

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

November 12, 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	-	Absent
	Ms. Grossi	-	Present
	Mr. Cesaro	-	Present

OTHERS PRESENT: J. Lim, Business Administrator; M. Pucilowski, Municipal Engineer; 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 November 25, 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.

PRESENTATIONS:

Planning Consultant - Update: COAH and Highlands Master Plan (11/08)

Present for this portion of the meeting: J. Burgis and E. Snieckus of Burgis Associates, Inc., Community Planning and Development Consultants

Mr. Burgis provided a brief overview of COAH (Council on Affordable Housing), specifically addressing the Third Round Regulations. He explained that COAH currently has determined that ParsIPPany's affordable housing obligation increased from 262 to 1,749 units. He indicated that, for many reasons, the Township takes great exception to this number and feels confident that the number can be significantly reduced. He reviewed the "Fair Share Approach" and the "Growth Share Approach" to affordable housing, which is used in Round Three. Mr. Burgis indicated that the 3rd Round Obligation share is broken up into three components – (1) the rehabilitation share

(242 units); (2) the prior round obligation (664 units), all of which have been previously satisfied; and (3) the Growth Share projection of an additional 903 housing units to be built and an additional 25,020 jobs created producing the need, per COAH, of an additional 1,787 affordable housing units required to be built between now and 2018. Mr. Burgis advised that we not only take exception to COAH's projections of both residential and non-residential growth, we also take exception to a third component of COAH's analysis – the amount of vacant land we have in Parsippany. He explained that COAH's consultants basically looked at aerials and made a determination as to the amount of vacant land based on these aerials. COAH estimated that, in Parsippany, there is close to 1,800 acres of vacant developable property. These aerials, per Mr. Burgis, included the front lawns of many of our office parks, cul-de-sacs, and strips of land along highways as open space and vacant land which could be developed. He reiterated that the Township is taking exception to the way COAH calculated vacant property. The Township is re-examining what its numbers should be, based upon site plan and subdivision approvals, an analysis of what is truly vacant land in the community, and an analysis of environmental constraints on the vacant land, which could substantially reduce the development potential of Parsippany. Mr. Burgis reviewed the timeline within which the Township is obligated to conduct its review, pointing out that by December 31, 2008 we would have been obligated to file our Housing Plan with COAH. However, if Parsippany participates in the initial planning assessment grants that are being offered by the Highlands Commission to municipalities within the Highlands, we can move back that deadline to December 9, 2009. This would allow Parsippany to analyze whether or not we want to "buy in" to the Highlands Regulations. A \$15,000 grant would be available to study whether or not to "buy in." Additionally, per Mr. Burgis, COAH has to recognize that municipalities in the Highlands have a lot of environmentally sensitive lands where development should not be encouraged. In all likelihood, those municipalities that participate in the process will be getting a new and much lower affordable housing obligation. Mr. Burgis advised that part of Parsippany's housing plan will be to determine how to spend the non-residential development fee wisely; noting that a municipality has four years within which to spend the money or the funds will go to the State for use elsewhere. He reviewed A-500, legislation recently adopted, which eliminated RCAs, provided for the use or loss of the development fee within a four year period, and additionally imposed a new requirement whereby 13% of a municipality's affordable housing units have to be geared to very-low income households. Mr. Burgis concluded by reviewing the variety of approaches to adjust Parsippany's affordable housing number.

Mr. Snieckus reviewed the Highlands Legislation – the Highlands Master Plan (HMP) adopted by the Highlands Commission on July 18, 2008 and Executive Order 114, which endorsed the Highlands Master Plan and established that COAH and the Highlands need to reach a "Memorandum of Understanding" to address a balance between affordable housing obligations and the protection of natural resources within the Highlands Regions. He noted that Parsippany is actually in the "Planning Area," which is an optional compliance area. Mr. Snieckus advised that it is the recommendation of Burgis Associates to apply for a Notice of Intent to review the HMP. He also advised that a resolution would need to be adopted to extend the COAH deadline from December 31, 2008 to December 9, 2009. He noted the benefits and potential detriments of opting into the HMP and extending the filing deadline. He confirmed that there is funding available through the Highlands Commission to study conformance with the Highlands Master Plan.

