

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

February 8, 2011

Public Invited – Public Participation

MEETING CALLED TO ORDER by Council President Fox at 7:30 p.m.

FLAG SALUTE

Roll Call:

Mr. Cesaro	- Present
Mr. dePierro	- Present
Mr. Ferrara	- Present
Mr. Stanton	- Present
Mr. Fox	- Present

OTHERS PRESENT: Mayor Barberio; J. Lim, Business Administrator; J. Inglesino, Esq., Township Attorney; J. Silver, Township Clerk

The purpose of this meeting is to set the Agenda for the Regular Township Council Meeting of February 15, 2011.

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 15, 2010 where it has remained posted since that date. A legal notice appeared in both the Daily Record and the Star Ledger and was forwarded by fax to other local newspapers and local radio stations on December 16, 2010.

Note: Council Meetings are videotaped and aired on Cablevision, Public Access Channel 21, at 10:00 a.m. on Sundays.

MAYOR

No Agenda Items.

Mr. dePierro took this opportunity to ask when the Council would receive the 2011 Budget. Mayor Barberio advised that he is waiting for the State numbers; hopefully, the Council will have the budget the first week of March. Mr. dePierro asked if the Council could commence its review, noting that the Budget could be modified later. Ms. Lim explained that she is still working on the expenditure side. Most of the revenue side has been developed with the exception of the State Aid figures. Mr. dePierro indicated that he would like to get started as soon as possible.

ADMINISTRATION

BID(S)

Taken: None

To Be Taken:

- 2/10/11 @ 11:00 a.m. One New Material Transport System (To be Installed on an Existing Township Vehicle Chassis) for the Parks and Forestry Department**
- 2/17/11 @ 11:00 a.m. Various Materials for the Municipal Utilities and Public Works**
- 2/24/11 @ 11:00 a.m. Transportation and Disposal of Sewage Sludge Cake**
-

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

Received:

5/28/09 Proposals for the Redesign, Permitting, Construction, Operation and Maintenance Services for Sludge Incinerators and Design, Permitting, Construction, Operation and Maintenance Services for a New Sludge Cake Receiving Facility at the Wastewater Treatment Facility NEXT AGENDA

Requested: None

Discussion:

Interfaith Food Pantry Application to Morris County for CDBG Funds (2/11) Ms. Lim advised that the Interfaith Food Pantry applied to the Morris County Community Development Block Grant Program for \$80,000 in funding to complete its headquarters at Greystone. The County is requiring that, as part of the application, a discussion be held at a public meeting in Parsippany because the facility is located in the Township. Council President Fox opened the meeting for public comment relative to this matter, noting a five minute time limit per speaker. Seeing no one come forward to speak, he closed this public comment portion.

Resolution(s):

Authorizing an Amendment to the NJDEP, Green Acres Project Agreement (1429-99-015) for Additional Grant Funds for Open Space Acquisitions (2/11) Ms. Lim explained that this amendment would increase the funding by \$500,000 to a total of \$5.2 million over the years. **ON***

Regarding Purchases of Goods and Services Utilizing N.J. Cooperative Purchasing Program, Morris County Cooperative Pricing Council and Somerset County Cooperative Pricing Council (2/11) **ON***

Awarding Contract with VSP for Vision Care Benefits (2/11) **ON***

Authorizing Shared Service Agreement with Hanover Township – Animal Control Services (2/11) Ms. Lim noted that Parsippany would be providing animal control services to Hanover Township. She indicated that this is a great “win-win” for both municipalities. She expressed her hope that, with the start of this relationship, the two municipalities will begin to look for other ways to share services. **ON***

Mr. Cesaro asked the status of shared services relative to the Municipal Court. Ms. Lim reported that Mountain Lakes joined with Denville; the other two municipalities (Boonton and Boonton Township) were not interested in a shared court. She reminded the Council that initial discussions were halted because the towns wanted to see whether the Dover Joint Court would be successful.

