

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

August 14, 2012

Public Invited – Public Participation

MEETING CALLED TO ORDER by Council President Stanton 7:35 p.m.

FLAG SALUTE

Roll Call:	Mr. Carifi	-	Present
	Mr. dePierro	-	Present
	Mr. Ferrara	-	Absent
	Mr. Vigilante	-	Present
	Mr. Stanton	-	Present

OTHERS PRESENT: Mayor Barberio; Jasmine Lim, Business Administrator; John Inglesino, Esq., Township Attorney; Carol Kehoe, Acting Township Clerk

The purpose of this meeting is to set the Agenda for the Regular Township Council Meeting of August 21, 2012.

FORMAL ACTION MAY OR MAY NOT BE TAKEN.

STATEMENT OF COMPLIANCE

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, 2011 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 19, 2011.

Note: Council Meetings are videotaped and aired on Cablevision, Public Access Channel 21, at 2:00 p.m. on Sundays and are also available for viewing at www.parsippany.net.

APPOINTMENTS:

PRESENTATION(S):

ORDINANCES – SECOND READING(S) AND PUBLIC HEARINGS(S)

An Ordinance of the Township Council of the Township of Parsippany-Troy Hills Amending Chapter 405, Vehicles and Traffic, Section 22, Through Streets, and Section 24, Multi-Way Stop Intersections, of the Code of the Township of Parsippany-Troy Hills **(2012:30)**

An Ordinance of the Township of the Township of Parsippany-Troy Hills, in the County of Morris, New Jersey, Approving Restrictions on Maximum Occupancy of Residential Units **(2012:31)**

This item was removed from the agenda for further discussion. Mr. dePierro commented that you don't want to have something that will just help one small group and cause a problem for the whole. He said it can cause a huge problem in the Building Department. The consensus of the Council at present is not to provide a waiver process at this time.

Mr. Inglesino explained the waiver process was designed to offer only a temporary solution until something further could be permanently crafted. Additionally a provision regarding guests in the homes was included which had not been considered before. Mr. Inglesino said this actually strengthens the ordinance.

Mr. dePierro said advance notice to tenants of inspections enables tenants to remove bedrolls and such before the inspections are performed. He said it defeats the purpose of inspections. He would like a third section addressing the issue of advance notice.

Mr. Vigilante asked Mr. Inglesino what recourse the Township would have if a tenant refused the inspection. He asked that Mr. Inglesino get back to him with that information.

Mayor Barberio said he didn't think the intent of the ordinance was to prevent people with one child in a one bedroom apartment from being evicted. He said that was not considered stacking. He was trying to find a way to prevent that from happening and the waiver process was the way to do it.

Mr. Vigilante wanted to find a better way than the waiver process. He would like to pull the ordinance for further discussion. Mr. dePierro suggested better defining what constitutes stacking. Mr. Inglesino said the waiver was to provide relief for the family that generated the necessity for this new ordinance.

Mr. Carifi would like to make the ordinance more stringent. Granting certain waivers will create a problem in that if you grant a waiver for one you will have to do for all. Mr. dePierro did not want to grant waivers.

Motion to Pull Ordinance 2012:31: Mr. Carifi

Seconded By: Mr. dePierro

Roll Call:

Mr. Carifi	-	yes
Mr. dePierro	-	yes
Mr. Ferrara	-	absent
Mr. Vigilante	-	yes
Mr. Stanton	-	yes

An Ordinance of the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey, Authorizing a Lease Agreement Between the Township of Parsippany-Troy Hills and Parsippany Soccer Club, Inc. for Reynolds Avenue Soccer Fields and Associated Facilities (2012:32)

Status of Adopted Ordinances:

<u>Ordinance Title and Number</u>	<u>Adopted Date</u>	<u>Mayoral Action</u>	<u>Effective Date</u>
Consent for Operation of Cablevision (2012:29)	7/17/12	7/19/12	8/15/12

Scheduled Meetings

8/21/12 @ 7:30 p.m. Regular Meeting
Public Invited – Public Participation

9/11/12 @ 7:30 p.m. Agenda Meeting
Public Invited – Public Participation

Minutes for Approval:

Discussion:

NJDOT Construction Project, Route I-80/I-287 Interchanges – Request for Waiver of Noise Ordinance

Ms. Lim said NJDOT would like to work on the project during the night hours. Mr. dePierro asked if anyone in the Township knew where they would be placing their machines or what the detour route would be. The Mayor said a meeting was scheduled for the next day with the NJDOT. The Township was not invited to attend the pre-construction meeting. NJDOT is aware of the problems with the staging area. Mary Purzycki was invited to the Mayor’s office to brief him of the residents’ concerns so he could bring it to the DOT. Mr. dePierro said to demand a pre-construction meeting with the DOT and let it be open to residents. The Mayor said when he meets with them he will be adamant with them.