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Consensus of the Council was to consider the necessary resolutions (the intent to conform with the HMP and the request to COAH for an extension of the deadline to December 9, 2009) at the November 25, 2008 Regular Meeting. Ms. Grossi, as a member of the Planning Board, noted that the Planning Board is in full support of the Township “opting in,” explaining that there are no detriments, but a tremendous number of benefits. She strongly recommended that the Council move forward as quickly as possible. Ms. Lim pointed out that a resolution is also needed to authorize application for the Highlands’ grant to assist the Township with its review of the consistency of our Master Plan with the HMP. Mr. Snieckus felt the authorization should be done as soon as possible, noting that the next meeting of the Highlands Council is scheduled for November 20, 2008. Mr. Burgis encouraged the Council to act quickly, concerned that the Highlands Council may run out of grant money. Ms. Verrone suggested that a motion could be made this evening, followed by a memorializing resolution at the November 25, 2008 Council Meeting. A motion was made by Mr. dePierro, seconded by Council President Cesaro, authorizing the Administration to submit an application to the Highlands Commission for grant funds available to study “opting in” to the Highlands/COAH Plan.

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

Motion adopted.

Parsippany District No. 6 Fire Association – Reconsideration of Request to Release District No. 6 from Deed Restriction in Order to Negotiate with Verizon Wireless Relative to Locating a Wireless Antenna Tower at 800 Smith Road, Block 741, Lot 4.01 (11/08) Dan Marconi, President of Parsippany-Troy Hills Fire Association, District No. 6 reviewed the Association’s request to the Township to remove the deed restriction in order for the Association to continue to negotiate with Verizon with the possibility of placing a flagpole style cell antenna on the site. If the deed restriction is removed and negotiations continue, Verizon has advised that it will notify property owners within 500 feet of the property lines and will proceed with an application before the Zoning Board.

Mr. dePierro noted that when the property was deeded over to the Fire Association, the Township promised the residents in the area that, other than the firehouse, no other structures would be permitted. It is residential property. To remove the deed restriction would be breaking the Township’s promise to the residents who live in the area. He indicated that he supports the Fire Association, but is hesitant to renege on a promise made to the residents. He is not in favor of removing the deed restriction. The other members of the Council concurred with the sentiments expressed by Mr. dePierro

Council President Cesaro opened the meeting to the public to speak regarding this issue.

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Esther Davis, 74 Westminster Drive, indicated that a tower erected at that site would directly encroach on her property. She advised that when she purchased her home 21 years ago, she was assured that nothing else would be built on the Fire Association property. Her investment is her home. She and her family deserve the privacy; nothing commercial should be allowed to be built behind their home.

Seeing no one else come forward on this issue, Council President Cesaro closed the public portion.

ORDINANCES

Second Reading(s) and Public Hearing(s) – 11/25/08 ON
Amending and Supplementing Chapter 57, Personnel Policies, of the Code, Establishing a Residency Preference for New Employees (08:33)

Amending and Supplementing Chapter 346, Snow and Ice Removal, of the Code – Enforcement Section (08:34)

Amending and Supplementing Chapter 225, Land Use, Subdivisions & Site Plans, Article XIV, Development Fees (COAH) (2008:35)

Status of Adopted Ordinances:

<u>Ordinance Title and Number</u>	<u>Adopted Date</u>	<u>Mayoral Action</u>	<u>Effective Date</u>
Municipal Vehicle Policy (08:29)	10/21/08	No Action Taken	12/4/08
Knoll Country Club – Fees for Corporate Memberships (08:30)	10/21/08	Approved	11/26/08
Knoll Country Club – Late Payment Surcharge (08:31)	10/21/08	Approved	11/26/08
Salary - Public Telecommunicator (P/T) (08:32)	10/21/08	Approved	11/26/08

DISCUSSION/REMINDERS

Scheduled Meetings

11/25/08 @ 7:30 p.m.

12/09/08 @ 7:30 p.m.