Ordinance(s):

Amending and Supplementing Chapter 290, Parks, Recreation Areas and Public Lands, Article II, Use Regulations; Permit Requirements (2/11) **INTRODUCTION - ON**

ENGINEERING

Update/Recommendation(s):

Italicized comments below are excerpts from a February 1, 2011 memo from Mr. Lizza, Municipal Engineer, to Ms. Lim:

TOWNSHIP COUNCIL AGENDA MEETING OF FEBRUARY 8, 2011

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

Revisions to Escrow Requirement in Connection with Residential Sidewalk/Driveway Repairs (10/07) No change in status. **NEXT AGENDA**

Troy Brook through the Hills of Troy (11/08) No change in status. **NEXT AGENDA**

711 Park Road – Fairview Estates (11/08) No change in status. **NEXT AGENDA**

Edgefield Drive No Parking Zone (Upper) (6/09) No change in status. **NEXT AGENDA**

Canterbury Estates Vacation of Lots 26 and 77 in Block 98 (5/09) No change in status. **NEXT AGENDA**

New Road Flood Mitigation (5/10) No change in status. **NEXT AGENDA**

Train Horns at Intersections (12/10) Mayor Barberio indicated that he received correspondence that the horn demonstration will be scheduled for sometime in February. **NEXT AGENDA**

Collapsing Retaining Walls – 1 & 3 Eldridge Road, Block 89, Lots 13.2 and 13.1 (1/11) No change in status. **NEXT AGENDA**

Extension of Major Soil Moving Permit and Developer’s Agreement – Morris Corporate Center V and VI, Block 136, Lots 43.03, 44 and 76 (2/11) *The Planning Board granted a five year extension to the Final Major Site Plan application and recommended the Township Council approve a five year extension of the Major Soil Moving Permit and Developer’s Agreement until December 31, 2015. This office has no objection to the extensions since no changes are proposed and recommends the Township Council extend the Permit and Agreement until December 31, 2015 by resolution.* Pending receipt of additional information - **NEXT AGENDA**

Change Order #1 – Knoll Road Resurfacing, Phase II (2/11) *The project was funded by a \$125,000 CDBG grant, a \$190,000 NJDOT Municipal Aid grant and the municipal capital budget to support the original engineer’s estimate of \$355,270. Bids received were very favorable and the contract was awarded to Top Line Construction in the amount of \$298,045.92. Due to the available funding, the limits of construction were extended to fully utilize the grants and available capital. This change order represents the final as-built quantities and corresponds to an increase of 16.57%. The final cost for the project is \$347,421.31. A resolution must be adopted by the Township Council for this change order.* **RESOLUTION - ON***

Change Order #1 – Union Hill Road Construction (2/11) *The project was funded by a \$250,000 NJDOT Discretionary Aid grant and the municipal capital budget. The original bid in the amount of \$289,115.25 was awarded to Top Line Construction, Inc.; the final as-built cost of the project is \$257,795.54. This change order represents the final as-built quantities and*

corresponds to a decrease of 10.8%. **A resolution must be adopted by the Township Council for this change order. RESOLUTION - ON***

NJDOT Traffic Regulation Order – Park and Ride Lot, Route 46 and Waterview Blvd. (2/11)
Cars are being parked in drive aisles and in non-designated parking spaces in this lot limiting access to busses and other vehicles. Signs are proposed alerting drivers that parking is prohibited except in designated spaces. In order to install the signs and establish enforceable traffic regulations, the NJDOT is requesting the Township Council adopt a resolution in support of the traffic regulation order. This office has reviewed the information and recommends the Council adopt a resolution of support for the various traffic regulations proposed at this location.
RESOLUTION - ON*

Noise Waiver – Route 80 Bridge Over Smith Road and Route 287 (2/11) *The NJDOT is planning to rehabilitate the concrete bridge decks on Rte. 80 over Rte. 287 and Smith Road and has requested a noise ordinance waiver. The project will consist of deck replacement, joint repair and corrosion protection. Most work is anticipated to take place during daytime hours, however, some shielding work and traffic control measures may be performed overnight. The project is scheduled to begin on February 7, 2011 and be completed by August 2012. This office has no objection to granting a waiver. A Council resolution is required. RESOLUTION - ON**

CHIEF FINANCIAL OFFICER

Resolution(s):

Transferring 2010 Budget Appropriation Reserves – Current Fund (2/11) A motion was made by Mr. Cesaro, seconded by Mr. Stanton, to adopt the following resolution:

WHEREAS, N.J.S.40A: 4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that transfers be made between the 2010 budget appropriations reserves as follows:

<u>CURRENT FUND</u>	<u>FROM</u>	<u>TO</u>
---------------------	-------------	-----------

Department of Public Works:

Streets and Road Maintenance:		
Salaries & Wages	\$48,000.00	
Garbage and Trash Removal:		
Salaries & Wages	\$28,000.00	

TOWNSHIP COUNCIL AGENDA MEETING OF FEBRUARY 8, 2011

Utility Expenses:

