

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

Tuesday, May 12, 2009

Public Invited with Public Participation

MEETING CALLED TO ORDER by Council President Cesaro at

Roll Call: **Mr. Barberio** -
 Mr. dePierro -
 Mr. Fox -
 Mrs. Grossi -
 Mr. Cesaro -

OTHERS PRESENT: Mayor Luther; J. Lim, Business Administrator; R. Malcolm, Chief Financial Officer; J. Faccone, Municipal Auditor; J. Silver, Township Clerk

FLAG SALUTE

The agenda of this meeting, to the extent known, is as follows:

- Ordinance No. 2009:18 entitled “Calendar Year 2009 – Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A:4-45.14) will be considered for second reading and final passage. All persons interested shall be given an opportunity to be heard concerning this ordinance.
- A public hearing on the Municipal Budget and Tax Resolution for 2009 will be conducted at which time and place objections may be presented by taxpayers or other interested persons. The Council will consider the adoption of the 2009 Budget and resolutions pertinent to it.

FORMAL ACTION WILL 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 April 22, 2009 where it has remained posted since that date. Copies of this notice were mailed by fax to The Daily Record, The Star Ledger and various other newspapers and local radio stations on April 20, 2009.

MOTION TO ADJOURN:

SECONDED BY:

Roll Call: **Mr. Barberio** -
 Mr. dePierro -
 Mr. Fox -
 Mrs. Grossi -
 Mr. Cesaro -

MEETING ADJOURNED:

Council President Cesaro advised that 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 March 26, 2008 where it has remained posted since that date. Copies of this notice were mailed by fax to The Daily Record, The Star Ledger and various other newspapers and local radio stations on March 26, 2008.

ORDINANCE(S):

Second Reading and Public Hearing

Ordinance #2008:08

Calendar Year 2008 – Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A:4-45.14)

The following resolution was offered by Mr. Barberio, seconded by Ms. Grossi:

BE IT RESOLVED that an Ordinance entitled, “**CALENDAR YEAR 2008 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**” be read in title only on second reading and a hearing held thereon.

ROLL CALL: YES – Council Members Barberio, dePierro, Fox, Grossi and Cesaro

Council President Cesaro opened the meeting to the public on this ordinance only, noting a five minute time-limit per speaker.

Seeing no one come forward to speak, Council President Cesaro closed the public hearing on Ordinance No. 2008:08.

The following resolution was offered by Mr. Barberio, seconded by Mr. Cesaro:

WHEREAS, the above ordinance was read in title on second reading and hearing held thereon;

NOW, THEREFORE, BE IT RESOLVED that said ordinance be passed on final reading and that a Notice of Final Passage of said ordinance be published in the newspaper according to law.

ROLL CALL: YES – Council Members Barberio, dePierro, Fox, Grossi and Cesaro

The Township Clerk noted that this is the time fixed for the public hearing on the Municipal Budget and Tax Resolution for 2008. The Budget was approved by the Township Council on March 25, 2008 and advertised as required by law on April 11, 2008 together with notice of hearing for this time. The Chief Financial Officer of the Township of Parsippany-Troy Hills has certified this Budget is in compliance with law. Printed copies have been made available to the public during the past week and copies are on the table for anyone desiring one. The Township Clerk announced that anyone who has not secured a copy of the Budget may do so at this time.

RESOLUTION TO READ BUDGET BY TITLE

The following resolution was offered by Mr. dePierro, seconded by Mr. Barberio:

WHEREAS, N.J.S.A. 40A:4-8 as amended provides that the Budget shall be read in full at the public hearing, or that it may be read by its title only if:

1. At least one week prior to the date of the hearing a complete copy of the approved Budget:

(a) shall be made available for public inspection in the free public library, if any, of the municipality and in the free county libraries or regional libraries located in the municipality or, if no county libraries or regional libraries are located in the municipality, the county or regional library of the county in which the municipality is located, and the public officer delegated responsibility for delivering copies of the approved budget to such library shall forward to the governing body an attestation that each such delivery was made, and

(b) is made available to each person requesting the same, during said week and hearing.