Regular Meeting

Public Invited – Public Participation

Agenda Meeting

Public Invited – Public Participation

Minutes for Approval:

Agenda Meeting of 10/14/08 ON*

Regular Meeting of 10/21/08 ON*

Closed Session of 10/21/08 ON*

Discussion:

Sewer Fee Tax Deduction (7/08) Mr. Barberio will forward the applicable IRS Code to Ms. Lim. NEXT AGENDA

Status of Chief's Police Car Policy/Other Police Related Issues (7/08) Council President Cesaro noted that he and Mr. Barberio will be meeting with the Administration and Chief of Police in a couple of weeks. NEXT AGENDA

Forge Pond/Wetlands Issues (8/08) No discussion at this time. 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) NEXT AGENDA

Decision - Request of Joseph A. O'Neill, Esq. (Representing New Cingular Wireless, Omnipoint Communications and Nextel) to Utilize Block 27, Lot 16 for a Cell Tower to Hold AT&T, T-Mobile and Nextel Antenna Arrays (8/08) Council President Cesaro questioned the distance from the proposed tower to the first residential property behind the 7/11 store. Joseph O'Neill, Esq., representing the carriers, indicated that the proposed site is probably a few hundred feet away. He confirmed that the location is within residentially zoned property. Ms. Grossi questioned, if the Council approves this request, would the antenna site be moved from a commercial zone to a residential zone. Mr. O'Neill advised that permission was granted by the Zoning Board to locate the tower within the buffer area outlined in the cellular ordinance; it is commercial property. He indicated that the site before the Council this evening is within a residential zone; it is certainly surrounded by residential property. Mr. dePierro noted that there are railroad tracts behind and a tavern in front of the newly proposed site. Ms. Grossi asked that the decision be postponed until the next meeting as she would like the opportunity to visit both sites. Council Members concurred. Mr. O'Neill reminded the Council that his clients are operating under a remand from Judge Bozonelis; they are tardy in returning to the Judge. The Council anticipates making a decision at the November 25, 2008 Meeting. At the request of Mr. O'Neill, the Township Clerk was directed to advise the Zoning Board that the Council's decision is still pending.

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) Ms. Verrone indicated that the Council, as

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of this date, has not received a recommendation from the Planning Board. However, she will confer with the Township Engineer and, perhaps, have a recommendation for the next meeting.

NEXT AGENDA

Transparency in Government Act – Municipal (10/08) Council President Cesaro advised that he will provide a draft to the Council Members this week. **NEXT AGENDA**

Status of Troy Meadows Acquisition Negotiations (11/08) **NEXT AGENDA**

Resolution(s):

Approving 2009 Council Meeting Schedule (11/08) Council President Cesaro indicated that he would like to review the schedule one more time. He will advise the Clerk of any changes.

ON*

MAYOR

No Agenda Items

ADMINISTRATION

BID(S)

Taken:

- | | |
|-----------------|---|
| 10/23/08 | New Type III 100 E-Super Ambulance for the Parsippany Ambulance Squad
<u>AWARD*</u> |
| 10/30/08 | Yard Waste Transportation and Disposal/Recycling <u>AWARD*</u> |
| 10/30/08 | Reconstruction of Hawkins Avenue and Condit Street – Phase I <u>AWARD*</u> |
| 11/06/08 | One New ¾ Ton (2500) Pick-Up Truck with Utility Body, One New Ford Ranger Super Cab 4 x 2 Pick-Up Truck and One New Screener Plant
<u>AWARD*</u> |

To Be Taken: None

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

Received:

**9/24/08 Qualification Statements for Health Insurance Broker of Record Services
RESOLUTION - ON***

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

Requested: None

Discussion/Recommendations:

**Presentation Regarding Horizon Stolen Laptop Concerns - Scheduled for 11/25/08 Meeting
(7/08)**

PSE&G High Voltage Power Lines (8/08) Ms. Lim advised that the Township is still in discussions with PSE&G for a presentation at a Council Meeting. Ms. Grossi indicated that she read in the newspaper that PSE&G has decided to apply directly to the BPU, which means that it does not need municipal recommendations or approvals. She expressed her opinion that PSE&G has an obligation to be responsive to the towns where the high tension wires will be installed. She felt this is a way for PSE&G to circumvent any input from the towns. While PSE&G is saying that it made this decision so that everything could be heard in one place, at one time, she finds this to be ingenuous on their part because this would probably require people to travel to Newark, where the BPU is located. She stated her feeling that the Township should take some kind of action, in the form of a letter or resolution, advising the BPU how displeased Parsippany is that PSE&G is trying to circumvent input from the towns directly impacted. Ms. Lim stated that it is her understanding that the Township can file as an “intervener” at the BPU level. Ms. Verrone indicated that this would depend on the type of petition filed by PSE&G. It is her understanding that PSE&G filed a petition to be heard by BPU, but BPU has not yet accepted that petition. Ms. Verrone felt that the Township should start with either a resolution or a letter indicating its displeasure. Ms. Grossi recommended that a letter be sent; the Administration concurred. Ms. Verrone was asked to send a letter to the BPU as soon as possible. **NEXT AGENDA**