MAYOR

Mayor congratulated Par-Troy Little League East for their Mid-Atlantic Regional Championship. They received the award for Sportsmanship as a team.

ADMINISTRATION

Bid(s)

Taken:

8/1/12 Hector Road and Puddingstone Welded Steel Water Storage Tank Rehabilitation

8/9/12 Proposals for One 2012 or Newer Type III E-450 158” Wheelbase Modular Ambulance

To Be Taken:

Quotation(s)/Proposal(s)/Qualification(s)

Received: None

Requested: None

Ordinance(s) Introductions:

An Ordinance Amending Chapter 405, Vehicles and Traffic, Section 29, Bus Stops, of the Code of the Township of Parsippany-Troy Hills, Morris County, New Jersey (2012:33) **ON**

An Ordinance of the Township of Parsippany-Troy Hills, in the County of Morris, New Jersey, Approving Table of Organization of the Parsippany-Troy Hills Police Department (2012:34) **ON**

Resolution(s):

Emergency Agreement with Star Lo Electric, Inc., 32 South Jefferson Road, Whippany, NJ, to Repair Feeder Cables and Equipment at Townhall for the Sum of \$18, 343.74 **ON***

Authorizing Change Order #1 for Installation of a 30KW Roof Mounted Solar Panel Array for the Community Center **ON***

Authorizing Change Order #1 for Sylvan Way South Interceptor Sewer Replacement **ON***

Awarding Bid for Hector Road and Puddingstone Water Storage Tank Rehabilitation to Pro-Spec Painting, Inc., 1819 Cedar Avenue, Vineland, NJ for a Total Base Bid Price of \$312,128.00 and a Total Supplemental Bid Price of \$31,119.00 ON*

Awarding Bid for One Wheelbase Modular Ambulance to P.L. Custom Body and Equipment Co., Inc., 2201 Atlantic Avenue, Manasquan, NJ for a Total Bid Price of \$163,445.00 ON*

Authorizing the Sale of a Vehicle, 2005 Ford Ambulance ON*

Awarding Contracts for Health Insurance Broker of Record Services to Fairview Insurance Agency Associates, Inc. and AxisPointe, Inc. (1/1/12 thru 6/30/12) ON*

Awarding Contract for Health Insurance Broker of Record Services to Fairview Insurance Agency Associates, Inc. (7/1/12 thru 12/31/12) ON*

Authorizing a Shared Services Agreement with the Parsippany-Troy Hills Board of Education for Fuel Usage ON*

Placing a Lien on a Particular Property for Failure to Abate Dangerous Conditions ON*

Major Soil Moving Permit Extension to Church of Living Grace, Block 740, Lot 4 ON*

Formal Action to Be Taken by Council This Evening on the Following Resolutions:

Resolution(s):

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
PARSIPPANY – TROY HILLS AUTHORIZING THE EXPENDITURE OF OPEN
SPACE TRUST FUND MONIES FOR PRESERVATION OF
HISTORIC PROPERTIES**

WHEREAS, Ordinance No. 2007:12 authorizes the expenditure of Open Space Trust Fund monies for capital improvements to parks and for the preservation of historic properties, and

WHEREAS, the Craftsman Farms Foundation has requested \$25,000 in Open Space Trust Fund monies to install a walkway that is compliant with the American Disabilities Act (ADA); and

WHEREAS, the Mayor has recommended the expenditure of Open Space Trust Fund monies to complete the capital improvement project.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that it hereby authorizes the expenditure of \$25,000 in Open Space

Trust Fund monies for the installation of an ADA compliant walkway at Craftsman Farms; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to execute and witness a Grant Agreement with the Craftsman Farms Foundation for \$25,000 for the project described above.

