

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

Monday, August 31, 2009

Public Invited with Public Participation

MEETING CALLED TO ORDER by Council President Cesaro at 6:31 p.m.

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

OTHERS PRESENT: J. Lim, Business Administrator; R. Scerbo, Esq., Representing the Office of the Township Attorney; J. Silver, Township Clerk

FLAG SALUTE

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

Ordinance No. 2009:33 entitled “Public Contracting Reform” to Establish Pay-To-Play Reform in the Township of Parsippany-Troy Hills will be considered for second reading and final passage. All persons interested shall be given an opportunity to be heard concerning this ordinance.

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 August 12, 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 August 12, 2009.

Second Reading and Public Hearing:

ORDINANCE 2009:33

PUBLIC CONTRACTING REFORM

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

BE IT RESOLVED that an ordinance entitled “**PUBLIC CONTRACTING REFORM**” be read in title only on second reading and a hearing held thereon.

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

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

Stephen J. Roman, Sr., 4 Spencer Court, indicated that he is present this evening to speak in opposition to the passage of this ordinance. He questioned why, after every member of this Council has been in office for at least three years and some much longer, is this issue now being raised. He further questioned if the reason is because there is an election just two months from now and someone wants to besmirch the reputation of the members of this Council. Every one of the individuals on the Parsippany Council has been elected by fellow citizens; we the people who voted for them have taken into account their strengths and their weaknesses. He asked if there is anyone that thinks that the people who vote do not have the ability to understand that the people that make donations to political candidates do so for many reasons; some of those reasons might be self-serving, but we do not have true public financing of elections. Donations are sought and legal donations are made.

Mr. Roman asked all Council Members to vote against the adoption of this ordinance because, by voting in favor, anyone who is not present this evening or who has not read the ordinance, could get the idea that the members of this Council are susceptible to taking money from supporters. By passing this ordinance, the Council is pointing its own finger at itself as potential poster children for what could go wrong if this ordinance fails to be adopted; by not voting for this ordinance, they are somehow in favor of illegal contributions. We are asking the Council Members to vote for an ordinance that indicates that they could have done something wrong in the past, but by passing the ordinance ensures that they will not make the same mistakes in the future, mistakes they never made. Mr. Roman expressed his view that when these five people were elected, the voters carefully scrutinized their backgrounds and personal histories and made a decision that these are good and trustworthy people. If they do not do a good job, they will not need this silly ordinance to let them know what they have done wrong, but will learn from the people of Parsippany that their services are no longer required.

In closing, Mr. Roman urged the members of the Council to vote “no” on this ordinance and move forward with the people’s business rather than this lame attempt to interject politics onto the members of the Council.

Carol Trapp, 11 Bridgeton Drive, stated that she has been following the progress of this ordinance and, from what she has seen and read in the papers, it is not meant to cast dispersions on anybody on this Council, personally or otherwise. Ms. Trapp explained that this ordinance will further narrow the channel and amount of political contributions.

Feeling that Mr. Wyka's motives have been impugned, she read the following from Cindy Forrest's July 22, 2009 article in the "Parsippany Life," in which Mr. Wyka was quoted as saying,

My intention to put this ordinance in place is not to insinuate any past or present wrongdoing. The Citizens' Campaign advocates a "no blame approach," so this effort should not be construed as an accusation, but as a proactive measure and also a tremendous opportunity to demonstrate to the citizens of Parsippany your [the Township Council's] dedication to preventing situations that violate the public trust.

Ms. Trapp indicated that 65 towns in New Jersey have already adopted this ordinance. She hoped the Parsippany Council would do so this evening.

Jeff Huppert, 3 Tories Lane, commented that at the beginning of this meeting everyone stood and saluted the Flag. When we do this, we reaffirm our beliefs in our country and what it stands for. In his mind, that's what this ordinance really does. It is not impugning anyone; it's a statement of reaffirmation of where Parsippany stands and what we as a community stand for. He pointed out that long ago Parsippany became a "Tree City." Recently, we became a "Cool City." He expressed his hope that the adoption of this ordinance reaffirms us as a "Clean City."