Request of Sandra Sutton for Street Name Change – Portion of Warren Drive (9/08) Ms. Lim advised that she has not received a report from the Police Department. **NEXT AGENDA**

Resolution(s):

Supporting the Over the Limit Under Arrest 2008 Year End Crackdown (11/08) ON*

Approving Identity Theft Prevention Program (11/08) ON*

**Approving an Easement to JCP & L (Block 494, Lot 1) to Run Electricity to the Wash
Station at the Knoll Country Club (11/08) ON***

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Approving Emergency Repair of Diffuser Hoist (11/08) Phil Bober, Acting Superintendent of the Wastewater Treatment Plant, explained the need for repairs to be made to the diffuser hoist. He also took this opportunity to update the Council on the status of the facility. **ON***

Ordinance(s):

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) **INTRODUCTION - ON**

Amending Code – Deleting Fee for Rabies Inoculation for Cats (11/08) **INTRODUCTION - ON**

Amending Code – Fees for Copies of Public Meeting (Audio/Video) on Disc (11/08) **INTRODUCTION - ON**

Amending and Supplementing Chapter 405, Vehicles and Traffic, Parking on Municipal and Board of Education Property (11/08) **INTRODUCTION - ON**

ENGINEERING

Update/Recommendation(s):

Italicized comments below are excerpts from memos dated November 7, 2008 and November 12, 2008 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) No change in status. **NEXT AGENDA**

280 Access Road (11/08) *After the council agenda meeting on October 14th, I spoke to a representative of Perillo Construction whose equipment was blocking the road. I advised him that he could not block the road, that he must provide access especially in the case of an emergency. He agreed to do that. He also said that he would be there for approximately two years.*

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On Thursday October 30th, I went out to check the access road at about 3:00 p.m. I found the road was accessible. While I was there, a state trooper pulled up behind me and asked what I was doing there. I explained I had received complaints about the roadway being blocked. He indicated that several weeks ago he had been checking the road and noticed how it was blocked with construction equipment, but since that time the roadway has been accessible. I went back to the access road the next morning on October 31st at 10:00 a.m. and found it accessible.

The state police are patrolling the access road. The NJDOT hired contractors are actively working on projects along the interstate highways, especially at night and are using the road to park their equipment & store their material. The illegal dumping that previously occurred on the access road is now non-existent. The Township is cooperating with the NJDOT by providing an area for their contractors to store equipment & materials (a shared service). It appears that everyone is benefiting.

I recommend that the Township allow these contractors to remain on the access road, providing that they do not block access and restore the area to the original condition. Jasmine Lim has indicated that the Township should enter into a formal agreement with these contractors to allow them to continue to utilize the access road. The Township Council should adopt a resolution to approve these agreements, subject to review by the Township Attorney. The Township Council should discuss this recommendation.

Ms. Lim confirmed that the roadway has been clear, noting that it is regularly patrolled by State Troopers. She indicated that it might be better to enter into an agreement with NJDOT rather than with individual contractors. Ms. Verrone concurred.

Ms. Grossi noted that she has a problem with NJDOT using the Township's road to park and store their vehicles and equipment. She questioned why we should let them do this and how do we know the contractors won't dump materials on the roadway. Mr. dePierro indicated that he likes Mr. Pucilowski's suggestion to enter into an agreement providing that the area be restored to its original condition when the project is completed. Additional discussion ensued. Council President Cesaro and Mr. Barberio were not inclined to enter into any agreement, expressing their view that the NJDOT's contractors should not be using Township property for the parking and storage of vehicles and equipment and should not be blocking access.

Mr. Pucilowski, Municipal Engineer, present at the meeting, explained how it came about that the NJDOT uses the site. He noted that State Police presence has been beneficial as a deterrent to illegal dumping, which had occurred at the site in the past. He further noted that he has received no complaints about blocked access from any of the property owners other than Wildlife Preserves.