NOW, THEREFORE, BE IT RESOLVED, by not less than a majority of the full membership of the Township Council of the Township of Parsippany-Troy Hills that it is hereby declared that the conditions of N.J.S.A. 40A:4-8, as set forth in subsections l(a) and l(b), have been met and therefore the Budget for 2008 shall be read by title only.

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

Resolution Adopted.

**RESOLUTION REGARDING THE CHIEF FINANCIAL OFFICER’S CERTIFICATION
THAT THE 2008 MUNICIPAL BUDGET IS IN COMPLIANCE WITH THE LAW
(ATTACHMENT #1)**

Mr. Fox made a motion to adopt the above captioned resolution, copy attached, seconded by Ms. Grossi.

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

Resolution Adopted.

Council President Cesaro noted that before opening this hearing he wished to outline the procedure. He stated that each person desiring to be heard will rise and give his or her name and address before speaking and he will recognize one speaker at a time, in order of rising, as nearly as he can determine. He asked that persons address all questions to the Chair; where necessary, questions will be referred to individual members of the Council, Municipal Officials or our advisors. He indicated that questions must be confined solely to the Municipal Budget before us; School or County matters are not proper subjects of this hearing and cannot be discussed or answered here tonight.

PUBLIC HEARING:

Council President Cesaro opened the public hearing, noting a five-minute time limit per speaker.

Roy Messmer, 10 Drumlin Drive, indicated that, at last year’s budget hearing, he presented his concern about the New Jersey Tax Code’s provision that tenants can deduct 18%, but municipalities only receive 9% from landlords. He asked Mr. Faccone if he has done any work on resolving this issue. Mr. Faccone advised that, based on Mr. Messmer’s inquiry of last year, he called the Division of Local Government Services and spoke to Mr. Marc Pfeiffer who indicated that a municipality has no power to initiate what Mr. Messmer wants to do. This must be done legislatively; State action is required. Mr. Messmer requested an opportunity in the future to further discuss this matter with the Council. Additionally, relative to the W-2 wages, Mr. Messmer asked Mr. Faccone what other municipalities do regarding unused sick and

vacation time. Mr. Faccione explained that towns have various policies, noting specifically how Parsippany handles this. In connection with the occupancy in Parsippany, Mr. Messmer stated that there is a direct labor cost in an amount close to \$300,000 plus benefits and payroll taxes. He expressed his view that the Housing Division should be eliminated because it is not doing the job.

Council President Cesaro asked Mr. Messmer to send a letter to the Council regarding his request to make a presentation to the Council.

Joe Raich, 8 Wolf Place, asked the percentage increase in the budget. Council President Cesaro indicated that the increase is 5.7% from last year. Ms. Lim indicated that, on the average home, she calculated an \$80 increase. Mr. Raich noted that the County and School budgets have also increased. He questioned whether this is the best the Council could do, wondering if the Council could have made more cuts. It was noted that the Council did make cuts on the budget presented by the Mayor. Ms. Grossi indicated to Mr. Raich that she wished he would have attended the budget hearings so that he could have seen the process involved. Mr. Raich pointed out the meetings are not televised, noting that Council Members had promised, during election time, that meetings would be televised. Ms. Grossi explained that the Council has been working on getting the meetings televised, noting that the camera has been installed and money has been allocated in the budget. The problem, per Ms. Grossi, is that the Township hasn't been able to get dedicated time with the cable company yet.

Pat Petaccia, 182 Hawkins Avenue, expressed her view that everyone on the Council ran on a platform of "really cutting back" and saving this town money. She noted that the Council cut \$500,000, which is a good figure, but she felt that the cuts could have been better. Ms. Grossi explained that everyone on the Council pays taxes; if we could cut the budget in half, we would. She reminded Ms. Petaccia that this year the Township was cut \$559,000 in State Aid.