Motion to Authorize the Expenditure of Open Space Trust Fund Monies for Preservation of Historic Properties Mr. dePierro

Seconded By: Mr. Vigilante

Roll Call:	Mr. Carifi	-	yes
	Mr. dePierro	-	yes
	Mr. Ferrara	-	absent
	Mr. Vigilante	-	yes
	Mr. Stanton	-	yes

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF PARSIPPANY-TROY HILLS
AUTHORIZING TOWNSHIP'S ENTRY INTO ADMINISTRATIVE AGREEMENT**

WHEREAS, on June 19, 2012, the Township Council approved an application for a Place to Place Transfer of Plenary Retail Distribution License Number 1429-44-010-007 (the "License"), issued to Sunrise Shop-Rite of Parsippany, LLC (the "Licensee"), to premises located at 808 U.S. Route 46, Parsippany, New Jersey; and

WHEREAS, the Township and the Licensee have agreed to certain conditions to be imposed on the transfer of the License; and

WHEREAS, the applicant has demonstrated its qualification to be licensed according to the standards established by Title 33 of the New Jersey Statutes and the Regulations promulgated thereunder, as well as all local Ordinances; and

WHEREAS, the applicant has conferred with and maintains a good working relationship with the Parsippany-Troy Hills Council and Police Department; and

WHEREAS, the Township has decided that the public interest is served by the Township ensuring that the Licensee maintains an employee list in accordance with a certain Order Granting Waivers that the New Jersey Division of Alcoholic Beverage Control issued to the Licensee on or about July 28, 2011 (which Order has been provided to the Township Council and Police Department); and

WHEREAS, the Township and the Licensee have agreed to enter into an Administrative Agreement effective August 14, 2012 (a copy of which is attached hereto);

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Parsippany-Troy Hills does hereby approve the terms of the attached Administrative Agreement effective August 14, 2012 between the Township of Parsippany-Troy Hills New Jersey and Sunrise ShopRite of Parsippany, LLC ; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Township Council of the Township of Parsippany-Troy Hills does hereby authorize Mayor James R. Barberio to execute said Agreement on behalf of the Township of Parsippany-Troy Hills.

Motion to Authorize the Township's Entry into Administrative Agreement with Sunrise ShopRite of Parsippany, LLC Mr.Carifi

Seconded By: Mr. Vigilante

Roll Call:	Mr. Carifi	-	yes
	Mr. dePierro	-	yes
	Mr. Ferrara	-	absent
	Mr. Vigilante	-	yes
	Mr. Stanton	-	yes

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF PARSIPPANY-TROY HILLS
FOR A TRANSFER OF PLENARY RETAIL DISTRIBUTION LICENSE**

WHEREAS, an application has been filed for a Place to Place Transfer of Plenary Retail Distribution License Number 1429-44-010-007 issued to Sunrise Shop-Rite of Parsippany, LLC for the premises located at 722 U.S. Route 46, Parsippany, New Jersey; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant has demonstrated its qualification to be licensed according to the standards established by Title 33 of the New Jersey Statutes and the Regulations promulgated thereunder, as well as all local Ordinances; and

WHEREAS, the applicant has disclosed, and the issuing authority has reviewed, the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensee business; and

WHEREAS, the applicant has conferred with and maintains a good working relationship with the Parsippany-Troy Hills Police Department; and

WHEREAS, the applicant has agreed to comply with the express conditions stated herein;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Parsippany-Troy Hills does hereby approve, effective June 19, 2012, the Place-to-Place Transfer of the aforesaid Plenary Retail Distribution License #1429-44-010-007 to now be located at 808 U.S. Route 46, Parsippany, New Jersey, subject to the following conditions:

1. The applicant shall establish and maintain a comprehensive security program for the entire licensed premises to include the following:

a. Licensee shall engage the services of a professional security services company to advise the Licensee on overall security practices and provide uniformed and/or undercover officers on the licensed premises as needed as part of a comprehensive security plan;

b. Licensee shall maintain an electronic surveillance system consisting of video cameras and digital recorders. Surveillance cameras and digital recorders shall be properly maintained, and shall have archiving capabilities for use in connection with Loss Prevention and Police investigations; and

c. Licensee shall maintain modern technology capable of scanning the bar code on digital State-issued photo identification cards (including, but not limited to, driver's licenses) verifying the date of birth of the purchaser, in order to prevent the sale of alcoholic beverages to persons under the legal age, at all point of sale terminals in the licensed premises at which alcoholic beverages may be purchased. Sale of alcoholic beverages will be blocked at all other registers.

2. All technology utilized regarding the applicant's security program referenced above shall be kept in good working order.