Gasoline	\$35,000.00	
Solid Waste Disposal Costs		\$76,000.00
Automotive		\$30,000.00
Buildings & Grounds:		
Other Expenses		\$ 5,000.00

Roll Call:

Mr. Cesaro - Yes
Mr. dePierro - Yes
Mr. Ferrara - Yes
Mr. Stanton - Yes
Mr. Fox - Yes

Dedication by Rider – Recreation Trust (2/11) ON*

Tax Appeal Settlements:

- (1) Block 18, Lot 18, PSAC Development Partners , 2860 Route 10**
- (2) Block 136.01, Lot 2, HPT ING Property Trust, 61 Interpace Parkway**
- (3) Block 200, Lot 1, 1719 Route 10, LP, 1719 Route 10**
- (4) Block 200, Lot 1.1, 1639 Real Estate, LLC, 1639 Route 10**
- (5) Block 202, Lot 1.5, KF Schoolhouse, LLC, 7 Century Drive**
- (6) Block 202, Lot 1.7, SK 3 Century Associates, LLC, 3 Century Drive**
- (7) Block 202, Lot 9, 9 Entin Road Investors, LLC, 9 Entin Road**
- (8) Block 226, Lot 3.2, 20 Lanidex ASC, LP, 20 Lanidex Plaza**
- (9) Block 411, Lot 19, FAWBS, LLC, 3469 Route 46**
- (10) Block 411, Lot 20, Loman Properties, LP, 3419 Route 46**
- (11) Block 421, Lot 29.2, MIREF Waterview, LLC, 10 Waterview Boulevard**

TOWNSHIP COUNCIL AGENDA MEETING OF FEBRUARY 8, 2011

Mr. Fox noted that the attorneys representing the Township and the Township's tax experts have recommended these settlements. **RESOLUTIONS – ON***

Mr. dePierro asked that the Tax Assessor provide the Council with information as to the number of pending appeals and the dollars at risk.

ATTORNEY

Ordinance(s):

Formalizing Council Liaisons to the Emergency Services Council and the Board of Education (2/11) INTRODUCTIONS - ON

Closed Session – Status of Pending Litigation Matters (2/11) Mr. Inglesino noted that the Council President was correct when he indicated that the professionals are all in accord with regard to the recommended tax appeals. A closed session was not required.

TOWNSHIP OFFICES / COMMITTEES

No Agenda Items.

COMMUNICATIONS

Resolution(s):

Netcong Borough – Opposing A-2095 Which Revises Requirements for Medical Service Delivery

Riverdale Borough – Opposing A-2095 and S-818 Which Revise Requirements for Medical Service Delivery

West Milford Township (Passaic County) – Seeking State Intervention to Increase Safety and Public Awareness on State Highway Route 23

Morris Township – Opposing A-2095 and S-818 Which Revise Requirements for Medical Service Delivery

It was noted that Parsippany already opposed A-2095 and S-818. Mr. Cesaro asked that the Township support West Milford's efforts. **RESOLUTION - ON***

APPLICATION(S):

License(s):

Limousine Owner's License (New) – M. Singh Limousine LLC, 180 Littleton Road, Apt. #8 (1 Vehicle) ON*

Mr. Fox indicated that he happened to view a correspondence from the administrator in Madison to John Bonanni, Morris County Administrator, questioning the **fees charged by the Morris County MUA**. In the correspondence, the Madison administrator pointed out that Bergen County is charging \$70 per ton; Burlington County is charging \$72.45 per ton; Essex County is charging \$84.97 per ton; Monmouth County is charging \$73.10 per ton; and Union County is charging \$68.05 per ton with a scheduled \$10 per ton reduction slated for April 1st. The Madison administrator questioned, as well as did Mr. Fox, why Morris County is charging \$94 per ton. Mr. Fox stated that he brought this to the attention of Freeholder Grossi who will look into this matter. Mayor Barberio advised that he sent a memo to the MUA regarding the tonnage increase pointing out that with a 2% cap, the MUA increased our fees 4%. He indicated that he requested that our tipping fees be increased 4% as well to balance out the 2%. He offered to forward a copy of his memo and the response he received from the MUA to the Council Members. Mr. dePierro recommended that, as the host community for the transfer station, Parsippany increase our fees to the MUA. Ms. Lim explained that we would have to negotiate to increase the tipping fee. Mr. Fox noted that that the MUA is an autonomous body and that there has been some talk about making the MUA a County department which would give the County a little more control. He felt that this is something we may want to encourage.