Paul Sullivan, Fieldcrest Road, noted that the sewer rate was increased 52% two years ago and that he understands that there is a \$1.7 million surplus. He asked if anything at the Sewer Plant has been replaced yet. Mr. dePierro explained that the Administration is in the process of conducting an engineering study to determine the most cost effective way to upgrade the Plant. When this study is completed, it is anticipated that the upgrades will be implemented. Mayor Luther advised that it is anticipated to be a four-year process once the study is completed and the contract awarded. Mayor Luther advised that, subject to the Council's agenda, there will possibly be a presentation in June which will address the first phase of the study and update the time line.

Sohail Zahid, 32 Gathering Hill, asked how long the Township has pursued cable time to allow these meetings to be more accessible to the public. Ms. Lim advised that she believes the Township reapplied in December 2007.

Mr. Fox made a motion to close the public hearing, seconded by Mr. Barberio.

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

Motion Carried.

RESOLUTION TO AMEND BUDGET (ATTACHMENT #2)

Ms. Grossi made a motion to adopt a resolution, to amend the 2008 Budget (copy attached), seconded by Mr. dePierro.

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

Resolution Adopted.

RESOLUTION TO ADOPT BUDGET (ATTACHMENT #3)

Mr. Cesaro made a motion to adopt the 2008 Budget, (resolution attached), seconded by Mr. dePierro.

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

Resolution Adopted.

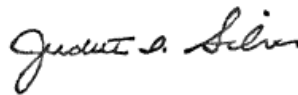
MOTION TO ADJOURN: Mr. dePierro

SECONDED BY: Mr. Fox

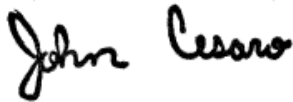
Roll Call:	Mr. Barberio	-	Yes
	Mr. dePierro	-	Yes
	Mr. Fox	-	Yes
	Mrs. Grossi	-	Yes
	Mr. Cesaro	-	Yes

MEETING ADJOURNED: 7:35 p.m.

Respectfully submitted,



Judith I. Silver, Township Clerk



John Cesaro, Council President

Minutes Approved June 16, 2009

RESOLUTION

WHEREAS, N.J.S.A. 40A: 4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Township of Parsippany-Troy Hills has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the township meets the necessary conditions to participate in the program for the 2008 budget year, so

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget
 - a) Payment of interest and debt redemption charges
 - b) Deferred charges and statutory expenditures
 - c) Cash deficit of preceding year
 - d) Reserve for uncollected taxes
 - e) Other reserves and non-disbursement items
 - f) Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met (Complies with the "CAP" law.)
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a) All estimates of revenue are reasonable, accurate, and correctly stated
 - b) Items of appropriation are properly set forth
 - c) In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except, that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

**Township of Parsippany-Troy Hills
County of Morris
Resolution to Amend Budget**

WHEREAS, the Local Municipal Budget for the year 2008 was approved on the 25th day of March, 2008, and

WHEREAS, the public hearing on said Budget has been held as advertised, and

WHEREAS, it is desired to amend said approved Budget,

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, that the following amendments to the approved Budget of 2008 be made:

<p><u>Recorded Vote</u> Ayes</p> <p>(Barberio (Cesaro (dePierro (Fox (Grossi</p>	<p>Nays</p> <p>(None ((</p>	<p>Abstained</p> <p>(None ((</p>	<p>Absent</p> <p>(None ((</p>
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MUNICIPAL BUDGET