3. Any alcoholic beverages including, but not limited to, beer, wine, and liquor, which is set out for sale must be in clearly-designated and confined aisle areas, free-standing displays or behind counters.

4. All underage employees working on the licensed premises shall be identified by designated color badges, which shall be worn at all times while on the licensed premises.

5. The applicant shall cooperate with the Police Department in reviewing the applicant's security plan from time to time.

Motion to Authorize the Transfer of Plenary Retail Distribution License Sunrise ShopRite of Parsippany, LLC Mr. Vigilante

Seconded By: Mr. dePierro

Roll Call:	Mr. Carifi	-	yes
	Mr. dePierro	-	yes
	Mr. Ferrara	-	absent
	Mr. Vigilante	-	yes
	Mr. Stanton	-	yes

TOWNSHIP OFFICE REPORTS

Engineering:

Resolution(s):

Authorizing the Addition of a Bus Stop Along Jefferson Road **ON***

Authorizing the Addition of Bus Stops Along Sylvan Way **ON***

Engineering Report of: August 2012

Status of Road Resurfacing-Puddingstone Area

The Developer has installed a water main and sanitary sewer line on a portion of Puddingstone Road. We have been working with the developer and will make temporary improvements until the sanitary sewer line is turned over to the Township. A meeting has taken place with the developer but there has been no resolution at this time. **(No Change) NEXT AGENDA**

Revisions to Escrow Requirements in Connection with Residential Sidewalk/Driveway Repairs

The Lau's have expressed their unhappiness with the Township over the escrow fee and their belief that it is unnecessary and onerous on residents. Former Township Engineer Michael Pucilowski wanted to review the ordinance and draft changes to reduce the amount of escrow required for work performed between the property line and the edge of pavement in the Township right-of-way however this was not accomplished before his retirement.

We recently received a letter from Mr. & Mrs. Fraga also expressing their displeasure with the escrow requirement and with the burden on the property owner to request the return of escrow funds. Many people do not request their escrow back after one year. In an effort to help residents the Engineering and Finance offices have been compiling a list of right-of-way escrows that have not been returned.

I met with Michael Pucilowski and asked for his aid in reviewing the ordinances and making recommendations. Recommendations will be presented. **(No Change) NEXT AGENDA**

Edgefield Drive No Parking Zone (Upper)

A meeting will be scheduled with Mt. Tabor Fire Chief Smith to review the no parking area on an upper section of Edgefield Drive. A recommendation will be made following this meeting. **(No Change) NEXT AGENDA**

Canterbury Estates Vacation of Lots 26 and 77 in Block 98

The applicant of Canterbury Estates has requested the vacation of Lot 26 in Block 98. This lot was apparently created as an access route to Lot 77 which was reserved for a future water tower.

I take no objection to the vacation of the entire Lot 26 from Foote Lane to Lot 77. Please refer to my May 5, 2009 memo on this subject. The metes and bounds descriptions have been reviewed and were sent back to the attorney for revisions. Once acceptable an Ordinance will need to be adopted by the Township Council to vacate this right-of-way. **(No Change) NEXT AGENDA**

Glacier Hills Sidewalk

Questions have arisen about the annual sidewalk replacement project which included locations in the Glacier Hills section of town last year. Property owners are responsible for the maintenance and replacement of sidewalk along the frontage of their property however, the Township is responsible for repair/replacement if the damaged is caused by a Township tree. The annual project is for the replacement of curb & sidewalk damaged by trees in the Township right of way. This office is evaluating the quality of work completed at the end of last year and any corrective action needed will be addressed once the project begins again this spring. **(No Change) NEXT AGENDA**

Noise Waiver: Rte. 80 Improvements

The NJDOT is planning the rehabilitation of the pavement along Route I-80 and reconstruct several ramps at the Route I-80 interchanges with Littleton Road (US Route 202), Route I-287 and South Beverwyck Road and has requested a noise ordinance waiver. The project will consist of the reconstruction of the Littleton Road (US Route 202) northbound/Frontage Road ramp at the Route I-80/Littleton Road (US Route 202) interchange. Due to a shortened construction timeframe and the need to work during off-peak traffic hours it is anticipated that the majority of the work will be completed during off peak and overnight hours. The project is scheduled to begin on August 10, 2012 and be completed by April 2015. **This office has no objection to the granting of a noise ordinance waiver so long as all measures and precautions are put in place to limit noise and disturbance to the residential areas**