In connection with Mr. Fox's concerns about the **need for utility companies to provide notification to residents when markers are placed on property**, Ms. Lim advised that she forwarded to the Council a copy of a memo from Mr. Inglesino's office addressing this matter. Mr. Inglesino explained that the utility companies are not obligated, by law, to provide notice. When they go on an individual's property, they are in easements or rights-of way, which gives them rights of access. Mr. Inglesino advised that State legislation would be needed to require notice.

***Consent Agenda Items**

PUBLIC HEARING

Council President Fox 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, previously, he provided information about six other towns that installed quiet zones – Branchburg, Edison, Montclair, Hillsborough, Woodbridge,

and Westfield. This evening he submitted a news article (dated September 11, 2009) about the installation of quiet zones in South Plainfield. He pointed out that Plainfield's Councilwoman Chrissy Buteas was quoted as saying "It's a huge quality of life issue."

Mr. Simpson commented that he doesn't know if the train noise is a quality of life issue in Parsippany because it is taking so long to address it. He asked Mayor Barberio if he believes this is a quality of life issue. Mayor Barberio replied that this is not a quality of life issue for him, but he respects the fact that the train horns bother Mr. Simpson. Mr. Simpson then questioned whether the Mayor thinks this is a quality of life issue for the other 700 people that live within the "horn" zone. Mayor Barberio indicated that this is a quality of life issue for some people, but not for others. He advised that the Township is scheduling the demonstration for the wayside whistle. He further noted that, if the Township can financially address Mr. Simpson's concerns, it will do so. Mr. Simpson questioned whether the Township applied for any funding for the quiet zone. Ms. Lim explained that the Township does not have a project for which to apply for funding. Mr. Simpson asked if the Township will do the survey and demonstration in February. Mayor Barberio confirmed that he is hoping to have the demonstration of the wayside whistle in February. He noted, however, that currently his priority, as a result of all the snow storms, is public safety. Mr. Fox commented that, if he lived closer to the trains than he does, it would be a quality of life issue for him.

Doris Stevens, Mountain Club, asked the Council if it could prohibit smoking 25 feet away from doorways as it is detrimental to everyone's health. She explained that the Mountain Club was a garden apartment complex converted to condominiums, with common hallways. She noted that many municipalities have adopted legislation prohibiting this activity. Mr. Fox questioned whether the association has addressed this issue. Ms. Stevens replied that it has not, but she noted that if there was a Township ordinance than all garden apartments would have to comply. Mr. Inglesino indicated that he would look at the legality, but explained that this is not about smoking on municipally owned property, which the Township would have the right to regulate. He further noted that all of the powers that the municipality has come from the Legislature; he is not aware of any enabling legislation. Condominium associations can certainly regulate this activity on their private property. He is also not aware of any municipalities adopting such ordinances, but will research this issue to determine whether or not the Council has the legal ability to do so. The clear legal answer, per Mr. Inglesino, is for a condominium association or apartment owner to enforce this type of rule or regulation.

Fred Talari, Mountain Club, advised that he has the same complaint as Ms. Stevens. He noted that there are no rules in the Association's bylaws governing smoking and the only way to change the bylaws is to obtain a quorum, which requires 60 or 65% vote by the owners. He explained that the Mountain Club is a very large complex of fifty buildings with 702 units. However, even if a majority of the owners support this idea and the bylaws are amended, he questioned if the bylaws could be challenged. Mr. Inglesino advised that this would be a question to be answered by the Superior Court because that is where the challenge would be. He reiterated that amending the

bylaws of the Condominium Association is not an issue for the Council to address, but an issue that should be presented to the Board of Directors of the Condominium Association.

Tom Wyka, 1 Bennett Court, asked Mayor Barberio to elaborate on the ordinance amending the ordinance which established the Economic Development Advisory Committee. Mayor Barberio explained that the proposed amendment was drafted by Ann Grossi. The Township Attorney was asked to review the draft amendment and his concern with certain sections including the power of the committee to decide on financial matters.