Gary Colucci, 3 Williams Street, Mine Hill, indicated he is a former Councilman in Mine Hill Township. He is present this evening with the express purpose to hopefully see the passage of this ordinance. He noted that Mine Hill adopted the legislation in 2004. He commented that we do have situations where "people have their hand in the till." Passing this type of ordinance does not cast any dispersions on individuals, on either side of the aisle, in any particular town. We are trying to create a situation where the general public has some degree of assurance that their elected officials are above board.

Mr. Barberio asked Mr. Colucci if he thinks an ordinance like this will stop corruption. Mr. Colucci answered, "not at all," explaining that it is just another barrier to it. Mr. Barberio stated that when this first started the goal was for "clean government," but now we are talking about corruption. Mr. Barberio stated that no ordinance will stop an individual from being corrupt if he wants to be corrupt. He further indicated that he thinks the Parsippany Council is "clean." If Mr. Colucci wants to say that this ordinance will give everyone a "fair chance," that's different, but we seem to be talking about "clean government" as if this all Republican Council has done something wrong. He further noted that Mr. Wyka took two "swipes" at him in Letters to the Editor; is it because he is Republican and Mr. Wyka is a Democrat? Mr. Barberio indicated that he

has never heard Mr. Wyka ask the Administration to pass this ordinance. He further stated that he does not have a problem with the ordinance, but he doesn't like what he is hearing.

Mr. Colucci responded that if people get defensive over having to endorse this type of ordinance, the ordinance won't go anywhere. The ordinance is not so much meant for this Council, but maybe for people ten years from now.

Mr. Barberio reiterated that, if this ordinance is for contracting purposes, he is fine with it, but he doesn't write Letters to the Editor. If he has a concern, he will address the individual personally, but he read two such letters attacking both him and Congressman Frelinghuysen relative to "pay to play." He feels that this is what this ordinance will create.

Bob Crawford, 35 Hidden Glen Drive, explained that the effort to bring the Petition forward was bi-partisan; not an issue of Democrat versus Republican, but one that speaks to the citizens of Parsippany, saying letting us in Parsippany take control, at the local level, of an issue that is critically important. He stated that he does not believe there is any issue in Parsippany with regard to "clean government," but there is a huge issue in the State of New Jersey with regard to this. The arguments that have been made pointing out that currently there are laws in place and that Trenton will be responsible for enforcement only strengthens the argument for the local jurisdiction to take control of the issue.

Mr. Crawford took this opportunity to commend Mr. dePierro, noting that while they disagree on the issue, Mr. dePierro has stated his position very clearly from the start and has stood by his position. He also commended Mr. Wyka, noting that he presented this idea to the Council on a couple of occasions and was turned down. Rather than walk away from something that he truly believes in, he spent numerous hours of his personal time collecting signatures.

In closing, Mr. Crawford indicated to the Council Members that they can join many citizens in terms of leading on this issue or they can follow.

Roy Messmer, 10 Drumlin Drive, stated that there are "not enough teeth" in this ordinance, but it's a start. Every candidate, local, state, and federal, will state that money will not influence his or her decision on any matter; that his or her constituents come first. However, we all know better, pointing out that he is not referring to Parsippany's five Council Members, but on a State level. He further noted that the amount of money raised at all levels of office has become unbelievable.

He advised that he would like to see the following take place:

- The most recently required filing reports of elected officials be made available at every meeting.

- A percent of each candidate's or sitting elected official's contribution report amount be deducted and given to the State Election Board for investigations. The public shouldn't be paying for this.
- The elimination of the \$300 threshold that a contributor can make without being disclosed by the recipient.

Mr. Messmer reiterated that this ordinance is a start.