Major Soil Moving Permit Extension – Church of Living Grace, Block 740 Lot 4

The Board of Adjustment granted a one year extension to the Major Soil Moving Permit until July 11, 2013. **This office has no objection to the extension and recommends the Township Council extend the Permit and Agreement until July 11, 2013 by resolution.**

NJ Transit Bus Stops

NJ Transit is proposing five new bus stops at the following locations:

- Sylvan Way: eastbound near Century Drive
- Sylvan Way: eastbound between Century Drive & Dryden Way
- Jefferson Road: southbound between Webro Road and East Halsey Road

I have no objection to the proposed bus stops. **Section 405-29 of the Township Code will need to be amended accordingly. RESOLUTION ON**

CHIEF FINANCIAL OFFICER

Resolution(s):

Canceling Outstanding Municipal Court Bail Account Checks ON*

Canceling Outstanding Municipal Court General Account Checks ON*

Corrective Action Plan ON*

Authorizing Cancellations of Grant Fund Receivables and Balances ON*

Item of Revenue in the Current Fund for NJDOT Highway Safety Fund Grant Program Safe Corridors Grant FY 2012 ON*

Authorizing the Cancellation of an Unexpended Improvement Authorization ON*

ATTORNEY

TOWNSHIP OFFICES / COMMITTEES **COMMUNICATIONS**

Correspondence:

Results of the 2012 Refunding Bond Sale

Ms. Lim stated that the refunding saved \$1.3 million dollars over a ten year period and they went from a 4% to 2.37% interest rate.

APPLICATION(S)

Person-to-Person Transfer of Plenary Retail Consumption License to Intercontinental Hotels Group, Inc. ON*

PUBLIC HEARING

Mr. Carifi asked the Mayor about the sewer surplus. He asked if money could be refunded back to the residents. He questioned if that couldn't be done would it be possible to look into lowering the sewer rates. The Mayor stated that there is a consultant looking into lowering sewer rates and what the rates could be lowered to. The Mayor maintained that a certain amount has to be kept in surplus.

Mr. Stanton asked Mr. Inglesino to look into the limousine licensing ordinance and redoing it since there are issues with some limousine drivers having the same address. Mr. dePierro agreed.

Mr. Stanton also stated that there are homeless people sleeping outside the LA Fitness on benches. He would like that looked into as well.

Ray Pagano 16 Whitewood Drive. He wanted to know what is going to be done with the sewer surplus. A temporary rate reduction would be a possible solution. He would like the council to start acting like managers since the public has been hearing about this surplus for a long time.

The housing variance waiver is opening a can of worms and will create a major problem. He was shocked to hear that this waiver was generated by one family. He said that there are ordinances for a reason. The issue that needs to be defined is the spaces that are allowed for sleeping.

Mary Purzycki 273 Marcella Road. She has concerns about construction with 80/287 and Littleton Road. Residents were not properly notified of the moving of equipment. Letters were sent to the NJDOT in regards to this and the noise ordinance. Considerations for the weekend and night hours need to be taken into account with the noise waiver. The speed limit in the construction zones needs to be lowered. This is a safety and quality of life issue for the residents.

Christie Landau 298 Kingston Road. She is concerned with the amount of traffic and speeding that is going down her street on a normal day let alone when the DOT construction project begins. Mayor Barberio said that public safety will be discussed when he meets with the Chief and the police department in regards to this matter.

Anne Pecaro 319 Marcella Road. She said she was coming off Route 80 to get onto Littleton Road when a truck blocked the road by the staging entrance. She is afraid someone is going to get killed. Mr. Carifi questioned why a police presence is not there when they are moving the equipment. The Mayor said this will be addressed at his meeting with the Chief as well.

Daniel O'Connor 46 Essex Road. He represents Lake Parsippany Homeowner's Association and said that back in 2006 several members of the LPPOA were invited to a preconstruction planning meeting which included the DOT. Additional storm drain water being entered into the lake due to the construction will create a drainage issue. June 20, 2006 the Council passed a resolution which requests the DOT incorporate water quality measures for the runoff that would be entering Lake Parsippany. Mr. O'Connor would like to know if this is happening with the construction and if an LPPOA Board member could be at the meeting with the Mayor and the DOT. Mayor Barberio said he would ask the DOT at the meeting if they would meet with the LPPOA in regards to this matter.