Regarding the Transparency Committee, Mr. Wyka asked Mr. Cesaro if a meeting has been scheduled for this year and if the Committee would be willing to open its meetings to the public and be amenable to having published minutes even though this is an advisory committee. Mr. Inglesino explained that what Mr. Wyka is asking is really an administrative function because not only would an additional financial responsibility be created on the Township's part in terms of the publication of notices, etc., but also the need for an ordinance to be adopted if the Committee was to be governed by the Open Public Meetings Act. Mr. Wyka then questioned if the nature of the Committee being advisory means that it cannot operate transparently. Mr. Inglesino stated that Mr. Wyka is equating transparency with the Open Public Meetings Act as he seems to be saying that, if the Committee is not adhering to the Open Public Meetings Act, it is not transparent. He reiterated that compliance with the Open Public Meetings Act would require additional expenditure of Township resources, which would be an unusual step to take for an advisory committee. The Committee is not governed by the Open Public Meetings Act; it is purely an advisory committee with no statutory or ordinance related powers. It is simply advisory in nature and that is why it is not governed by the Open Public Meetings Act. There are many advisory committees that serve in this capacity throughout the State. If a decision was made to make advisory committees subject to the Open Public Meetings Act, a significant cost would certainly be added.

Mr. Wyka asked if the Committee itself could agree, if it were to take minutes, to make those minutes publicly available, such as to post them on a website. Mr. Inglesino reiterated that the Committee is advisory in nature and reports to the Council and Mayor. The decision as to whether or not to post Committee meeting minutes on the Township's website would be both administrative and legislative. There would be reasons to do this and not to do this. The reason not to post the minutes on the website would involve how to insure the accuracy of those minutes. There is also no decision making authority within that Committee as it is simply advisory in nature. The purpose of publishing minutes is so that the public has an understanding of what the rationale was that went into a decision that is made. In this instance, you have a body that has no decision making authority or power whatsoever. If the Committee wants to make recommendations to the Mayor and Council, the Committee is certainly able to do so, and indeed, that is one of its functions.

Sabina Vermont, 343 Marcella Road, in reference to Mr. Wyka's inquiry, asked if she was correct in her understanding that if the Committee (of which she is a member) decided not to take minutes because it is not a structured meeting, there would be nothing to post. Mr. Cesaro answered, "Exactly."

TOWNSHIP COUNCIL AGENDA MEETING OF FEBRUARY 8, 2011

Mr. Inglesino noted that the purpose of these (advisory) committees is usually for its members to formulate a consensus relative to issues discussed and then to relay that consensus, typically via written reports or letters, to the Mayor and the Council for their benefit so that they can understand what the consensus is with regard to any particular issue.

Teresa Casiero, 339 Edwards Road, asked the Mayor if there is any way to rectify the water and sewer issue she is having in the summer at her home, noting she spends about \$400 for each. Mayor Barberio explained that if there is no leak, the issue is usage. Ms. Casiero indicated that she knows for a fact that there is no leak, but admitted that she does use a lot of water during the summer. Ms. Lim advised that Ms. Casiero could get a separate meter for the sprinkler, but if she does so, she would lose the 25% residential discount, which takes into consideration that homeowners may be sprinkling their lawns or filling their swimming pools. Ms. Lim advised that the Water Department will provide the experience so she can decide whether or not it is worth obtaining a separate meter. The Mayor offered to look into the matter further.

Additionally, Ms. Casiero asked if there is any decision about installing a curb on Edwards Road because when she cuts the grass she is always in the road. Mayor Barberio indicated that there is no money in the budget for this expenditure at this time. Mr. dePierro explained that the residents living closer to Vail Road did not want curbs installed. Money was appropriated for this purpose in a previous budget, but certain residents objected because they use part of the street as their driveways and they were concerned about the loss of space for parking vehicles.

Antonio Casiero, 339 Edwards Road, reiterated his daughter's concerns about the lack of curbing on his street.

Roy Messmer, 10 Drumlin Drive, asked for responses to the following questions and comments:

- (1) When will the sewer surplus figure be available?
- (2) When will the decision on the hiring of the new PAL Director be made? As a taxpayer, he expressed his view that the new director should not be a retired police officer, pointing out that a qualified individual, who is unemployed, should be hired.
- (3) Why was the picture of our astronaut, taken with our former mayor, removed?
- (4) He suggested that a member of the Council question exactly what the Wellness Coach does each month.
- (5) The Council adopts a resolution each year authorizing payment of full salary to employees who have been called to active duty. He pointed out, as he has done in past years, that there are a lot of men and women in the Township who serve as reservists and don't get this compensation, but should via a reduction in their real estate taxes.