Additional discussion will continue at the **NEXT AGENDA.**

Troy Brook through the Hills of Troy (11/08) *A meeting has been scheduled for November 12th to meet with Dr. Obropta & Mr. Vespignani to discuss the current status of the Troy Brook Regional Stormwater Management Plan and possible funding for some of the improvements recommended in the plan. In addition, a budget request has been made for funding to obtain a*

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stream encroachment permit from the NJDEP to dredge a portion of Troy Brook through the Hills of Troy development. Mr. Pucilowski reported that the meeting took place today.

He indicated that six areas needing improvements were discussed. His request for stream cleaning and dredging along Troy Brook could be included with improvements for soil erosion. Accomplishing this depends upon the difficulty of obtaining the required permits. A meeting is to be scheduled with developers to get them on board.

Ms. Lim advised that Dr. Obropta agreed to meet with the Environmental Committee. **NEXT AGENDA**

Ordinance Establishing Traffic Control Signal Devices at the Intersections of Campus Drive and Dryden Way and Sylvan Way and Dryden Way (11/08) *The Planning Board required that two traffic signals be installed on Sylvan Way, for the 452,000 SF of office space being constructed in the Mack-Cali Business Campus (formerly Prudential Business Campus). Under regulations adopted by the NJDOT in July of 2006, after the signals have been designed, installed and inspected, the Township must adopt and the Commissioner of the NJDOT must approve an ordinance relating to the operation of the signals. An ordinance has been prepared for the above mentioned traffic signals and it should be adopted by the Township Council.*

INTRODUCTION - ON

Petition from Residents on Pawnee Avenue Requesting that a Sidewalk Not Be Included in Pawnee Avenue Reconstruction Project (11/08) *The Township received numerous complaints concerning speeding on the portion of Pawnee Avenue from Vail Road to Lake Shore Drive. As part of the investigation, Traffic Consultant Gordon Meth was authorized to conduct a traffic study to investigate the matter and determine possible solutions. He recommended that because of the volume of traffic using Pawnee Avenue, walking along the roadway was not safe and that a sidewalk should be constructed on one side of Pawnee Avenue. The reconstruction plans were revised to include a sidewalk. Recently, a field meeting was held with the residents to discuss the proposed reconstruction project and several of the residents indicated their objection to the installation of the sidewalk. This office recommends the installation of the sidewalk for pedestrian safety and is referring the issue to the Traffic Advisory Committee for review and comments. **NEXT AGENDA***

Feintuch Property Corner of Littleton Road/Parsippany Boulevard (11/08) *Stephen Hammond, the Morris County Engineer/Public Works Director, has contacted my office concerning the purchase of the Feintuch property. He wanted to know if the Township can help pay for the cost of the acquisition of the property. The County does not have sufficient funding for the purchase, but does have funding dedicated for construction. The Township does have funds available for improvements at the intersection. My office was considering the construction of a right turn lane from Littleton Road heading north onto Parsippany Road heading south. Mr. Hammond suggested that the Township and the County enter into an agreement where this funding be used to help acquire the Feintuch property and the County would fund the improvement. Mr. Hammond will be sending a letter on this matter shortly. The Township Council should indicate if they are willing to consider this proposal.*

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Mr. Pucilowski reviewed the improvements to be done. Consensus of the Council was to consider the County's proposal.

CHIEF FINANCIAL OFFICER

Discussion – **Refinancing the Township's 1997 Bond Issue** (9/08) Ms. Lim advised that this matter can be removed from the agenda at this time.

Resolution(s):

Canceling Old Outstanding Bail Deposits – Municipal Court Bail Account (11/08)

RESOLUTION - ON*

Transfer of Funds (11/08) **RESOLUTION - ON***

ATTORNEY

Ordinance Amending and Supplementing Chapter 225, Land Use, Subdivisions and Site Plans, Article XIV, Development Fees (11/08) Ms. Verrone explained that this ordinance deals with the continuation of what needs to be done to comply with the COAH laws; it deals with development fees for non-residential properties. She reminded the Council that it has already introduced an ordinance dealing with residential fees. **INTRODUCTION - ON**

Authorizing an Agreement with Camp Dresser & McKee for Phase II of the Sewer Treatment Plant Redesign and Upgrade (11/08) Ms. Verrone explained that the agreement deals with the Phase II Redesign of the Sewer Treatment Plant. Camp Dresser & McKee is a prequalified engineering firm. The resolution authorizes the assignment of this firm to this particular project. Their proposal was the most reasonable received by the Township.