Mike Spector, 14 Simpson Avenue, advised that he is neither a Democrat nor a Republican. He indicated that this is a broad based campaign; a matter of good government, of avoiding waste, of leveling the political playing field. He encouraged the Council to pass the ordinance.

Paul Giovanelli, 5 Moraine Road, spoke in favor of the approval of the ordinance, echoing what was said by previous speakers. He noted that he does not view this ordinance as a comment on the conduct of any of the members of this Council or anyone else for that matter; however, nothing is forever. He urged the members of the Council to adopt the ordinance.

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

Council President Cesaro thanked everyone for their comments. He explained that he never got the feeling from anyone that this Council did anything wrong.

Mr. Barberio indicated that he will vote "yes" to adopt this ordinance, noting one of the reasons is the current environment in the State of New Jersey "with bus loads of politicians being carried away." This ordinance will make the residents of Parsippany-Troy Hills feel a little more comfortable with the process.

Mr. Cesaro reaffirmed his position, noting he is in support of anything that removes the "cloud of suspicion" from the eyes of the taxpayers as to any appearance of impropriety. He expressed his hope that more municipalities emulate Parsippany and the 65 other towns that have adopted the ordinance.

Ms. Grossi indicated that, when she was elected to the Council, one of the things she said was that she was going to be a public servant, which meant a servant to the people of Parsippany and that she was never going to make a decision based on special interests, no matter how hard these special interests may try to influence her. Her goal has been to make decisions based on her own objective criteria as to what she feels is in the best interest of the Township. She stated that she is supportive of the ordinance because,

sitting on the other side, she would feel the same way as many others feel. If this legislation makes Parsippany's residents feel more confident in their government or more at ease with what goes on during elections or relative to campaign contributions, she is 150% in favor of the ordinance. She agreed that the amount of money that candidates must raise is ridiculous. She felt that there should be caps on the amount of money raised in every election. Additionally, elections should be "government sponsored" so that there are no special interests putting money into political coffers. This ordinance will help even out the playing field. It is a good ordinance and the Township will benefit by it.

Mr. dePierro reiterated the statement he made two weeks ago, noting that he has heard nothing to change his mind. He once again told the members of the public that he does not believe that every town should have its own pay to play laws as this is inconsistent and chaotic. He is a strong supporter of home-rule, but there are certain matters that should not be under home-rule. Every public official should be governed and monitored by the same laws and the penalties should apply to everyone uniformly. If Mr. Wyka wants pay to play laws, he should send his petition to Trenton, noting that his party has the majority vote in both houses and in the governorship and can change the pay to play laws anytime they want. Those changes would apply to everyone equally. Mr. dePierro stated that he is not opposed to stricter laws nor does he disagree with the sentiments expressed by his fellow Council Members, but he just feels that the pay to play laws should be statewide, not just town by town. The reason the matter is being addressed town by town, per Mr. dePierro, is because our State Legislators, who couldn't make the decisions in Trenton, abdicated their responsibility. He noted, additionally, that local laws do not apply to our State Legislators. Mr. dePierro indicated that he would sign Mr. Wyka's petition if he wants to send it to Trenton and make these laws apply to everyone uniformly; monitored and reported uniformly.

Mr. Barberio congratulated Mr. Wyka on the work he did to obtain the necessary number of signatures on the petition.

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

WHEREAS, the above ordinance was read in title on second reading and a 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, Grossi and Cesaro
NO – Council Member dePierro
ABSENT – Council Member Fox

SPECIAL MEETING AUGUST 31, 2009

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

Gary Colucci, 3 Williams Street, Mine Hill, congratulated the Council on passing the pay to play reform ordinance. With regard to Mr. dePierro's comments, Mr. Colucci noted that Parsippany is now the sixty-sixth municipality to adopt the ordinance and, maybe if we get 166 and then 266 communities, the State Legislature will take notice and also pass similar legislation.

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

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

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

MEETING ADJOURNED: 7:15 p.m.

Minutes approved: September 15, 2009