Shirley Chang 3159 US Highway 46 East. She runs the Days Inn. She wishes to appeal a water bill. The bill is for \$4000 and previous bills for a 3 month period were only \$100. The bill is only for the old lobby and only 2 people are using the water. She spoke with the Water Department and they said the meter is fine. She says there is no way they used that amount of water. Mayor Barberio said he would speak to the supervisor to see if there is a leak. Ms. Chang said that Kevin Ryan had been out to check and there is no leak. She has now enlisted the help of Michele in the Mayor's office. The Mayor said he would speak with Michele and be in contact with Ms. Chang.

Danny Desai 16 Alloway Road. He agrees with Mary Purzycki. He says the construction area needs a traffic light. He also would like a police officer present. The Mayor said he thinks they

are probably going to put in a traffic light and he agrees that a police presence is needed as well. This will be discussed at the meeting.

Mr. Desai also stated that the growing community requires an additional cricket field. The Mayor said he has information regarding putting in another cricket/multi-purpose field but it would not happen this year.

Walter Borecki 713 Littleton Road. He says due to the 80/287 construction it is now hazardous for him to back out of his driveway. He says people are speeding and this is adding to the dangers. He is also concerned about where to put the snow after a storm. He would like something done with the shoulder of the road and to reduce the speed limit and add a traffic light by Kingston Road.

Madeline Keyworth 215 Allentown Road. She would like an engineer to look at the designs for the 80/287 project. She says there is a problem on Camden Road when you go over Route 80. She says this is going to be a mess. The Mayor said he would have the Traffic Engineer look at the designs.

Ranya Tawfik 270 Baldwin Road. She is the family that the Council is trying to help out with the Housing Ordinance. She says the ordinance states the total space for a bedroom should be 170 square feet. Her bedroom is only 15 square feet less than that amount. She said when she looked at Knoll Gardens which is where she was directed to look for an apartment, the bedroom size was smaller. She wanted to point out the discrepancy.

Roy Messmer 10 Drumlin Drive. He congratulated Par-Troy East for a job well done. He thanked the Council for pulling 2012:31 Housing Ordinance because it would have opened up a can of worms. He says that Councilman Vigilante was correct in that the single family homes are a problem. He says the towns should never have had to pay out \$30,000 to the homeowner at 13 Drumlin Drive who was running a boarding house. He further stated that Jennifer Collins, Rob Pizza and Rena Plaxe needed instructions on how to do a home inspection. He said there are other boarding houses in Parsippany and that they are putting a strain on the town.

Regarding the renovation of the sewer plant and the savings in electricity Mr. Messmer noted that there is a huge surplus and the residents should be given a credit.

Mr. Messmer stated that the Republican County Committee should make a substantial payment on the Township's legal bill from John Inglesino regarding the council seat issue with Lou Valori. The Mayor said he would ask the Chairman.

Jerry Manning 3 Oakdale Road. He attended a social event where a representative of the ABC board was present. He discussed with him his concerns with the liquor license from ShopRite. The representative told Mr. Manning he would advise not to issue the license and that it was not a good idea. Mr. Manning told him the license was already approved.

Mr. Manning also looked into Mr. dePierro's appeal to change the code for the Police Department from 4 Captains to 3. He said with the change in the ordinance, he doesn't understand why there would be a need for a promotional test then. He doesn't see the need to change the current ordinance and that it should be left alone.

Bridget Cazzetto 259 Marcella Road. Regarding the construction for the staging area Ms. Cazzetto asked if they would consider opening the entrance by the cell towers for the staging area and close the entrance on Littleton Road. This would bypass the problems on Littleton Road. Mr. dePierro said that with the slope of the road he does not know if this would be feasible. Mr. Stanton asked if this could be looked into at tomorrow's meeting with the DOT. The Mayor agreed.

Charles Molinaro 22 Richard Street. He feels it was a bad choice where the staging sight was set up. Safety and protecting the storm water are the biggest concerns. Traffic between Park Road and the entrance to Route 80 is an additional issue. He would like a Safety Officer to look at the lane shift and the lack of a shoulder. Mr. dePierro said the Traffic Engineer could look into that. He would like signs saying that traffic is for residents only. He said the state should have to pay for the need for any police officers not the taxpayers. Mr. Vigilante stated that the construction companies normally do pay for the use of any police presence. Mr. Vigilante also stated that the State Police would be used since this is a job being done by the State.

