downstream will be improved so that water doesn't back-up and affect her.

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Judy Foster, 16 Long Ridge Road, addressed some of the issues expressed during the public portion relative to the proposed legislation that would give adult adopted persons the right to receive copies of their birth certificates. She strongly encouraged the Council Members to review the documentation provided to them, particularly, regarding “myths and facts.” She noted that all of the claims made are backed-up by factual data. She expressed her hope that the Council would consider adopting a supporting resolution.

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: 10:16 p.m.

Minutes approved: November 25, 2008