RESOLUTION - ON*

Closed Session Re: Property Acquisition (11/08) (*See page 16.*)

TOWNSHIP OFFICES / COMMITTEES

Zoning Board of Adjustment – **Submittal of Annual Report for the Year Ending 2007** (11/08) Ms. Grossi expressed her view that the report submitted seemed to be incomplete. She noted that, perhaps, some pages were missing. Additionally, the report seemed to be just a request for ordinance amendments. While she appreciates the Board alerting the Council to some of the problems they see with the ordinances, she was under the impression that the Annual Report would also advise the Council what the Board did during the year, not just what the

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Board would like the Council to do for it. She asked Ms. Verrone whether the Board is supposed to be telling the Council what it has done. Ms. Verrone agreed, noting that the report is also supposed to include a review of the decisions made during the year on applications and appeals for variances. The Board is also required to prepare and adopt, by resolution, a report on its findings on the zoning ordinance provisions which were the subject of variance requests so that the Council would have the opportunity to determine whether there are areas that need to be revised. Ms. Grossi suggested that correspondence be sent to the Board explaining what should be included in its report. Mr. dePierro suggested that the Council forward the Board's concerns requiring clarification to the Township's Planning Consultant and the Planning Board for review and recommendation. The other Council Members concurred. Additionally, the Township Clerk was directed to send a letter to the Board of Adjustment clarifying what should be included in its annual report to the Council.

COMMUNICATIONS

Correspondence:

Sister Lilly Perepadan, Superior (Franciscan Sisters of St. Elizabeth) – Request Removal of Late Fee from Overdue Water/Sewer Bill (Letter of 10/27/08 to Mayor and Council) Ms. Lim recommended that the Township issue a credit to the Franciscan Sisters because the Post Office did not deliver the bill until one-quarter after it was supposed to be delivered. The late payment was neither the fault of the Township nor the fault of the Franciscan Sisters.

RESOLUTION - ON*

Raymond C. Trepkau – Asking Council to Deny District 6 Fire Department's Request for a Cell Tower to Be Built on its Smith Road Property Because of its Location in a Residential Neighborhood (11/3/08) **NOTED**

Leonardo A. Fariello, Land Manager/Project Coordinator for Wildlife Preserves, Inc. – Update on Troy Meadows Acquisition (11/6/08) **NOTED**

Resolution(s): NONE

APPLICATION(S):

License(s):

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

Liquor License Transfer – Top Notch Steakhouse LLC to Mt. Holleran Towne Tavern LLC **ON*** pending receipt of outstanding items.

2009 Renewal of Licenses – Amusement Games, Entertainment, Taxi/Limo, Tourist Accommodations **ON***

***Consent Agenda Items**

PUBLIC HEARING

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

Robert Simpson, 30 Hilsinger Road, indicated that it has been 60 days since the Notice of Intent (to create a quiet zone at the railroad crossing with Powder Mill Road) was submitted. He questioned whether the Township received a response and if any appointment has been scheduled with the FRA. Ms. Grossi noted that Mr. Pucilowski's report indicated "no change." Mr. Pucilowski advised that he had a conversation on Friday afternoon with Todd Hirt of the NJDOT who advised that he will be forwarding paperwork to be completed and then a meeting will be scheduled to discuss the proposed quiet zone, most likely sometime in early December.

Roy Messmer, 10 Drumlin Drive, noted his concern with the "John Montefusco, Jr. (Insurance Company)" banner posted on the fence at the Little Vikings Field, which is public property. He expressed his concern to Mayor Luther; the banner was finally removed today, November 12, 2008. Mr. Messmer suggested that the Township should have an ordinance regarding banners. Regarding municipal vehicles, he recommended that a control be established at the DEP site monitoring the usage of gasoline. Mr. Mesmer further encouraged the Township to require all employees driving municipal vehicles to be randomly tested for drugs and alcohol. He questioned if any Township employee receives an auto expense allowance. Ms. Lim advised "No."

David Imhoff, 711 Park Road, approached the Council for help in connection with a serious problem, a small pond, approximately 100 to 200 feet long, in his backyard as a result of the developer, Mr. Taylor, substantially deviating from the plans approved by the Township. He noted that, although Mr. Pucilowski has acknowledged his concerns, he does not know what will be done to fix the problem. He provided pictures to the Council. He reiterated that the problem exists and something needs to be done about it.