Ronnie Creolla 16 Barbara Street. He expressed his concern that ShopRite is not a liquor store. He thinks that the liquor should be in one place and not placed all around the store. He wanted to know if there were any conditions that the liquor be placed in one area. Mayor Barberio said the Chief of Police had made a recommendation that any hard alcohol be placed in one aisle and not throughout the store.

MOTION TO ADJOURN INTO CLOSED SESSION: Mr. Vigilante

SECONDED BY: Mr. Carifi

Roll Call:	Mr. Carifi	-	yes
	Mr. dePierro	-	yes
	Mr. Ferrara	-	absent
	Mr. Vigilante	-	yes
	Mr. Stanton	-	yes

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: Litigation

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:	Mr. Carifi	-	yes
	Mr. dePierro	-	yes
	Mr. Ferrara	-	absent
	Mr. Vigilante	-	yes
	Mr. Stanton	-	yes

MOTION TO RECONVENE INTO OPEN SESSION Mr. Vigilante

SECONDED BY: Mr. Carifi

Roll Call:	Mr. Carifi	-	yes
	Mr. dePierro	-	yes
	Mr. Ferrara	-	absent
	Mr. Vigilante	-	yes
	Mr. Stanton	-	yes

Mr. Inglesino was invited by Mr. Stanton to speak after the Closed Session. Mr. Inglesino spoke in regards to the former Township Clerk Elesha Johnson who left the employ of the Township. She did not file a Notice of Claim but engaged counsel in regards to certain issues she felt she had against the Township including Civil Rights. Ms. Johnson was certain, however to file a notice and then file a lawsuit. The Township engaged counsel to do its own investigation to find what the case would be worth. To avoid litigation and an expensive lawsuit the Township analyzed the case and decided to mediate with Judge Camp, a retired Superior Court Judge from Essex County. The number the Township and Ms. Johnson agreed upon was \$200,000. \$100,000 will be paid by the insurance carrier and the other by the Township. Mr. Inglesino recommended a resolution be adopted before this would become litigated because Civil Rights issues could cost the Township much more.

**RESOLUTION OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING
A SETTLEMENT AGREEMENT AND RELEASE WITH ELESHA M. JOHNSON**

WHEREAS, Elesha M. Johnson (“Ms. Johnson”) has raised claims against the Township of Parsippany-Troy Hills (the “Township”) regarding her employment as Township Clerk (the “Claims”); and

WHEREAS, while not admitting liability or fault, the Township, together with its insurance carrier, Indian Harbor Insurance Company c/o Summit Risk Services (the “Carrier”) has engaged in settlement negotiations with Ms. Johnson; and

WHEREAS, Ms. Johnson has refrained from filing litigation against the Township and is desirous of resolving the Claims while avoiding the cost and inconvenience of litigation; and

WHEREAS, in light of the Claims and other issues raised by Ms. Johnson, the Township and its insurance carrier desire to enter into a settlement agreement with Ms. Johnson to avoid the cost and inconvenience of litigation; and

WHEREAS, the Township, its insurance carrier, and Ms. Johnson have reached and amicable resolution to the Claims, which has been memorialized in a Settlement Agreement and Release; and

WHEREAS, the Township will be required to pay \$100,000.00 to the Carrier in consideration of the settlement; and

WHEREAS, the Carrier has waived any deductible and co-insurance otherwise due from the Township regarding the Claims.

NOW, THEREFORE, BE IT RESOLVED, as follows, that:

1. The Township Council hereby authorizes Settlement Agreement and Release by and between Ms. Johnson, the Township and the Carrier; and
2. The Township Council hereby authorizes the Township Attorney to execute and deliver the Settlement Agreement and Release in the manner set forth in the Settlement Agreement and Release.

MOTION TO ADOPT A SETTLEMENT AGREEMENT AND RELEASE WITH ELESHA M. JOHNSON: Mr Vigilante

SECONDED BY: Mr. dePierro

Roll Call:	Mr. Carifi	-	yes
	Mr. dePierro	-	yes
	Mr. Ferrara	-	absent
	Mr. Vigilante	-	yes
	Mr. Stanton	-	yes

MOTION TO ADJOURN MEETING: Mr. Vigilante

SECONDED BY: Mr. dePierro

Roll Call:	Mr. Carifi	-	yes
	Mr. dePierro	-	yes
	Mr. Ferrara	-	absent

Mr. Vigilante - **yes**
Mr. Stanton - **yes**

MEETING ADJOURNED: 9:40 pm

August 14, 2012

Carol Kehoe, Acting Township Clerk