TOWNSHIP COUNCIL AGENDA MEETING OF FEBRUARY 8, 2011

- (6) He questioned the *ParsippanyLife* article in which the Mayor was interviewed. He asked what two contracts expire this year and whether the 30% of the Township's revenue which comes from fees includes fines.
- (7) There was an excellent presentation at the most recent meeting of the Planning Board from an applicant who is interested in rezoning his property in order to build transitional housing for returning war heroes. He asked Mayor Barberio if he has been attending the meetings in connection with the Master Plan. Mayor Barberio replied that he attended the first two, but missed the most recent two meetings. He pointed out, however, that he receives updates.

Mr. Inglesino advised Mr. Messmer that State legislation would be required to be able to reduce real estate taxes for veterans or reservists.

In response to Mr. Messmer's questions/comments, Mayor Barberio commented as follows:

He understands Mr. Messmer is against hiring a retired police officer, but if a retired officer is qualified and money can be saved by hiring this individual, he will do so. He explained that, because the Township has to pay retired officers' benefits anyway, the hiring of a retired police officer will save the Township the cost of employee benefits.

Regarding the astronaut's picture, Mayor Barberio advised Mr. Messmer that he requested that it be removed from the vestibule because he plans on displaying historical pictures in that location. He will hang the astronaut's picture in a different location in Town Hall.

The Mayor explained that one of the reasons for the "wellness" program was because it was recommended by the Township's professionals as a way to reduce premiums, which increased 47%. We are trying to do everything we can to reduce our premium costs.

As to the sewer surplus, the Mayor told Mr. Messmer that he does not have the figures yet, but will have this information at the next meeting.

Mayor Barberio advised that the two contracts which expired were the Blue Collar and the Blue Collar Supervisors. Negotiations are ongoing. Economic times are tough and, going forward, he will do the best he can to get the best deal for the Township.

Pat Petaccia, 182 Hawkins Avenue, noted that at the January 4th meeting she questioned the amount appropriated in the preliminary budget for "Housing." Ms. Lim advised that she has not looked into this yet. Regarding the tax appeal settlements being considered, Ms. Petaccia questioned the total amount. Mr. Inglesino replied, "339,000." Ms. Petaccia commented that employees did a fantastic job with the snow removal. However, she noted that a lot of the fire hydrants were plowed over making it difficult for residents to remove the snow. She understands that insurance is not covered under the 2% cap. With this mind, she expressed her view that the Wellness Program is a disgrace – over \$70,000 being charged to taxpayers for adults who should know how to take care of their health. She questioned how the Township will monitor the Program.

TOWNSHIP COUNCIL AGENDA MEETING OF FEBRUARY 8, 2011

Lastly, regarding the smoking concerns expressed earlier, Ms. Petaccia stated that she thinks everyone forgets that smokers have rights too. It is hard to force people to change; sometimes, it's not a municipality's responsibility.

In connection with the \$70,000 appropriate for the Wellness Program, Mayor Barberio noted that companies in the private sector also have wellness programs. He indicated that the Township's loss ratio is 110%, which means that carriers are losing money on us. We can't even get carriers to provide quotes. The recommendation for the Wellness Program was made by our professionals. If the \$70,000 lowers the premium by 5%, our goal was met; we did the right thing. The Mayor pointed out that we are over the cap right now by \$1.6 million, which means we will see a massive amount of layoffs in this Township. We will have no choice, but to lay off workers, including a significant number of police officers and DPW workers. He reiterated that if the \$70,000 reduces our premiums, we did the right thing. He asked if anyone could imagine laying off 70 workers. That's what we are faced with and we are not going to get any funding from the State.

Jerry Manning, Rainbow Lakes, commented that we don't have the money to establish quiet zones for people who bought houses near a railroad track. He suggested that these people purchase noise canceling headphones. If there are 700 people bothered by the noise, they should pay for a quiet zone, not him. Regarding smoking, the reports mentioned this evening are "reports on the consensus." In science, per Mr. Manning, there is no such thing as "consensus." You either have scientific proof or you don't. He advised that there is no scientific proof. Additionally, he suggested that if transparency is an issue with what takes place on an advisory board, the way to get the information to the public is to send the minutes to the *Daily Record* and let the newspaper publish the minutes. He agreed with the Township Attorney that an advisory board doesn't have that ability.

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

MOTION TO ADJOURN: Mr. Stanton

SECONDED BY: Mr. Ferrara

Roll Call:

Mr. Cesaro	-	Yes
Mr. dePierro	-	Yes
Mr. Ferrara	-	Yes
Mr. Stanton	-	Yes
Mr. Fox	-	Yes

MEETING ADJOURNED: 8:46 p.m.

Minutes Approved March 15, 2011