Michael Pucilowski advised that the soil placed by Mr. Taylor around some of the houses has created some of the problem. He explained that Mr. Taylor has been told that this must be corrected; there is bond money to get it corrected. The original plan, per Mr. Pucilowski, called for swales to be constructed around the perimeter of the property and between the two cul-de-sac lots down to Fairview Place. Mr. Taylor basically dug a ditch rather than digging a swale. He has been told to correct this. Additionally, surveying done by the Engineering Staff revealed that there are highs and lows. This too needs to be corrected. The Council asked that this matter be listed under the Engineer's portion of the agenda. Mr. Pucilowski pointed out to Mr. Imhoff that the ditch is really not on his property. Mr. Imhoff disagreed. **NEXT AGENDA**

Lee Keimel, 342 Lake Shore Drive, indicated that he uses the gas depot at the DPW and he must punch in four different categories of numbers as to why and where he is getting gas and what meter he is using. There is accountability regarding gasoline usage.

Larysa Kuryllo, 1053 Tabor Road, commented on the brief presentation made by Mr. O'Neill with regard to the cell tower on Block 27, Lot 16. Relative to the zoning of the property (Block 27, Lot 5.01) previously approved for the cell tower, Ms. Kuryllo pointed out that it is not commercial, as indicated by Mr. O'Neill, but she believes it is in the O-S Zone. She felt clarification is required, noting that what has been approved at the site is an assisted living structure, which to her, is so much more residential than it is commercial. She asked the Council to keep this in mind. Ms. Kuryllo, in connection with Council's questions as to how close a cell tower on the municipal property would be to any residential areas, indicated that Mr. O'Neill should really come up with a more specific number and be more prepared in that regard. She asked the Council to look into how other municipalities structure and maintain the beauty of their towns without having large, visible towers. Additionally, she took this opportunity to alert the Council to an ongoing problem of a patch of significant flooding that occurs on a section of Route 53, sometimes covering two lanes of traffic. Waves of water dump onto her property as a result of passing cars. She asked if this could be looked into.

Judy Foster, 16 Long Ridge Road, advised that November is National Adoption Awareness Month and she was hoping that the Council would adopt the resolution with respect to permitting adoptees access to their original birth certificates. She noted that two additional municipalities recently adopted supporting resolutions. She reminded the Council Members that a Monmouth University poll had indicated that 9 in 10 New Jersey residents believe it is important for adult adoptees to have access to their birth information. She encouraged the Council to support this legislation.

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

Council convened in closed session to discuss property acquisition (resolution attached).

Upon reconvening in open session, Ms. Verrone advised, for the record, that she will prepare an ordinance regarding acquisition of property as discussed in closed session for consideration at the November 25, 2008 Meeting.

TOWNSHIP COUNCIL AGENDA MEETING OF NOVEMBER 12, 2008

MOTION TO ADJOURN: Mr. Barberio

SECONDED BY: Mr. dePierro

Roll Call:

Mr. Barberio	-	Yes
Mr. dePierro	-	Yes
Mr. Fox	-	Absent
Ms. Grossi	-	Yes
Mr. Cesaro	-	Yes

MEETING ADJOURNED: 10:13 p.m.

Minutes approved: December 16, 2008

RE: Property Acquisition (McDermott and Ward Property)
DATE: November 12, 2008
TIME: 10:00 p.m.

MOTION BY: Mr. Barberio
SECOND BY: Council President Cesaro

RESOLUTION

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Council is of the opinion that such circumstances presently exist; and

WHEREAS, the Township Council wishes to discuss:

Property Acquisition

AND, WHEREAS, minutes will be kept, and once the matter involving the confidentiality of the above no longer requires confidentiality, the minutes can be made public.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the public be excluded from this meeting.

Roll Call:	Barberio	-	Yes
	dePierro	-	Yes
	Fox	-	Absent
	Grossi	-	Yes
	Cesaro	-	Yes

MOTION TO ADJOURN BY: Council President Cesaro
SECONDED BY: Mr. Barberio

Roll Call:	Barberio	-	Yes
	dePierro	-	Yes
	Fox	-	Absent
	Grossi	-	Yes
	Cesaro	-	Yes

MEETING ADJOURNED: 10:07 p.m.