From To

Summary of Revenues

6. Amount to be Raised by Taxes for Support of Municipal Budget: Miscellaneous Revenues:			
a) Local Tax for Municipal Purposed Including reserve for Uncollected Taxes	37,138,983.14		37,118,983.14
Total Amount to be Raised by Taxes for Support of Municipal Budget	37,138,983.14		37,118,983.14
7. TOTAL GENERAL REVENUES	59,336,307.00		59,316,307.00
8. <u>General Appropriations</u>			
(A) Operations - Within "CAPS":			
Employee Health and Group Life	5,606,430.00		5,586,430.00
Total Operations-within "CAPS"	41,982,553.00		41,962,553.00
Total Operations Including Contingent-within "CAPS"	42,007,553.00		41,987,553.00
Other Expenses (Including Contingent)	17,304,645.00		17,284,645.00
(H-1) Total General Appropriations for Municipal Purposes within "CAPS"	43,122,755.01		43,102,755.01
(L) Subtotal General Appropriations			
(Items (H-1) and (O))	57,616,307.00		57,596,307.00
9. TOTAL GENERAL APPROPRIATIONS	59,336,307.00		59,316,307.00

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed in the Office of the Director of the Division of Local Government Services for his certification of the 2008 Local Municipal Budget so amended.

It is hereby certified that all changes are in proof and the budget remains in Balance.

Joseph J. Faccione, Registered Municipal Accountant # 100
Samuel Klein and Company, CPA's
550 Broad St, 11 th Floor, Newark, NJ 07102-4517

SECTION 2 - UPON ADOPTION FOR YEAR 2008
(Only to be Included in the Budget as Finally Adopted)
RESOLUTION

Be it Resolved by the Township Council of the Township of Parsippany-Troy Hills, County of Morris that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$37,118,983.14 (Item 2 below) for municipal purposes, and
- (b) _____ (Item 3 below) for school purposes in Type I School Districts only (N.J.S. 18A:9-2) to be raised by taxation and,
- (c) _____ (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.
- (d) \$1,509,217.26 (Sheet 49) Open Space, Recreation, Farmland and Historical Preservation Trust Fund Levy.

RECORDED VOTE					Abstained	None
(Insert last name)	Ayes	Barberio	Nays	None	Absent	None
		Cesaro				
		dePierro				
		Fox				
		Grossi				

SUMMARY OF REVENUES

1. General Revenues				
Surplus Anticipated			40003-10	\$4,000,000.00
Miscellaneous Revenues Anticipated			40004-10	\$16,697,323.86
Receipts from Delinquent Taxes			41419-10	\$1,500,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)			41415-10	\$37,118,983.14
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOL IN TYPE I SCHOOL DISTRICTS ONLY:				
Item 6, Sheet 42		40010-10		
Item 6(b), Sheet 11 (N.J.S. 40A:4-14)		41416-10		
Total Amount to be Raised by Taxation for Schools in Type I School Districts Only				
4. To be Added TO THE CERTIFICATE FOR AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:				
Item 6(b), Sheet 11 (N.J.S. 40A:4-14)			41416-10	
Total Revenues			40000-10	\$59,316,307.00

SUMMARY OF APPROPRIATIONS

5. GENERAL APPROPRIATIONS				
Within "CAPS"				
(a&b) Operations Including Contingent			30001-00	\$41,987,553.00
(e) Deferred Charges and Statutory Expenditures -- Municipal			30004-00	\$1,115,202.01
(g) Cash Deficit			46-885	
Excluded from "CAPS"				
(a) Operations -- Total Operations Excluded from "CAPS"			60023-00	\$6,428,088.99
(c) Capital Improvements			60002-00	\$328,500.00
(d) Municipal Debt Service			60003-00	\$7,736,963.00
(e) Deferred Charges -- Municipal			60024-00	
(f) Judgments			37-480	
(n) Transferred to Board of Education for use of Local Schools (N.J.S. 40:48-17.1 & 17.3)			29-405	
(g) Cash Deficit			46-885	
(k) For Local District School Purposes			60008-00	
(m) Reserve for Uncollected Taxes (Include Other Reserves if Any)			50-899	\$1,720,000.00
6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICTS ONLY (N.J.S. 40A:4-13)			60010-00	
Total Appropriations			30000-00	\$59,316,307.00

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Township Council of the Township of Parsippany-Troy Hills this ___25th___ day of March, 2008. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2008 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Certified by me this 29th _____ day of April _____, 2008, _____, Clerk.